

Tuesday, 24 March 1987

The SPEAKER (the Hon. C. T. Edmunds) took the chair at 2.5 p.m. and read the prayer.

QUESTIONS WITHOUT NOTICE

PROPOSED STRIKE BY POWER UNIONS

Mr KENNETT (Leader of the Opposition)—I ask the Minister for Labour whether he will advise the relevant power unions that under no circumstances will the Government tolerate industrial action that leads to power rationing in Victoria in support of any other union; and that, in the event of such action, the full force of the law will be used against the unions.

Mr CRABB (Minister for Labour)—Victorians have become unaccustomed to State Electricity Commission disputes. It has been a long time since Victoria has suffered power cuts. That is contrary to the experience under former Liberal Governments when power cuts were daily events. Former Liberal Governments always responded to those power cuts with pompous nonsense similar to that portrayed by the Leader of the Opposition today when he called for the full force of the law and so forth.

The Government will continue to deal with the industrial dispute in the same way as it has dealt with other disputes; it will continue to discuss the action with the parties involved and to respond to industrial action in a measured and civilised fashion. No doubt, therefore, it will have the same degree of success as it has experienced in the past.

RESIGNATION OF MR DAVID CONSTABLE

Mr ROSS-EDWARDS (Leader of the National Party)—I refer the Minister for Water Resources to the resignation of Mr David Constable, General Manager of the Rural Water Commission of Victoria. Will the Minister explain the reasons for Mr Constable's resignation and whether Dr Paterson, Director-General of the Department of Water Resources, played any part in Mr Constable's resignation?

Mr McCUTCHEON (Minister for Water Resources)—I reject the imputations in the question by the Leader of the National Party.

Mr Ross-Edwards—Answer the question!

Mr McCUTCHEON—I am answering the question. The Leader of the National Party made an imputation when he said that Mr Constable resigned, which he did not do. Mr Constable has written to me about his intention to resign——

Mr Ross-Edwards—He did resign!

Mr McCUTCHEON—Mr Constable wrote to me about his intention to retire, and the date that that will take effect is 10 April 1987. Mr Constable has had a long and distinguished career with the State Rivers and Water Supply Commission and with the Rural Water Commission and he has an outstanding record in this field. At times during his career Mr Constable has served overseas and has shown interest in overseas projects.

He has indicated that at this stage he wishes to retire from the position of general manager but wishes to maintain his interest in some of the overseas projects as a consultant. He has also indicated his willingness and eagerness to serve the Rural Water Commission as a consultant.

The Government is accepting Mr Constable's request to retire, and wishes him well. It will look forward to using his skills in the future.

PROPOSED GOVERNMENT EXPENDITURE FOR 1987

Mr CUNNINGHAM (Derrimut)—I ask the Premier whether the Government has considered cutting Government expenditure in the forthcoming Budget. If so, can the Premier give details of action being taken in this regard as part of the 1987 budgetary process?

Mr CAIN (Premier)—We have always run a lean Government. I recognise that times are hard in the community and that we must try to help people, especially families, with the provision of services as efficiently as possible.

That will certainly be the aim of the coming Budget and one that is accompanied by a determination to ensure that, generally, increases in recurrent expenditure by the Government are kept to a minimum.

It is fair to say that we have kept growth in recurrent outlays well below that of other States and the Commonwealth Government. We have put a considerable amount of effort into encouraging the private sector and achieving, I believe, considerable fiscal restraint in the public sector.

I have a couple of figures that are worth noting; over the three years to 1985–86 Victoria's current outlays in the Budget sector increased by some 33 per cent. That is well below the Commonwealth Government's growth of some 51 per cent. Up in paradise the figure is 45 per cent. So much for the so-called small government up there!

We have emphasized though, in the context of that reduced spending relevant to other States that we are quite determined to ensure that social needs and priorities are met. That will continue to be done by improvements in those areas where need is greatest and those who are most affected by the current economic downturn and the consequences upon their living standards will be assisted where appropriate. There has been a considerable increase in the provision of those items that we regard as essential—more teachers, more police and more assistance to people on low incomes. That trend will continue along with a determination to assist those who are on fixed incomes, pensioners and occupants of public housing.

I repeat that the Opposition frequently speaks about low taxes and small government but I have yet to hear any specific or particular proposals about how it is to be achieved. I have yet to hear any response or the reaction of members of the Opposition to the savage across-the-board cuts suggested by their Federal Leader, regardless of whether they are loyal to him.

If one is to believe reports one hears, what is proposed is considerable. The Federal Opposition is proposing massive reductions in a whole range of services and benefits that ordinary people need to ensure they are able to get by on bare minimum standards of living. I think it is time we heard from the State Opposition about what its intentions are in regard to those sorts of cuts. Is the honourable member for Balwyn in favour of a savage reduction in or abolition of the community employment program? Is he in favour of reducing unemployment benefits?

Mr DELZOPPO (Narracan)—Mr Speaker, on a point of order, I direct your attention to Standing Order No. 127. The Premier is obviously debating the question and I ask you to bring him back to order.

The SPEAKER—Order! I do not uphold the point of order, but the Premier is getting close to debating the question.

Mr CAIN (Premier)—I emphasise that the Government, in the preparation of this Budget, as it has with others, will be primarily concerned about ensuring that the needs of people who most require assistance are met and that concern—as I see it with some philosophical broad brush that says, “We will wipe \$2 billion off this, \$1 billion off here

and perhaps half a billion off here”—is rejected. The Government rejects that notion. The Budget has to adopt an approach that has regard to the needs of people and to ensure that those who are most in need are assisted.

POLICE INVESTIGATIONS IN PUBLIC WORKS DEPARTMENT

Mr COOPER (Mornington)—Will the Minister for Public Works inform the House of the state of police investigations in his department?

Mr WALSH (Minister for Public Works)—I thank the honourable member for the question, which is important, because there have been investigations into fraud in the Public Works Department.

These investigations have been continuing for some time. I direct the attention of the House to two cases in particular that are being investigated, which are called Moorabbin Plumbing and South Melbourne Plumbing respectively.

Moorabbin Plumbing was raised by the Honourable Rod Mackenzie, when he was the then Opposition spokesman on the matter concerning fraud in the department.

When that honourable member raised the question, the Government of the day—the Liberal Government—dropped the matter like a hot cake. When the Labor Government came to office, the then Minister of Public Works, the honourable member for Niddrie, had the case investigated, and it was investigated for some time.

I should like to inform the House of the results of that investigation by the Fraud Squad. Because the former Liberal Government dropped the matter like a hot cake at the time, in relation to Moorabbin Plumbing, one director faced 143 charges relating to the years 1977 to 1981 for fraudulent activities and illegal operations within the Public Works Department.

Another co-director faced nine charges relating to the years 1975 to 1979. A former office manager has already been charged and has pleaded guilty to 130 charges for offences relating to the years 1979 to 1981; and a former superintendent of works faced nine charges relating to the years 1977 to 1981.

In regard to the other part of the complaint raised by the then Minister of Public Works, another investigation into South Melbourne Plumbing is continuing. It is anticipated that charges on up to 500 counts of deception will be laid for the years prior to the time the matter was raised initially by the Honourable Rod Mackenzie.

In answer to the question, yes, an investigation has been continuing within the department into activities that occurred prior to the Labor Government coming to office.

GOVERNMENT EMPLOYEE HOUSING AUTHORITY

Mr HANN (Rodney)—Is the Minister for Education aware that the Government Employee Housing Authority is proceeding to sell teachers' houses, despite the fact that communities are currently negotiating with the Ministry of Education for the retention of those houses?

If the Minister is aware of this situation, in view of the fact that these negotiations are proceeding, will he immediately seek a moratorium on the sale of all teachers' houses until such time as local communities have had a chance to speak with the Ministry on the future of those houses?

Mr CATHIE (Minister for Education)—Negotiations are proceeding.

Mr Hann interjected.

Mr CATHIE—If the honourable member waits to hear the answer, perhaps he will understand the process that the Government has adopted. The Ministry has divided houses into three basic categories. One category relates to those houses not required for

occupation, because they are in areas where other housing is available or within areas where there is no great need for them.

The second is the category of "required to occupy", and I am not aware of any debate about either of those categories. In between, there is a large group of housing on which negotiations are currently proceeding. In those negotiations, we will listen to any application, from either a school council, community group or teacher organisation, putting up a case as to why a particular house ought to belong in one or other of the two categories.

However, where houses fall into the "not required to occupy" category, it would be silly for the Ministry to hold on to those houses, and it is, therefore, proceeding to sell them.

MELBOURNE INTERNATIONAL COMEDY FESTIVAL

Mr NORRIS (Dandenong)—In the light of the Government's support for the initiative, will the Premier inform the House of the success of the recent Melbourne International Comedy Festival?

Mr CAIN (Premier)—I am pleased to inform the House that the Melbourne International Comedy Festival was one of the outstanding achievements for this State in recent weeks. The Government provided \$170 000 to the comedy festival, and it has been a success that far exceeded the expectations of all those who were concerned with its planning.

It is administered by a non-profit company and individual events were managed by entrepreneurs. It comprised over 50 events, most of which achieved full houses. Overall, the attendances were in excess of 90 per cent of available seating and the community response generally has far exceeded what anybody thought possible.

The organisers report that the financial estimates have been met, and they expect a small profit. The community might have difficulty with the explicit language used in some of the events, but one can say that community standards have changed, if not over a long period certainly at the weekend!

Following the success of the festival and the interstate publicity received in national newspapers and elsewhere, the comedy festival will be firmly established in this State not only as an annual event but also as a major tourist attraction.

Some honourable members went to some of the events and they will be aware that we politicians were the butt of part of the material used on many occasions. I offer special thanks to the Federal Liberal Party for the material it provided and goes on providing; there were a number of special contributors who can be relied on to make contributions on a regular basis.

Politicians generally provide fertile ground for comedy, and the Leader of the Opposition excels himself in that area; he is always among the best players. The honourable member for Benalla is not bad, either, in choosing bit players, but overall, we can be well pleased with what was achieved. As the Deputy Premier would readily agree, it will be yet another boost to the State's attraction as a tourist place for many people.

I think Melbourne led this country before the festival in regard to comedy, and it certainly is way out in front now. We have on our calendar an event in March that will attract large numbers of people and will be an ongoing benefit to the State.

POLICE INVESTIGATIONS OF GOVERNMENT DEPARTMENTS

Mr BROWN (Gippsland West)—Can the Minister for Transport indicate the subject of police investigations in the Road Traffic Authority, the Meltropolitan Transit Authority and V/Line?

Mr ROPER (Minister for Transport)—When issues are raised that suggest there has been improper or potentially improper conduct, it is certainly my view and that of the Government that the relevant police squad should be asked to have those matters investigated.

There has been considerable concern about areas connected with railway investigation officers, and, as the honourable member will be aware, the police are helping to resolve those issues.

I will certainly make inquiries about other areas and provide the relevant information to the honourable member.

RURAL WATER COMMISSION

Mr STEGGALL (Swan Hill)—Will the Minister for Water Resources inform the House of the qualifications of Mr Skinner, who has taken over the role of Acting General Manager of the Rural Water Commission? What has been his relationship with the Australian Labor Party and Dr Paterson since the 1970s?

Mr McCUTCHEON (Minister for Water Resources)—Mr Rob Skinner, the person I have appointed as Acting General Manager of the Rural Water Commission, has been an officer of the Department of Water Resources for more than two years. Previously he occupied other positions in the public sector. He has directed the South-Western Strategy Study and other major projects for the department. I believe he has also represented Dr Paterson on the Board of Management of the Rural Water Commission from time to time, and he has the confidence and respect of the members of that board. I believe Mr Skinner is entirely suitable to act as general manager while applications are called for that position.

DEVELOPMENT OF EXPORT MARKETS

Mrs WILSON (Dandenong North)—Will the Minister for Industry, Technology and Resources advise the House what action is being taken by the Victorian Government to ensure the development of new export markets, especially in view of the balance of payments difficulties being experienced by the Australian economy?

Mr FORDHAM (Minister for Industry, Technology and Resources)—I thank the honourable member for her question concerning initiatives taken by the Government to develop new export markets. The honourable member quite rightly directed attention to difficulties with the balance of payments now facing this country.

Honourable members will recognise that Australia can no longer simply rely on its agricultural and mining products properly to establish a balance of payments regime in this country. Australia's manufacturing industry must be competitive nationally and, even better, internationally.

It has been the policy of the Cain Labor Government, following the announcement of its economic strategy in early 1984, to assist Victorian industry to be competitive and to ensure that those areas, where it does have competitive strengths, are assisted and developed so that they can compete on the world scene. The Government has been successful in that area.

I noted with some interest that the balance of payments figures announced last week showed a significant increase in manufacturing products being exported from Australia. Victoria can quite rightly be seen as the powerhouse of the trend that is starting to emerge in Australia.

In answer to the specific question asked by the honourable member, I point out that the North American Market Entry Program, which covers the north-west of the United States of America and parts of Canada, has been extremely successful. Some 120 firms have participated in that program which was initiated by the Victorian Government. A similar

program is underway in South East Asia which is based on the Hong Kong and Malaysian markets. Some twenty firms have been provided with assistance under that program.

The Export Market Familiarisation Program—an important step taken by the Government in conjunction with the International Business Centre at Chisholm Institute of Technology—is assisting a number of key Australian firms, particularly those located in Victoria, to take advantage of export opportunities.

The Government has also initiated international trade fair assistance to a number of sectors of industry which it believes have significant opportunities in targeted areas. The secret is to target the appropriate firms and areas.

I refer the House to examples such as exhibitions of building products in Thailand, scientific instruments in Singapore, hospital and medical equipment in Singapore and Hong Kong, wine in the United Kingdom and the United States of America, communications equipment in Indonesia, die-castings in the United States of America and fashion apparel in Singapore and Hong Kong. The Victorian Government has been involved in eleven major overseas exhibitions.

I take up the interjection of the honourable member for Gippsland East and inform him that these programs have been worth millions of dollars to Victorian industry. As an example, I recently received a letter from the Victorian Guild of Furniture Manufacturers Ltd expressing its gratitude for the support given by the Victorian Government in allowing firms to participate in an overseas exhibition. The letter stated that Victorian firms received orders for approximately \$300 000 at the exhibition and that further orders totalling \$200 000 are under negotiation. The guild expects that orders in excess of \$3 million will be finalised over the next two months as the result of the Government's initiative.

These examples highlight the success of the economic strategy and the real partnership the Government has with industry in Victoria.

POLICE INVESTIGATIONS IN DEPARTMENT OF LABOUR

Ms SIBREE (Kew)—Can the Minister for Labour advise the House of the subject of police investigations currently under way in his department?

Mr CRABB (Minister for Labour)—We seem to be dragging up the old ones today! I thought everyone was aware of the police investigations in the Department of Labour, as they were canvassed widely on television, not to mention in the newspapers, towards the end of last year.

The police are continuing to investigate the activities of a small number of inspectors in the department regarding matters dating back over a considerable number of years.

As best I recall, four of the five gentlemen concerned are no longer with the Department of Labour and the fifth one is still working there.

INCREASED INSURANCE PREMIUMS FOR COUNTRY TAXI DRIVERS

Mr W. D. McGRATH (Lowan)—I refer the Treasurer to the renewal notices now being issued to country taxi operators who are in the low-risk insurance category. I ask the Minister how he can justify an increase in the traffic accident premium from \$245 to \$625—245 per cent—bearing in mind the Government propaganda that a \$40 increase would be required to retain the common law right?

Mr JOLLY (Treasurer)—Apparently, the honourable member for Lowan is not aware that back in the middle of 1986 a detailed publication was issued by the Government in respect of changes and relativities for a number of categories, including taxis, because a review of the categories had not been conducted since the 1940s.

The review was certainly needed and the National Party was aware of what was contained in that document. The National Party, along with the Liberal Party, expressed no opposition to those relativities.

With respect to revision of the relative levies paid by taxi drivers, the third-party insurance claims were much higher, relatively, for taxi drivers than they were for individual motor car owners, and that is obviously a logical position for them to be in when one considers the mileage or kilometres travelled by taxi drivers.

The Government felt the increase was justified, and it was certainly not opposed by the Liberal Party, the honourable member for Brighton, or the honourable member for Lowan. It was felt that the relativities should reflect claims experience. I strongly defend the move and I point out that if one changed those relativities and opted for a fully-funded scheme—and apparently everyone is in agreement with that—the only way to reduce the premium for taxi drivers would be to increase the premium for motorists—a move totally opposed by the Government.

It is fair and reasonable that taxi owners and drivers pay a premium reflecting the relative claims experience, and the Government totally opposes any attempt to further increase premiums to motorists.

MIGRATION FROM QUEENSLAND TO VICTORIA

Mr CULPIN (Broadmeadows)—Will the Treasurer outline to the House the success of measures being taken to encourage the movement of population back to Victoria through the development of employment and industrial opportunities?

Mr JOLLY (Treasurer)—Assertions have been made that one of the reasons why Victoria's unemployment rate is 7·4 per cent and Queensland's unemployment rate is 11 per cent is that there has been a huge drift of population from Victoria to Queensland. The fact that Queensland's unemployment rate is much higher than Victoria's rate cannot be denied by anyone.

The latest material in respect of population movements for the financial year 1985–86 indicates that the number of Queenslanders moving to Victoria in 1985–86 was 12 600.

On the other hand, the number of Victorians moving to Queensland was 11 600. In other words, when one examines the figures, one sees a net migration from Queensland to Victoria. It is interesting when one looks at Joh's country——

The SPEAKER—Order! The Treasurer will use the correct expression.

Mr JOLLY—When one looks at Queensland one will find it is true that it has a much higher unemployment rate—11 per cent compared with 7·4 per cent in Victoria. However, there are now more Queenslanders coming to Victoria than vice versa and that reverses the trend that existed when the Liberal Party was in Government in Victoria.

It is absolute nonsense to claim that the low unemployment rate in Victoria is due to the large migration of Victorians to Queensland. It is also worth pointing out that a large proportion of those Victorians going to Queensland are not looking for jobs but are in the retirement age group.

It is likely that this improved performance is to continue in Victoria because when one examines the business investment figures in this State for the September quarter 1986, which are the most recent figures available, in Victoria there was an increase of 11 per cent, but the figures for the rest of Australia recorded a decline of 3 per cent—an outstanding performance for Victoria.

The September quarter showed for the first time that Victoria had the highest level of business investment of any State in Australia. Clearly that is a record to be proud of and we will ensure that our economic performance continues to outstrip that of Queensland.

POLICE INVESTIGATIONS INTO KEILOR CITY COUNCIL

Mr COLEMAN (Syndal)—I ask the Minister for Local Government: what was the subject of police investigations into the Keilor City Council?

Mr SIMMONDS (Minister for Local Government)—There are currently no police investigations being conducted in the Local Government Department.

Honourable members interjecting.

Mr SIMMONDS—A number of councils are subject to investigation on diverse matters. With respect to the Keilor City Council, I understand the particular councillor concerned has absented himself from council meetings under the appropriate provisions and those investigations are continuing.

PUBLIC TRANSPORT

Mr FOGARTY (Sunshine)—Will the Minister for Transport outline to the House the details of the reports he released today outlining the future of public transport in Victoria?

Mr ROPER (Minister for Transport)—I thank the honourable member for his question. As honourable members will be aware, a considerable amount of work has been done by the Metropolitan Transit Authority and the State Transport Authority to consider ways they can become more cost effective in the future.

As a result of that work, two reports have been released today, one dealing with the STA and the other with the MTA. Neither report has been endorsed by the Government nor has the report of the workshops strategy.

However, the Government wishes community organisations and the unions to comment on those important documents and, in addition, it invites input from local communities on the long-term planning reports that are currently being prepared, one for the STA network and the other for the MTA network.

Both reports will benefit enormously from community and union input, and I invite honourable members to have input into those matters as well, as they are always making representations seeking additional services. I am sure honourable members will be able to make some input into those reports.

FRAUD SQUAD INVESTIGATION INTO TITLES OFFICE

Mr DELZOPPO (Narracan)—I ask the Minister for Property and Services: given the charges that have already been laid against two property developers, what is the subject of the Fraud Squad's investigation into the Titles Office and how many officers of the office are under investigation?

Mr McCUTCHEON (Minister for Property and Services)—The Titles Office obviously has created the opportunity for people, if they so desire, to take advantage of the processes and information available. One subject of investigation has been the hurrying up of the issue of strata titles and their processing ahead of the queue.

The two prosecutions that have taken place have related to bribes made to staff members of the Titles Office by developers seeking to have their strata title process speeded up. Investigation by the police into the staff involved is proceeding, and I understand that one of the staff involved has resigned.

RURAL WATER COMMISSION STAFF

Mr WHITING (Mildura)—Given that few permanent employees but a large number of temporary employees are situated at the head office of the Rural Water Commission in Orrong Road, Armadale, will the Minister for Water Resources indicate whether those temporary employees will have their positions made permanent? If not, does the Minister intend to run the Rural Water Commission with temporary officers?

Mr McCUTCHEON (Minister for Water Resources)—The employment of staff at the Rural Water Commission is historic. The situation has been like that for some time and I am considering ways of solving that problem.

There is no threat to the employment of any of the staff due to their current conditions. The matter will be reviewed and a report will be issued in due course.

NATIONAL GALLERY OF VICTORIA SECURITY

Mr KIRKWOOD (Preston)—Will the Minister for the Arts inform the House of the steps being taken to improve security at the National Gallery of Victoria since the theft of Picasso's painting "Weeping Woman"?

Mr MATHEWS (Minister for the Arts)—I thank the honourable member for Preston for his well-known and continuing interest in the security of that wonderful collection that makes the National Gallery of Victoria pre-eminent among Australian galleries. It is appropriate that we should be concerned with the security of collections of this character, priceless and irreplaceable as they are.

A major review of security at the National Gallery had commenced at the instigation of the trustees even before the theft of the Picasso painting, "Weeping Woman", to which the honourable member refers. That outrageous theft gave added impetus to the process of security review, and, as a result, a major and comprehensive report was prepared and presented to the Government.

The Government has made available \$600 000 so that effect can be given to the recommendations set out in the report. As a result, additional security staff and additional attendants for the gallery are being appointed. A closed circuit television surveillance system is being installed. Additional electronic devices for the detection of unauthorised movement are being provided for the gallery. All in all, a dramatic upgrading in security of the collection is being put into effect.

As a result, Victorians can rest assured that this great asset of our State is now safe from the sort of outrage that was perpetrated last year on Picasso's painting, "Weeping Woman".

FIRST-YEAR PRINTING APPRENTICES

Mr GUDE (Hawthorn)—Can the Minister for Labour inform the House why 150 first-year printing apprentices have been unable to commence their first year of schooling at the Melbourne College of Printing and Graphic Arts and utilise a \$1 million printing press which has been bought and paid for, but which is lying idle in the supplier's showroom at Seligson & Clare Australia.

Mr CRABB (Minister for Labour)—At the start of this year, as occurred last year, difficulties have occurred in filling technical and further education places for all the apprentices wishing to enrol in those courses. The reason is that there has been a world record intake for apprentices in Victoria—the number of apprentices wishing to enrol in courses is at the highest level ever. Not only was that the situation this year, but also it was the situation last year and the year before.

Mr Brown—The highest in the world!

Mr CRABB—It is the highest intake of apprentices that Victoria has ever had. When the Labor Party came to Government in 1982, the then Liberal Government had only 10 000 apprentices in training. There are now 15 600 apprentices in training.

As a result of Government policy there are more apprentices in training, in aggregate, than ever before. The Government is facing the problem of fitting these apprentices into the appropriate courses, but it is a problem that I am happy to deal with and one that I am confident of resolving.

REORGANISATION OF VICTORIAN STATE SCHOOLS

Mrs RAY (Box Hill)—Will the Minister for Education provide details of the significance of the steps being taken by the Government to reorganise Victorian State schools?

Mr RICHARDSON (Forest Hill)—On a point of order, Mr Speaker, the question that has been asked is inadmissible for the following reasons: the question asked for an opinion and for the Minister to comment upon the significance on steps being taken by the Government. The question of whether something is significant or not is a matter of opinion.

The Minister is clearly being asked to express an opinion on what is significant and for those reasons it is inadmissible and out of order.

The SPEAKER—Order! I do not uphold the point of order. I rule that the question was in order and I call the Minister for Education.

Mr CATHIE (Minister for Education)—I thank the honourable member for her question because it is important. The issue of reorganisation of schools is a policy and program that the Government has adopted that is designed basically to increase the curriculum options that are available to young people in Victoria. The Government is asking its schools to examine the way in which they are providing programs to consumers and to see whether they can improve the number of options that can be provided so that they can achieve the objectives that were set out in the Blackburn report.

The Government has adopted the key recommendations of the Blackburn report and it is currently implementing those recommendations. The report has as an objective a retention rate through to Year 12—the end of secondary schooling—of 75 per cent by 1995. The figures indicate that the Government is well on target in achieving that retention rate by that target year. As a result, the school communities are debating and discussing what is the best way for them to provide, not only academic rigor, but breadth and depth, as well as the position of programs and curriculum within their schools.

Some interesting proposals are coming forward as a result of this active consideration by school communities. I recently went to Stawell where a separate high school and a separate technical school have amalgamated to become the Stawell Secondary College.

The proposal was supported, not only by the previous principals of those two separate schools, but also by the previous two school councils and the whole community. It means that a student enrolled, for example, in what was the high school campus at Stawell can now undertake a course at the Wimmera College of Technical and Further Education in such subjects as wool classing.

Recently, I inaugurated the Kurnai Secondary College in the Latrobe Valley where four schools have joined together in a single secondary college. The schools that have amalgamated are a technical college, two high schools and a post-primary school. I also recently visited Preston where girls and boys currently enrolled in the technical school can undertake a course in aeronautics, can obtain their private pilots' licences and are undertaking solo flights. That technical school is proposing the formation of a college to service the total education needs of that community. It is proposing a college that will consist not only of the technical school and the high school but also the primary school and a special development school.

As I travel around the State, it is clear that there are many exciting proposals, often quite different in their scope and nature, which deserve the strong support not only of their communities but also of the Government. The Government is involved in a process of cooperative development in which the school, the region, the Ministry of Education and the local community can work together to find what are the best solutions for the provision of a broad and general but rigorous education for the young people of this State.

PETITIONS

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

Library funding

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 the proposed cuts of \$2 million to public library funding in the 1987–1988 and again in the 1988–1989 financial years will have catastrophic effects on the services provided by the already under-funded public libraries.

Your petitioners therefore pray that the Government reverse this decision and return to the stated ALP policy of 50:50 funding of public libraries between State and local government.

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

By **Mr Wallace** (287 signatures), **Mr Cooper** (915 signatures) and **Mr Delzoppo** (282 signatures)

Rupanyup teacher's residence

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

The humble petition of the undersigned citizens of Victoria supports the need to continue to have a teacher residence in Rupanyup to attract teachers and promote stability in staffing.

The residence is needed to:

1. Attract staff.
2. Promote staff stability and town involvement by those resident in the dwelling.
3. Provide reasonable quarters in a town where accommodation of reasonable quality is scarce and provincial towns are 50 km. or more distant.

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

By **Mr W. D. McGrath** (165 signatures)

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

PARLIAMENTARY CONTRIBUTORY SUPERANNUATION FUND AND COAL MINERS ACCIDENTS RELIEF BOARD

Mr JOLLY (Treasurer)—By leave, I move:

That there be presented to this House the reports of the Parliamentary Contributory Superannuation Fund and the Coal Miners Accidents Relief Board.

The motion was agreed to.

Mr JOLLY (Treasurer) presented the reports in compliance with the foregoing order.

It was ordered that they be laid on the table, and that the Parliamentary Contributory Superannuation Fund report be printed.

PAPERS

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

Coal Mine Workers Pensions Tribunal (Victoria)—Report for the year 1985–86.

Hospitals Superannuation Board—Report for the year 1985–86—Ordered to be printed.

Metropolitan Fire Brigades Superannuation Board—Report for the year 1985–86.

Motor Accidents Board—Report for the year 1985–86—Ordered to be printed.

Prevention of Cruelty to Animals Act 1986—

Code of Practice for the Care and Use of Animals for Experimental Purposes.

State Employees Retirement Benefits Board—Report for the year 1985–86—Ordered to be printed.

State Superannuation Board of Victoria—Report for the year 1985–86—Ordered to be printed.

Statutory Rules under the following Acts:

Credit (Administration) Act 1984—No. 41.

Finance Brokers Act 1969—No. 43.

Superannuation Benefits Act 1977—No. 40.

Water Act 1958—No. 44.

Weights and Measures Act 1958—No. 42.

Wildlife Act 1975—No. 39.

Town and Country Planning Act 1961—

Bulla—Shire of Bulla Planning Scheme 1959, Amendment No. 102.

Shepparton—City of Shepparton Planning Scheme, Amendment No. 97.

Swan Hill—Shire of Swan Hill Nyah–Nyah West Planning Scheme, Amendment No. 4.

Tambo—Shire of Tambo (Lakes Entrance) Planning Scheme, Amendment No. 67.

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The following proclamations fixing operative dates for various Acts were laid upon the Table by the Clerk, pursuant to an Order of the House dated 24 February 1987:

Bail (Amendment) Act 1986—Parts 1 and 2—15 February 1987 (*Gazette* No. G6, 11 February 1987).

Crimes (Proceedings) Act 1986—1 April 1987 (*Gazette* No. G10, 11 March 1987).

Fisheries (Master Fisherman's Licences) Act 1986—Whole Act other than section 5—31 March 1987 (*Gazette* No. G10, 11 March 1987).

Listening Devices (Amendment) Act 1986—15 February 1987 (*Gazette* No. G6, 11 February 1987).

Martial Arts Control Act 1986—Sections 11 and 17—11 March 1987 (*Gazette* No. G10, 11 March 1987).

Retirement Villages Act 1986—Part 1 and section 43—25 February 1987 (*Gazette* No. G8, 25 February 1987).

Road Safety Act 1986—Part 5 and sections 59 (1) (except paragraphs (a), (c) and (d)), 59 (2) (except paragraphs (b) and (c)), 59 (5), 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 75, 76 (2), 77, 78, 79, 80, 81, 82, 83, 84, 91, 92, 93, 94, 95, 96, 100, 102, 103 (7), 103 (9) and Schedules 1 and 2 and item 10 of Schedule 3 and items 9, 12, 18.8, 29.1 (except paragraphs (a), (c), (d), (e), and (f)), 29.2 (in its application to sections 39 (2), 39 (3), 40 and 41(1) of the Transport Accident Act 1986), 29.3, 29.5, 29.6 (except paragraph (b)), 29.8, 29.9, 29.10, 29.11, 29.12, 29.13, and 29.17 of Schedule 4—1 March 1987; Part 3 and sections 59 (1) (a), 59 (2) (b), 59 (2) (c), 59 (3), 59 (4), 59 (9), 103 (1), 103 (2), 103 (6), 103 (10), 103 (11) and item 7 of Schedule 3 and items 10, 18.3, 18.4, 18.5, 29.2 (in its application to sections 39 (4) and 39 (5) of the Transport Accident Act 1986) 29.6 (b) and 29.7 of Schedule 4—1 May 1987; Sections 97 and 103 (8)—1 July 1987 (*Gazette* No. G8, 25 February 1987); Section 74—9 March 1987 (*Gazette* No. G9, 4 March 1987).

Water (Miscellaneous Amendments) Act 1986—Sections 4, 5, 7 and 9 to 13—4 March 1987 (*Gazette* No. G9, 4 March 1987).

APPROPRIATION MESSAGES

The **SPEAKER** announced that he had received messages from His Excellency the Governor recommending that appropriations be made from the Consolidated Fund for the purposes of the following Bills:

Works and Services (Ancillary Provisions, No. 1) Bill

Coal Mines (Amendment) Bill

Chattel Securities Bill

Housing (Amendment) Bill

BORROWING AND INVESTMENT POWERS BILL

Mr **JOLLY** (Treasurer)—I move:

That this Bill be now read a second time.

Honourable members would be aware of recent developments to facilitate the development of financial markets both in Australia and overseas. This has resulted in a much increased internationalisation of financial markets, particularly since the floating of the Australian dollar, which has had a major impact on the volatility of currency and interest rates. These changes have brought both new opportunities and challenges for the State's authorities and superannuation funds.

To take advantage of these opportunities and deal better with the challenges, it is proposed that new borrowing and investment powers be established for authorities and superannuation funds in one piece of legislation. The Bill is currently restricted to five major authorities being the Gas and Fuel Corporation of Victoria, the Melbourne and Metropolitan Board of Works, the State Electricity Commission of Victoria, the Victorian Economic Development Corporation and the Victorian Public Authorities Finance Agency. This limited coverage is due to the large number of consequential amendments to be detailed in the proposed legislation.

The authorities included in the Bill are those for which amendment is most urgent. The existing borrowing and investment powers of the authorities excluded from the Bill are not as restrictive for their purposes. It is not expected that undue problems will be encountered by authorities not included in the Bill. It is proposed to include the remaining authorities in a later Bill either in the spring sessional period in 1987, or the autumn sessional period in 1988.

The objective of the proposed legislation is to provide the opportunity for the superannuation funds to invest in a greater diversity of assets so as to earn a higher return and to give authorities access to lower cost sources of finance. It will also enable the authorities to manage their debt portfolios so as to minimise the cost of existing debt. As the Bill provides for broader powers, prudential guidelines for both the borrowing operations of the authorities and the investment activities of the superannuation funds will be established to ensure that there is no increase in risk to the Government and the people of Victoria.

Innovation in financial markets has introduced new concepts and terms which were not contemplated when the enabling legislation for most of the authorities and superannuation funds was passed. Therefore, one of the tasks of the Bill is to clarify financial terminology in the borrowing, investment and financial management powers of authorities. Because it is anticipated that the pace of innovation will continue, the Bill provides for some flexibility for the Treasurer or Governor in Council to approve new forms of borrowing and investment as they are developed.

In terms of borrowing powers, there are separate powers for short and long-term financial accommodation in and outside Australia as well as a separate provision for leasing

arrangements. In addition, provision is made for the use of other financial arrangements with the Treasurer's approval. In recent years the market has developed a plethora of products to deal with the problem of volatility in the financial market. These include swaps, options and futures contracts and it is expected that many more will be developed in the future. These allow authorities to lessen, manage or protect themselves against adverse movements in interest rates and foreign exchange.

Although the Bill provides for these powers to be consistent across authorities with similar needs, it also has the flexibility to give more restricted powers to authorities without these requirements.

The Bill provides for three types of guarantees. Certain borrowings are to be automatically guaranteed by the Government of Victoria on terms as set out in the Bill. A further provision provides for the Treasurer's discretion in extending this guarantee. A third guarantee provision is included, which enables the Treasurer to execute a guarantee on such terms and conditions as he determines so as to meet any special conditions demanded by particular market circumstances.

The Bill addresses the investment function of authorities and, in particular, superannuation funds. Authorities may invest in any manner approved by the Governor in Council on the recommendation of the Treasurer. This approval will be accompanied by management procedures and prudential guidelines which reflect the requirements of the organizations, liability structure and investment strategy. It is proposed that the investment powers of superannuation funds be widened to include limited exposure to equities and overseas investment, provided that appropriate controls are in place. Additional provision is made for authorities to trade in their investments.

It has been unclear in previous legislation whether trading has been permitted, yet it is a part of the investment management process. Some investment opportunities require the capacity for superannuation funds to participate in projects jointly with the private sector. In order to clarify for legislative purposes the nature of this type of investment, provision is made to underwrite or sub-underwrite shares and enter into joint ventures.

In making consequential amendments to the powers of those authorities and superannuation funds to which this Bill applies, transitional provisions have ensured that existing arrangements remain in place and have the same force in law as they had when they were enacted.

The Bill that honourable members now have before them provides authorities and superannuation funds access to new investment and borrowing powers. The structure adopted gives sufficient flexibility for these powers to keep pace with financial innovation.

I commend the Bill to the House.

On the motion of Mr STOCKDALE (Brighton), the debate was adjourned.

Mr JOLLY (Treasurer)—I move:

That the debate be adjourned for two weeks.

Mr STOCKDALE (Brighton)—I had understood from the Treasurer that he would make it clear that the debate on the Bill would be adjourned for two weeks on the basis that, if the Opposition requires more time, that time would be made available.

Mr Jolly—I acknowledge that.

The motion was agreed to, and the debate was adjourned until Tuesday, April 7.

PLANNING AND ENVIRONMENT BILL

The debate (adjourned from February 26) on the motion of Mr Cathie (Minister for Education) for the second reading of this Bill was resumed.

Mr HEFFERNAN (Ivanhoe)—In supporting the Bill, the Opposition will seek from the Minister for Planning and Environment in another place agreement that considerable

amendments be made to the Bill, which is an overhaul of the Town and Country Planning Act. At this stage, I seek the leave of the House for the amendments proposed to be moved to be incorporated in *Hansard*.

The SPEAKER—Order! I understand that the honourable member wishes to seek the leave of the House to have the proposed amendments included in *Hansard*. I understand that is the arrangement that has been made with the Minister, and the amendments as printed are suitable to be included in *Hansard*.

Leave was granted, and the amendments were as follows:

1. Clause 1, line 5, omit “and development of land in Victoria” and insert “, development and protection of land in Victoria in the present and long term interests of all Victorians”.
2. Clause 3, line 14, omit “that are not adjoining”.
3. Clause 3, page 2, line 2, omit “and”.
4. Clause 3, page 2, line 3, omit all words and expressions on this line.
5. Clause 3, page 2, after line 3, insert—
“ ‘Conservation’ includes preservation, maintenance, sustainable use, and restoration of the natural and cultural environment.”
6. Clause 3, page 2, after line 26, insert—
“ ‘Place’ includes—
(a) a site, area or region; and
(b) a building or group of buildings and its or their immediate surroundings.”
7. Clause 3, page 3, lines 1 to 5, omit all words and expressions on these lines and insert—
“ ‘Subdivision’ means the division of land into two or more parts enabling any of the parts to be disposed of separately.”
8. Clause 5, line 21, after “are” insert “to give effect to the objectives of planning and the planned framework, and”
9. Clause 5, line 23, after “development” insert “, protection”.
10. Clause 5, line 28, after “cultural” insert “or social”.
11. Clause 5, after line 28, insert—
“() to protect the amenity of residential areas and of other areas requiring protection;”
12. Clause 5, lines 29 and 30, omit “objectives set out in paragraphs (a) and (b)” and insert “the above objectives”.
13. Clause 6, lines 32 to 36, omit sub-clause (1) and insert—
“(1) A planning scheme for an area—
(a) must further the general objectives of planning in Victoria within the area covered by the scheme; and
(b) may make any provision which relates to the use, development, protection or conservation of any land in the area.”
14. Clause 6, line 38, after “set out” insert “other”.
15. Clause 6, after line 39, insert—
“() provide for the protection or conservation of any land;”
16. Clause 6, page 4, line 3, after “regional planning authority under” insert “or municipal council under this or”.
17. Clause 6, page 4, lines 19 and 20, omit paragraph (j) and insert—
“() apply, adopt or incorporate any document which consists of any policy statement, code, recommendations or guidelines about the conservation, use or development of land;”
18. Clause 6, page 4, after line 29, insert—
“or
(d) if the affected municipal councils consent, any part of a municipal district or any adjoining parts of two or more municipal districts.”

19. Clause 7, line 33, omit "or" and insert "and".
20. Clause 7, line 35, omit "or" and insert "and".
21. Clause 7, page 4, lines 40 and 41 and page 5, lines 1 to 4, omit sub-clause (2) and insert—
“(2) If there appears to be an inconsistency between different provisions of a planning scheme—
(a) the scheme shall, so far as practicable, be read so as to resolve the inconsistency; and
(b) a provision more recently approved by the Minister prevails over a provision earlier approved; and
(c) subject to paragraphs (a) and (b)—
 (i) the State section prevails over the regional section and the local section; and
 (ii) the regional section prevails over the local section”.
22. Clause 8, line 12, after “local section” insert—
“and, with the consent of the Minister, to the State section”.
23. Clause 8, line 15, after “section” insert—
“and, with the consent of the Minister, to the State section or the regional section”.
24. Clause 12, line 23, after “objectives” insert “of planning and”.
25. Clause 12, after line 23, insert—
“(b) prepare strategic planning policies for its locality and region;”.
26. Clause 12, after line 29 insert—
“(f) prepare an explanatory report to explain any proposed planning scheme or amendment.”.
27. Clause 12, line 30, after “preparing a” insert “strategic planning policy,”.
28. Clause 12, line 34, omit “reasonably considers the” and insert “considers the strategic plan,”.
29. Clause 12, line 40, omit, “and development” and insert “, development and protection”.
30. Clause 16, omit this clause.
31. Clause 17, line 15, after “planning scheme” insert “together with the explanatory report and any document applied, adopted or incorporated pursuant to section 6 (2) (k)”.
32. Clause 18, line 28, omit “17” and insert “17 (1) (a), (b) or (c)”.
33. Clause 18, line 29, after “amendment” insert “, the explanatory report, any document applied, adopted or incorporated in the amendment pursuant to section 6 (2) (k)”.
34. Clause 19, line 35 to 38, omit paragraphs (a) and (b) and insert—
“(a) to every Minister, public authority and municipal council that it believes may be particularly affected by the amendment; and
(b) to the owners and occupiers of land that it believes may be particularly affected by the amendment; and”.
35. Clause 19, page 9, line 22, after “owner” insert “or occupier”.
36. Clause 20, line 33, omit “The Minister” and insert—
“If the Minister, after consultation with the responsible authority, considers that compliance with any of those requirements is not warranted, or that the over-riding interests of Victoria necessitate exemption, the Minister”.
37. Clause 20, line 41, after “owner” insert “or occupier”.
38. Clause 20, page 10, line 9, after “prepares” insert—
“, if the Minister, after consultation with the responsible authority, considers that compliance with any of those requirements is not warranted or that the over-riding interests of Victoria necessitate exemption”.
39. Clause 24, line 30, after “authority” insert “or municipal council”.
40. Clause 30, page 12, after line 5 insert—
“(4) If any person asks the Minister or a planning authority a question as to whether an amendment or part of an amendment has lapsed under sub-section (1) (a), the Minister or planning authority must, without delay, supply that person with all relevant information and confirm the information in writing if so requested.”.
41. Clause 34, after line 32 insert—
“(4) The panel may give any other person affected a reasonable opportunity to be heard”.

42. Clause 36, line 23, after "*Gazette*" insert "and in a newspaper circulating in the area affected by the amendment".

43. Clause 38, line 36, omit "by a resolution passed by each" and insert "wholly or in part by a resolution passed by either".

44. Clause 38, page 14, after line 9, insert—

"(4) The Minister must publish a notice of the revocation of an amendment or part of an amendment in the *Government Gazette*.

(5) The planning authority must give notice of the revocation of an amendment or part of an amendment in a manner satisfactory to the Minister".

45. Clause 40, line 24, after "scheme" insert—

"and of the documents referred to in section 17".

46. Clause 41, lines 37 to 39, omit all words and expressions on these lines and insert—

"make the copy and any documents lodged with it available at their respective offices during office hours for any person to inspect free of charge".

47. Clause 42, line 4, after "amendments to it" insert "and of all documents lodged with those amendments under section 40".

48. Clause 43, after line 17, insert—

"(3) This section does not apply to Crown land which has been zoned for residential purposes under a planning scheme or which abuts land which has been so zoned."

49. Clause 44, line 19, omit "Any land" and insert "Subject to section 43, any land".

50. Clause 44, line 30, omit "unless the land is Crown land".

51. Clause 44, line 35, after "conditions" insert "that are not inconsistent with the planning scheme that".

52. Clause 46, omit this clause.

53. Clause 47, omit this clause.

54. Heading to Part 4, page 17, omit this heading.

55. Clause 48, omit this clause.

56. Clause 49, omit this clause.

57. Clause 50, omit this clause.

58. Clause 51, omit this clause.

59. Clause 52, omit this clause.

60. Clause 53, omit this clause.

61. Clause 54, omit this clause.

62. Clause 55, omit this clause.

63. Clause 56, omit this clause.

64. Clause 57, omit this clause.

65. Clause 58, omit this clause.

66. Clause 59, omit this clause.

67. Clause 60, omit this clause.

68. Clause 61, omit this clause.

69. Clause 62, omit this clause.

70. Clause 63, omit this clause.

71. Clause 67, line 13, after "applicant" insert "and after giving notice to the owner".

72. Clause 68, line 24, after "application" insert "and the prescribed information supplied in respect of it".

73. Clause 69, lines 32 to 37, omit paragraphs (a) and (b) and insert—

"(a) to the owners and occupiers of allotments adjoining the land to which the application applies unless the responsible authority is satisfied that the grant of the permit would not cause substantial detriment to any person; and".

74. Clause 69, line 38, after "applies to" insert "or may affect".
75. Clause 69, page 22, lines 8 to 10, omit all words and expressions on these lines and insert—
 "(i) by placing a dated sign, which is readily legible from the road reserve, or the land concerned;
 (ii) by publishing a notice complying with the regulations in a newspaper generally circulating in the area in which the land is situated;"
76. Clause 74, line 36, omit "must" and insert "may".
77. Clause 77, page 25, line 2, omit "reasonably".
78. Clause 77, page 25, lines 4 to 8, omit all words and expressions on these lines and insert—
 "(b) if the circumstances appear to so require, may consider—
 (i) any significant social and economic effects of the use or development for which the application is made; and
 (ii) any relevant strategic plan, policy statement, code or guidelines; and"
79. Clause 78, lines 18 and 19, omit sub-clause (2) and insert—
 "(2) The responsible authority must give due weight to the view of a relevant referral authority if it objects to the grant of a permit."
80. Clause 79, lines 22 to 26, omit all words and expressions on these lines and insert "must give due weight to any condition which a relevant referral authority requests to be included in the permit".
81. Clause 79, after line 40, insert—
 "(d) a condition that the development is to be carried out in stages over the periods specified or under the permit; and"
82. Clause 89, line 36, after "consent" insert "in writing".
83. Clause 89, pages 28 and 29, omit sub-clause (2).
84. Clause 90, lines 8 to 10, omit paragraphs (a) and (b) and insert—
 "(a) does not change the effect of any condition required by the Planning Appeals Board or requested by a referral authority; and
 (b) does not adversely affect the interests of a relevant referral authority, or is acceptable to the relevant referral authority; and"
85. Clause 99, line 20, after "objector" insert "or a referral authority".
86. Clause 100, line 32, omit "required" and insert "requested".
87. Clause 100, line 33, omit "required" and insert "requested".
88. Clause 100, line 36, omit "required" and insert "requested that".
89. Clause 106, line 14, after "Any person" insert "who objected or would have been entitled to object to the issue of a permit".
90. Clause 106, line 15, omit "a" and insert "the".
91. Clause 106, after line 33, insert—
 "(4) The Board may refuse to consider a request under this section or section 104 unless it is satisfied that the request has been made as soon as practicable after the person making it had notice of the facts relied upon in support of the request."
92. Clause 108, line 17, omit "or" and insert "and".
93. Clause 108, line 20, after "request" insert—
 "; and
 (c) it would be just and fair in the circumstances to do so."
94. Clause 110, omit this clause.
95. Clause 111, lines 2 to 7, omit sub-section (1) and insert—
 "() If a request for cancellation or amendment of a permit under section 104 is dismissed and development of the land to which the permit relates has been stopped or restricted pending that dismissal—
 (a) as a result of an order under section 110; or

(b) by direction of a person having an interest in the land, if in the opinion of the Planning Appeals Board that person acted reasonably and prudently and the person making the request acted unreasonably—

the person who made the request for cancellation or amendment of the permit is liable to pay compensation to the owner of the land and the occupier of the land and any other person who had an interest in the land for any loss or damage they suffer as a result of the stopping or restriction of development.”.

96. Heading to Division 4, page 35, line 36, after “relating to” insert “the Crown and”.

97. Clause 112, page 36, line 1, after “obtain” insert “the consent of the responsible authority and”.

98. Clause 112, page 36, lines 6 to 9, omit sub-clause (3) and insert—

“(3) The consent of the responsible authority under sub-section (2) may be subject to any specified conditions to be included in the permit.”.

99. Clause 114, lines 33 to 42, omit paragraphs (d), (e) and (f) and insert—

“(d) access to the land being restricted by the closure of a road by a planning scheme.”

100. Clause 116, page 39, lines 1 to 3, omit sub-section (2) and insert—

“(2) The amount paid under this section must not exceed an amount calculated in accordance with the provisions of section 44 (1) of the *Land Acquisition and Compensation Act 1986*”.

101. Clause 129, line 29, after “reserve” insert—

“or which could lead to the reservation of”.

102. Clause 132, page 45, omit sub-section (2) and insert—

“(2) The Planning Appeals Board, on the application of the person appealing against an enforcement order, may suspend the operation of the order if the Board is satisfied that it is fair and reasonable in all the circumstances to do so.

(3) The suspension of an enforcement order—

(a) may be for a period or until the happening of an event; and

(b) may be on any conditions and undertakings—

that the Planning Appeals Board determines.

(4) The Planning Appeals Board may without prior notice to any person revoke any suspension of an enforcement order if it considers the circumstances so require.”.

103. Clause 135, line 30, after “order” insert—

“; or

(d) reject the appeal.”.

104. Clause 136, pages 45 and 46, omit sub-section (2).

105. Clause 136, page 46, lines 9 and 10 omit “, in the case of an application under sub-section (1)”.

106. Clause 136, page 46, line 14, before “damages” insert “costs or”.

107. Clause 136, page 46, lines 31 to 35, omit paragraph (c) and insert—

“(c) does not have any operation after the date or the happening of an event specified in the order.”.

108. Clause 164, omit this clause.

109. Clause 170, line 8, after “authority” insert “(other than a municipal council)”.

110. Clause 185, line 28, after “any other” insert “conservation,”.

111. Clause 186, lines 35 to 37, omit sub-clause (1) and insert—

“(1) The Minister or the responsible authority, with the consent of the Minister may acquire—

(a) any land which is required for the purposes of any planning scheme notwithstanding that the scheme may not have been adopted by the relevant planning authority or approved by the Minister; or

(b) any land which—

(i) is used for any purpose not in conformity with, whether or not actually prohibited by, the planning scheme; or

(ii) is vacant and unoccupied—

if in the opinion of the Minister or the responsible authority to achieve the proper development of any area in accordance with the planning scheme it is desirable that the use should not be continued or (as the case requires) that the land should be put to appropriate use.”.

112. Clause 192, pages 63 and 64, omit sub-clauses (2) and (3).

113. Clause 199, omit this clause.

114. Clause 200, omit this clause.

115. Clause 201, omit this clause.

116. Clause 202, omit this clause.

117. Clause 203, omit this clause.

118. Clause 204, omit this clause.

119. Clause 205, omit this clause.

120. Clause 206, omit this clause.

121. Clause 207, omit sub-clause (2) and insert—

“(2) Sub-section (1) does not include the Minister’s powers under sections 35, 186 or sub-section (1)”.

122. Clause 217, omit this clause.

123. Clause 221, lines 34 and 35, omit “and be accompanied by the prescribed fee”.

124. Clause 221, page 71, omit sub-clause (5) and insert—

“(5) No fee shall be charged for an application or declaration under this section.”

125. Heading to Part 11, page 71, line 6 after “REGULATIONS” insert “AND GUIDELINES”.

126. Clause 222, after line 19, insert—

“() prescribing any event after which or any time within which anything for the purposes of this Act must or may be done; and”.

127. Clause 229, omit this clause.

New clauses

128. Insert the following new clauses to follow clause 3.

Objectives of planning.

“A. The objectives of planning in Victoria are:

(a) to provide for the fair, orderly, economic and sustainable use, development and protection of land including natural and man-made resources;

(b) to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;

(c) to conserve and enhance those places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;

(d) to protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community;

(e) to facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c) and (d);

(f) to balance the present and future interests of all Victorians.”

Planning framework objectives.

“B. The objectives of the planning framework established by this Act are:

(a) to ensure sound, strategic planning and co-ordinated action at State, regional and municipal levels;

(b) to establish a system of planning schemes based on municipal districts to be the principal way of setting out objectives, policies and controls for the use, development and protection of land;

(c) to enable land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels;

(d) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land;

(e) to facilitate development which achieves the objectives of planning in Victoria and planning objectives set up in planning schemes;

(f) to provide for a single authority to issue permits for land use or development and related matters, and to co-ordinate the issue of permits with related approvals;

(g) to encourage the achievement of planning objectives through positive actions by responsible authorities and planning authorities;

(h) to establish a clear procedure for amending planning scheme, with appropriate public participation in decision making;

(i) to ensure that those affected by proposals for the use, development or protection of land for changes in planning policy or requirements receive appropriate notice;

(j) to provide an accessible process for just and timely review of decisions without unnecessary formality;

(k) to provide for effective enforcement procedures to achieve compliance with planning schemes, permits and agreements;

(l) to provide for compensation when land is set aside for public purposes and in other circumstances.”

Responsibility of the Minister

“C. Without affecting the functions that the Minister has apart from this section, the Minister is charged with the responsibility of promoting and co-ordinating planning to give effect to the objectives of planning and the planning framework and, in discharging that responsibility, has and may exercise the following functions:

(a) to carry out research into problems of planning and disseminate information including the issue of memoranda, reports, bulletins, maps or plans relating to planning;

(b) to advise planning authorities upon all matters concerning the principles of planning and the implementation of those principles in planning schemes;

(c) to promote the co-ordination of the provision of public utility and community services and facilities within the State;

(d) to promote the planning of the distribution of population and economic activity within the State;

(e) to investigate the social aspects of economic activity and population distribution in relation to the distribution of utility services and facilities;

(f) to monitor progress and performance in planning, and to initiate the taking of remedial action where necessary.”

129. Insert the following new clause to follow clause 15—

Application of planning scheme.

“D. A planning scheme is binding on the Crown and on every public authority and every municipal council except to the extent that the Governor in Council, on the recommendation of the Minister, directs by Order published in the *Government Gazette*.”

130. Insert the following new clause to follow clause 45.

Existing use rights.

“E. Nothing in any planning scheme or amendment shall prevent—

(a) the continuance of the use of any land upon which no buildings or works are erected for the purposes for which it was being lawfully used before that coming into operation of the scheme or amendment (as the case may be); or

(b) the use of any building which was erected before that coming into operation for any purpose for which it was lawfully being used immediately before that coming into operation; or

(c) the use of any works constructed before that coming into operation for any purpose for which they were being lawfully used immediately before that coming into operation; or

(d) the use of any building or work for any purpose for which it was being lawfully erected or carried out immediately before that coming into operation.”

131. Insert the following new clause before clause 112.

Permits required by the Crown.

“F. (1) Subject to sub-section (2), an application for a permit by or on behalf of the Crown must be made and dealt with in accordance with this Part.

(2) The Minister may direct the responsible authority to refer to the Minister an application for a permit by or on behalf of the Crown if—

(a) not less than 21 days have elapsed since lodgment of the application; and

(b) the Minister has consulted with the responsible authority; and
(c) the Governor-in-Council considers that the over-riding interests of the State required that the application be so referred.

(3) The responsible authority must comply with the direction and must not proceed further with the application.

(4) The Governor-in-Council may determine any application referred to the Minister under sub-section (2).

(5) A determination by the Governor-in-Council under sub-section (4) is final and is not subject to review or appeal except in the Supreme Court on a question of law.

(6) If the Governor-in-Council determines that a permit is to be granted, with or without conditions, the Minister is to be the responsible authority for the purpose of issuing, administering and enforcing the permit.”.

132. Insert the following new clause to follow clause 97.

Appeals by referral authorities.

“G. A referral authority may appeal to the Planning Appeals Board against the failure of the responsible authority to include in the permit any condition requested by the referral authority.”.

133. Insert the following new clause to follow clause 109.

Order to stop development.

“H. (1) The Planning Appeals Board may, if it considers it appropriate, order that pending the hearing of a request no development other than that specified in the order is to be carried out or continued on the land.

(2) The responsible authority must give notice of the order without delay to the persons and in the manner the Board directs or (if no direction is given) as are prescribed.

(3) Any person to whom the notice is given who fails to comply with the notice is guilty of an offence.”.

134. Insert the following new clause to follow the heading to Division 3 on page 65—

Inquiry powers.

“I. (1) The provisions of section 161 of the *Building Control Act* 1981 with such changes as are necessary apply to and in respect of powers and duties conferred or imposed on any municipal council by or under this Act.

(2) Sub-section (1) does not affect any other proceeding or remedy against or liability of the municipal council or the municipality concerned.”.

135. Insert the following new clause to follow clause 216.

Fees and allowances.

“J. (1) The planning authority or responsible authority may agree with a prospective member of a committee under this Division to pay reasonable fees and allowances in respect of that person's services on the committee.

(2) Sub-section (1) does not apply—

(a) to a person who is an officer or full-time member of the planning authority or responsible authority; or

(b) if the responsible authority is a municipal council, to a councillor of that municipality.”.

136. Insert the following new Division to follow clause 217.

“Division 6—Time

Expedition.

“K. Where the Minister or any responsible authority, planning authority, public authority, municipal council, panel, committee or officer is required to do any act, including making any decision or forming any opinion, that act must be done as promptly as is reasonably practicable, in any event within the time limits prescribed or any extension of those time limits allowed by or under this Act, so that loss or damage to any person from unreasonable or unnecessary delay is avoided.”.

137. Insert the following new clause to follow clause 223.

Guidelines.

“L. (1) The Minister must prepare and adopt guidelines as to the exercise of the various discretions given to the Minister under this Act.

(2) All guidelines must be published in the *Government Gazette* upon adoption.

(3) The Minister may from time to time, in the same manner, amend the guidelines.”.

138. Insert the following new clause to follow clause 228.

Applications for permits.

"M. (1) Any application for a permit which was made under the *Town and Country Planning Act 1961* but which had not been determined before the commencement of item 125 in the Schedule may be determined in accordance with that Act as if that item had not come into operation.

(2) Upon the determination of an application referred to in sub-section (1), this Act applies to notice of and appeals from the determination as if it were a decision under Part 5."

SCHEDULE

139. Schedule, page 95, item 89, omit paragraphs (a), (b) and (c) and insert—

(a) the definition of "Approved concept plan" is repealed; and

(b) for the definition of "Yarra region" substitute—

"Yarra region" means the area prescribed as the Yarra region in regulations made by the Governor in Council'.

140. Schedule, page 95, after item 89 insert—

"A. In section 308—

(a) in sub-section (1) for "an approved concept plan" substitute "a planning scheme under the *Planning and Environment Act 1986* applying to the region"; and

(b) in sub-sections (2), (3) and (5) for "an approved concept plan" substitute "a planning scheme".

141. Schedule, page 98, after item 99 insert—

"B. In section 13, paragraph (e) is repealed.

142. Schedule, pages 100 to 102, omit items 112 to 114 and insert—

"112. *Port Phillip Coastal Planning and Management Act 1966*".

The whole Act is repealed.

Mr HEFFERNAN—The Bill is a rewrite of the 1961 Town and Country Planning Act. Therefore, that planning and environment legislation has been in operation for 25 years in this State.

One would imagine that over that period certain provisions of the Act would need to be amended. The Opposition fully supports many provisions of the Bill but points out that the Government has overlooked some areas, which will be enhanced by amendments to be moved in the other place during the Committee stage.

The main objectives of the Bill are to refine the Act and to make it less cumbersome to the user. The Bill is intended to expedite the application process for planning permits. Some provisions of the Bill fall far short of what they were intended to do. Certain aspects of the Bill refer more to control than to the planning process.

The Bill creates a Pandora's box of frustration and discouragement to any individual or firm intending to develop in Victoria. Amendments that will be moved by the Opposition will overcome many problems that would otherwise be created by the Bill. In his second-reading speech the Minister for Education stated that the Bill is important, especially for the planning process in this State. However, I can point to a number of occasions since I have been a member of Parliament when the Government has bypassed the orderly planning process within Victoria. In so doing, I shall refer to some areas that the Government has bypassed involving the development of the State and the planning process.

Honourable members should take heed of these because they are warnings to this and future Governments that once one starts to step outside the planning process, one enters into the dangerous practice of overlooking important planning factors.

The first town planning development bypassed by the Government was the Melbourne Central project. Honourable members would be fully aware of the ramifications and troublesome areas in which the Government became involved because of its handling of that project. At the outset the Government isolated itself from the Melbourne City Council

and ignored general planning principles to hurry through a project for the sake of the developer. Today, that project is at a standstill and the original proposal will not be followed; therefore, Victorians will not have delivered to them what was originally promised.

The second development where the planning process was bypassed involved the National Tennis Centre. I support the principles in establishing the National Tennis Centre, but I do not support the increasing cost to the community and the long-term ramifications of bypassing planning principles that are vital for the success of the tennis stadium.

Today the centre is half completed and, according to the Government, will be finished on time. However, still no car parking spaces have been provided. No major formula has been proposed to overcome the existing traffic problems. The Government will be faced with huge costs in providing car parking for the National Tennis Centre.

I have been informed that the underground car parking area that was being considered is too costly and will not be implemented. If the National Tennis Centre had not proceeded, what would have happened? The Australian Open would have stayed in Victoria, but the people who play and administrate tennis would have taken up the challenge. The Government has gone down a path that will prove costly to future Governments and taxpayers because of its failure to follow the recognised planning process.

Mr Cathie interjected.

Mr HEFFERNAN—I indicate to the Minister that taxpayers' money is involved in this process. The land at the tennis stadium has a conservative value of \$20 million. The Government has made a contribution on the taxpayers' behalf both in the short and long terms.

The Jack Chia South Yarra project is a major project with a major impact on the Prahran area. One wonders about the planning processes that have been bypassed. The project is now in financial difficulty. It may become a monumental planning disaster in the long term and one wonders about the impact that it will have on Toorak Road because proper planning would have ensured that it fitted into the surrounding area; instead, the project is overpowering.

I support the Government in its efforts to develop a convention centre. It is badly needed. However, once again the Government went ahead without the proper planning process and the convention centre will intrude into the Yarra River. Environmentally it is not acceptable. It is located on the wrong site but the Government has chosen to follow that course.

When I was a member of the Lower Yarra Crossing Authority, the then shadow Minister for Planning, the now Minister for Agriculture and Rural Affairs, Mr Walker, spoke out strongly against the then Liberal Government and the future development of the Yarra River and emphasised that that area should not be built on and that it should be landscaped.

Today, that idealism has been thrown out the door and we are not only building on the edge of the Yarra River but also we are intruding into the Yarra River. The arrogance of the Government in this area has been a reflection of its anxiety to move on with the development of this State at the expense of the public of Victoria. The Government will surely get further into trouble with planning if it tries to expedite and bypass the necessary processes in which the community has some say and input into what should be done in the city.

Developers are not gods to me but in this State they are being treated as such and in special areas they are being given preferential treatment. This is well known.

The planning process is important. One can look back in history to when the now Premier was the shadow Minister for Planning and one can read how important he saw the role of town planners. However, today the Premier is treating the planners of the State with arrogance.

The then shadow planning Minister, in reference to the Mount Ridley land development, emphasised how important the town planning process was and he indicated that people are a most important aspect.

Governments should not bypass any process in favour of an individual person. However, it can be proved that this Government, more than any previous Government, has bypassed this process in favour of large developers and this situation has reached an embarrassing stage for the Labor Government. The former Labor spokesman for planning said:

Mount Ridley highlights several major problems relating to the Melbourne metropolitan area, urban development and approach to planning. It incorporates essentially the ethical, moral and philosophical considerations which underlie the use of that fundamental community resource—land.

The present Government's philosophy concerning land and urban development . . .

—the then shadow Minister for Planning, now the Premier, was attacking the Liberal Government policies at that time—

. . . is illustrated not only by Mount Ridley, but also by the Gowans land inquiry and no doubt numerous other instances where speculation and ad hoc decision making have become the rule.

—I emphasise that—

Mount Ridley demonstrates a process in which the Liberal Government equates unquestioningly the interests of private enterprise with community interests. Moreover, the political and administrative apparatus of the Government is used to promote the private enterprise interests with scant regard for considerations of equity, welfare provisions, social, economic and environmental objectives. In such a heavily-biased system, there are, not surprisingly, winners and losers.

That was an interesting comment because the present Government's policies lend themselves to a winners take all approach. The now Premier then went on to say that the winners in the Mount Ridley affair were, Lensworth Finance Ltd, T & G insurance group, consulting firms to the T & G insurance group, owners of abutting and/or nearby land and others. They are still the winners today. The losers, according to the now Premier, are still the individual home owners, competent professional planners, competent groups and/or individuals who have given time and energy to the formulation of a planning policy—which the Government is now bypassing—responsible developers and the cause of progressive planning.

The now Premier then went on to say at that time that he deplored planning policies, developed over many years by professional planners, being tossed away in the face of commercial pressure. These are exactly the same principles that are being applied today. The Government is throwing the proper planning processes out the door in the face of commercial pressure, but they are beginning to wither, just as grapes on the vine.

It is obvious that the main input in the preparation of the Planning and Environment Bill has come from the bureaucrats in the Public Service, local government, planning departments, professional planners, all those people who have the necessary expertise, but at no stage has the Government asked for input from the private sector, the people who have to use the planning processes. They are the people whom the Government ought to contact, who can say whether something is workable or not.

I have received a letter dated 11 March 1987 from a property developer within the City of Melbourne and he states:

The Bill, as currently drafted, would enable responsible authorities to refuse permits on social and economic grounds and for third parties to object to the issue of permits on social and economic grounds.

Imagine the opportunity which opens for special interest groups, vexatious objectors, or competitive developers to make submissions on social and economic grounds which would leave the developers attempting to counter such vague concepts with their own expert witnesses. Who in the world would decide on such issues.

These things are a constant problem and a constant worry to the private sector. The major Government concern ought to be: how can the private sector work within the area that the Bill encompasses?

The Opposition is also concerned that existing uses should be protected. The Bill allows for existing uses of certain areas which, through a planning amendment, may allow for financial responsibility to be taken over by the Government or the local council.

Totally unacceptable to the Opposition is a provision allowing any planning scheme to operate against existing lawful users. For example, if at one end of a shopping centre a panel beating business is in existence, the Bill will allow a rezoning to be effected to the detriment of the existing panel beating business without any provision being made or responsibility undertaken for that business's losses, or to compensate the goodwill of the occupier. The Liberal Party is totally opposed to this provision.

It is fair enough for a Government to have the right of compulsory acquisition because that gives an opportunity of negotiating at a level where an owner does not suffer financially as a result of proposed local government or Government action; therefore, the Opposition believes the wider powers contained in the compulsory acquisition provisions of the Bill should be narrowed to the compromise position to which several years ago the Opposition and the Government agreed in a Bill that the Government introduced.

The Opposition requests further negotiation on this provision while the Bill is between here and the other place. The Opposition believes the wider powers of the Minister should be constrained by local guidance. It is important that the Minister is not given unfettered powers. The Crown should be bound by planning schemes, with some powers of exemption.

The Liberal Party's proposed amendments will provide a compromise that will be acceptable both to local government and to planning organisations. No doubt the representative of the National Party will comment on the unfettered powers of both the State Electricity Commission and the Road Traffic Authority and give examples of those bodies overriding decisions of local government against the interests not only of the local community but also of the public generally. The Liberal Party believes the Crown has an important role to play; however, it is unrealistic, unnecessary and offensive to local government for the Crown to have powers to override local government planning schemes. The foreshadowed amendments to these provisions will offer a fair compromise to all parties.

There are three areas of planning: the first is State planning, which the Opposition fully supports and which applies to the total area of Victoria; the second is regional planning, which complements the State planning scheme; and the third is local government planning. The third is by far the most important and I believe strongly that at all times the local community's plans and local planning schemes should be the prime planning arrangements rather than schemes which have to answer to regional planning.

This is not my party's position but I question the long-term costs of regional planning as a whole. Certain areas of regional planning—for example, Geelong—are becoming expensive and one wonders why, with the abilities of local councils, there is a need for strong regional planning. In the long term, if regional planning is a necessity, the Ministry for Planning and Environment ought to allocate planners to prepare regional schemes over a twelve-month or an eighteen-month period and then withdraw from that area and leave local councils to administer the scheme accordingly. There will not then be one bureaucratic system complementing another bureaucratic system, with consequent expansion of the bureaucracy. No action has been taken by the Government on this issue and I foreshadow that it will be an area subject to analysis and examination by the next Liberal Party Government.

I foreshadow also that the Opposition will seek to amend the provision stipulating that mandatory notice be given to neighbours in all circumstances. That is unnecessary and it will further increase costs and cause delays in the planning process.

Even though he is not achieving it, I believe the Minister is endeavouring to expedite the process. The introduction of this provision would create enormous hold-ups and delays for people seeking planning permits. The amendment that will be suggested by the

Opposition will provide for some discretion to be used and I hope the Government will accept the amendment, which would also meet problems of the kind raised by the Wade case. There has been a strong reaction to that case from the Government and from the Opposition and none of us would like to have that sort of situation occur again.

The provisions enabling any person to seek cancellation of an existing permit are open to abuse. At this stage no provision is made for sanctions but sanctions really are needed. I have been advised by people in the private sector that their view is that it would be disastrous for these provisions to go through. It would have a bad effect on the future development of this State. It is totally unfair for a developer to be put in a position where he has been to an auction and purchased the land, has carried out the planning procedures and has committed his financial resources to a development that is taking place only to find that some other person or persons can lodge an objection to the continuation of the permit. There ought to be a sanction so that a person who seeks to have a permit withdrawn bears the financial responsibility if it is found that the objection is totally without ground and has really been lodged in an attempt to delay the development of the project.

Another point in the Bill about which I express concern and ask the Minister who is the representative in this House of the Minister for Planning and Environment to discuss with that Minister is the provision concerning charging for permits. Councils will now be able to charge for the issue of planning permits and I fully approve of that—it probably should have been done many years ago. Planning can be very expensive for local government and I think the Government has realised the extent of the costs involved in preparing permits and going through the processes, but I ask the Government to examine thoroughly the total costs that may be imposed on the developer. That particularly applies in the case of the smaller, local developers who use the planning processes of councils to quite a large extent.

Planning is now becoming involved in more and more cases and permits are required far more frequently. It can be quite an expensive issue. I am talking about the local community and the local taxpayer. I am talking not only about the big developer, but also about developers of small projects because even in those cases the Government needs to ensure that a situation does not develop in which everybody attempts to recoup costs. It must be remembered that somewhere down the line someone has to pay the final bill.

The Opposition has gone through the Bill very thoroughly and I compliment the shadow Minister for Planning and Environment, the Honourable A. J. Hunt, for the work he has done. His 25 years of experience and his time as the responsible Minister are apparent in the preparation of the amendments that have been drafted by the Opposition. Mr Hunt ought to be complimented on his work.

Another point I bring to the attention of the Government concerns the mining industry. The Bill contains no indication of the action that will be taken in relation to mining. Planning is vitally important to the mining industry but there is no reference to mining in the Bill. I refer to a speech made by the then Minister for Minerals and Energy, now the Minister for Health, on 23 February 1985:

In relation to planning control I have indicated that I would be prepared to discuss with the Minister for Planning and Environment the proposition that mining should not be a prohibited use in planning schemes and that 'municipalities' roles within the boundaries of mining tenements should be advisory, not extending the setting of conditions.

The Opposition is not committing itself to supporting the concept put forward by the Minister on that occasion but the Minister did give to the mining industry at that time an indication of the Government's intention. That industry is of vital importance to Victoria but the Bill contains no reference to town planning as it affects the mining industry. I ask the Minister for Education to take up this matter with the Minister for Planning and Environment.

Another matter about which I have a positive suggestion to make and which appears to have been overlooked by the Government concerns a common complaint from developers

in the City of Melbourne. When local government rezoning is sought the first thing that happens is that a panel is appointed by the Ministry to hear the reasons both for the proposed rezoning and for the objections lodged against the rezoning. The panel then writes its report and submits it to the Minister. After that, the scheme is advertised as part of the planning permit process. Once that advertising has been carried out it is necessary to repeat the whole exercise.

I suggest that it would expedite the procedure if both the rezoning and the planning processes were carried out at the same time. That could be done and it would save a tremendous amount of time. Not only does the developer have to go through the process twice, but also any objectors have to go through the process twice. That represents the waste of a lot of time when it would be comparatively simple to overcome the problem.

The Opposition does not intend to move amendments during the Committee stage of the Bill in this House. Arrangements have been made with the Government for these matters to be dealt with while the Bill is between here and another place.

Another point to which I believe attention should be drawn is the social and economic grounds the Government is seeking to introduce into planning. The introduction of economic grounds into town planning considerations seems to me to involve difficulties. I do not believe any Government has the right to interfere, on economic grounds, with the intention of private developers to carry out projects. Once a planning scheme is implemented and development that conforms with that scheme is allowed, I do not believe town planners are competent to tell private developers what is and what is not profitable, but that is what the Bill seeks to do. Once again, it will lead to an even greater bureaucracy. If the Government brings in accountants who start working out the economics of whether a supermarket should or should not be developed on a particular site, the whole system will become unwieldy. That ought not to be done.

The Opposition does not intend formally to oppose the Government on this issue but I give due warning that it is against the philosophy of the Liberal Party and against my philosophy to introduce that sort of provision. The Government ought not to be involved in this area and when the Liberal Party comes into government I assure the House that this is a matter we will be examining.

The introduction of the consideration of social grounds ties in with the introduction of the consideration of economic grounds. It should not be possible for someone to say that, because a person has a milk bar at the southern end of the town and another milk bar at the northern end of the town and has a monopoly in the area, no other milk bar ought to be allowed because the establishment of another milk bar would have social and economic effects on the owner of the other two milk bars. It seems to me that town planners are beginning to expand their operations into matters that are none of their concern. I am strongly opposed to these sorts of provisions.

I also urge the Government to examine the panel situation. At present members of panels are independent and are appointed from outside. In my view, the panels ought to consist of people from local government, the planning authorities, the Law Institute of Victoria, the Local Government Engineers Association, the Municipal Association of Victoria and the Royal Australian Planning Institute. Panels ought to be set up using specialists in these areas who can properly exercise experience to arrive at a decision.

The Opposition congratulates the Government for introducing the Bill because it has been almost 25 years since the Town and Country Planning Act was introduced. The Opposition wishes the Bill well but when the Liberal Party is elected to government, it will take action in many planning areas to ensure that the private sector is looked after much better.

Mr McNAMARA (Benalla)—I commend the honourable member for Ivanhoe on his detailed speech on this extremely involved Bill. The proposed legislation has caused considerable concern in the community. Both parties have discussed the measure in detail.

I pay particular tribute to the Honourable Alan Hunt in another place for the work he has done on the proposed legislation. He has considerable experience in this field as a former Minister and as a member of Parliament for twenty years. The Honourable Bill Baxter in another place, who is the National Party spokesman on planning, has also played a significant role in the National Party's preparation on this measure.

I am a licensed real estate agent and an auctioneer and, therefore, I have a particular interest in planning. Although the proposed legislation does not involve me in a pecuniary sense, it involves me in a professional sense. Many of the amendments in the Bill are long overdue.

The Bill is intended to replace completely the Town and Country Planning Act; its preparation has taken more than three years. The draft legislation was circulated almost twelve months ago, and discussions on the proposals were undertaken before that time on departmental, Ministerial and municipal levels. Many of the proposals by local government should have been incorporated in the proposed legislation.

The honourable member for Ivanhoe foreshadowed amendments that the Opposition will make in another place; the National Party also intends to propose amendments. The Bill deals with all aspects of planning, from the inception of planning schemes, to permits and their enforcement. The measure includes many machinery provisions.

The main issues addressed in the Bill include the broadening of the scope of planning matters addressed in schemes controlled by local councils. Local councils will be made responsible for the setting of planning schemes and amendments to them. The Bill will eliminate interim development orders and will change enforcement and notification procedures for planning permits. These are major areas of change.

On the scope of planning, the present system of limiting the content of planning schemes to matters set out in the Third Schedule of the Town and Country Planning Act will be abandoned in favour of a more open system. The Bill sets out the broad objectives of planning and related schemes and will give effect to provisions dealing with these schemes.

The subject matters of planning schemes will still relate, in major part, to control over the use and development of land. The Bill will provide for a wide range of issues, including social and economic issues, that need to be taken into account when administering planning schemes.

Local councils consider that many of the proposals are acceptable. They believe that in recent years controls over planning have been too restrictive and have not allowed for the full application of the councils' strategic planning policies. Many councils do not have these sorts of policies but those that do have found the present legislation inhibiting.

The Bill provides for a planning instrument to be called a "planning scheme" to operate over any piece of land. One scheme will be allowed for each municipality, and interim development orders will be totally eliminated. The Government has still not decided whether new municipalities will be allowed to have one or two planning schemes. To date, it has been said that councils will have only one but the City of Melbourne, for example, may possibly be allowed to have two planning schemes, one for the central business district and one for surrounding areas.

A planning scheme may be structured on three levels—State, regional and local—so if a planning scheme is to be varied, policy codes, guidelines and other aspects are to be taken into account.

The elimination of interim development orders is a positive step. The concept of one planning scheme for each municipality is welcomed by most local councils. However, in practice, it is likely that temporary planning schemes will be undertaken without exhibition.

The proposal for the incorporation of codes and policies in planning schemes by reference has been requested by various councils for many years. More specific powers should be

given to municipalities than those provided in the Bill so that local councils can adequately implement their strategic planning policies.

In regard to planning authorities, a planning scheme or an amendment to a planning scheme would normally be made by a local council, except where the amendment has been made at a regional or State level. In that case, the amendments will be submitted to the Minister or a regional authority for approval, as occurs at present. In some situations the Minister or regional authority with the Minister's consent may make or exhibit a planning scheme to which amendments have been proposed. The planning scheme will specify the authority that will handle the application and will also specify the referral authority. Thus, a complex inter-agency delegation system will be eliminated.

Referral authorities are important because on many occasions in the past they have blocked development. The honourable member for Ivanhoe foreshadowed amendments, that the Opposition proposes to move in another place, that will hopefully clarify this area.

The proposal to allow councils to make and exhibit planning schemes will give municipalities much more control over the speed with which they will be able to handle and amend planning controls. They will be given more flexibility in the administration of planning schemes, which may be more detailed.

The three levels of planning schemes—State, regional and local—are important. The State chapter will deal with matters of significance throughout the State even if they have a local impact. Initially this provision will include a Statewide statement of planning policy and some procedural matters concerned with planning schemes. Any amendments in this chapter will be made by the Minister.

At the regional level planning schemes will be made or amended by the regional authority or by the Minister. The local chapter will involve most municipal controls and will deal with local detail. This section of the planning scheme could be amended either by the local municipality, the regional authority or by the Minister. The National Party supports the basic principle of a three-tiered planning scheme and the structure proposed in the Bill.

In practice, it will remain difficult to distinguish between the various levels. When there is a dispute between the municipal level and the regional authority, where is the cut-off point? Where does the municipality's control begin and finish, and where does the regional area commence? Again, between the regional authority and the Minister, where does that regional planning issue become one of Statewide significance? The Minister has the overall power to step in at any level and say that it is a matter of State significance and he believes that he should be able to interfere. There will need to be a lot of sensitivity between the Minister responsible and his department to ensure that people in the local community feel as though they have some control or autonomy over their own destiny and in their own planning matters.

It is not clear whether the council will become the sole permit-issuing authority. The National Party believes that that should be the case. The permits, as they are now, should be issued by the local municipality. Matters of State significance should be referred to the Minister, but other matters should be dealt with at a local level.

The making and amending of schemes is a very important procedure. The basic procedure for making schemes will not change under the proposed legislation. The minimum procedure for notification of a planning scheme, which is generally applicable to amending schemes, will be: firstly, notification is given to the affected authorities; secondly, notice is given to owners and occupiers of land affected; thirdly, a notice is given to the council, the regional authority, if there is one, and the Minister in each case, where that authority did not prepare the scheme; fourthly, a notice is placed in the local, regional or metropolitan newspapers, and, fifthly, notice is given to the adjoining owners and occupiers providing one month for making submissions.

The basic minimum procedure is to be different from the present requirement for planning schemes in that; firstly, gazette notification is not to be required, and, secondly, notice is to be given to adjoining owners. I shall say more about that later, because as is proposed in the Bill it is going overboard; it is an overreaction to the unfortunate circumstances of the Wade case.

Finally, one month is to become the standard time for submissions. Amendments involving reservations currently require three months. There is a substantial reduction in that period.

The Minister is to have the power to wholly or partially waive the notification requirements. The National Party can see some broad powers being put into the Minister's hands. This is effectively the current situation, where the Minister may recommend an amendment under section 32 (6) of the Town and Country Planning Act. Also the Minister may require additional notice.

The flexibility of notification can be used in considering an amendment where there has already been extensive public notification. An example would certainly be where issues have been widely canvassed through an environment effects statement. One has to consider the effect on the local community and its right to respond to anything that may be put forward by way of change. The basic panel system for hearing all submissions for and against amendments is to be retained, with minor modifications to overcome recognised problems.

The proposals are supported but the Bill does not provide for a panel to be appointed by a local council. That issue should be addressed in the Bill.

The National Party believes a panel should be appointed by the council to hear submissions for or against amendments prepared by the council. It is important that the council has some input into the composition of the panel.

Turning to permits, I point out that in most instances the council will be the permit issuing authority. One suggested exception is the central business district, and it is expected that the Minister will insist on retaining control over the issuing of permits in that area.

With regard to referral authorities, some applications will need to be sent to specified authorities, such as the Melbourne and Metropolitan Board of Works, the Rural Water Commission or the Road Construction Authority. Where an application is sent to a referral authority, that authority may, within a specified time, require that no permit shall be granted, for stated reasons; may require that if the planning authority grants a permit, it shall be subject to specified conditions, and make other comments or suggestions of a non-binding nature to the planning authority.

A referral authority may not direct that a planning permit be granted—that is an interesting point. There may be a municipality that could be obstructionist, and where these referral authorities looking into the issue might be considering giving that referral authority not a power of direction, but perhaps a power of suggestion, that a permit should be granted, obviously those planning authorities will be looking at the issue, as it affects only them.

The National Party appreciates that the council will certainly have the role of looking at the encompassing issue. If the council refuses the issue of a permit on the basis of some argument—it may think that the responsible authority has not picked it up—there should be provision to enable that referral authority to suggest strongly that those suggestions be taken up at the appeal level.

Where an application should have been referred to an authority but was not, or where an authority directed no permit to be issued or any permit to include conditions which were not included, the permit shall be void, and the planning authority shall be liable for damages. Again, we are addressing some of the issues and problems seen in planning in the past.

It appears that this approach will be an improvement to the ad hoc arrangements which generally apply now. However, it remains to be seen whether that proposal will work in practice. Time will be the test of that issue.

I turn to the notification provisions. The current procedure is a planning authority must consider whether a development, which is the subject of an application, is likely to cause substantial detriment and if it is to be retained, the planning authority will direct how the notice is to be given. In addition, all owners and occupiers of adjoining land must be notified, usually by the planning authority, of all applications except those of a minor and non-contentious nature, as specified in the planning scheme. Procedures for objections, notifications of decisions and appeals are not to be changed.

This raises an important issue. It is probably the most contentious provision in the measure. I say that because all the provisions in the Bill indicate an attempt to overcome the problems highlighted by the Wade case. It is proposed that all applications be advertised by council and all owners or occupiers of adjoining land be advised.

Imagine the ridiculous circumstance that where a swimming pool is to be constructed in a backyard or perhaps a flagpole is to be erected, all the adjoining landowners would have to be advised. There could be a block of 20 or 30 strata title flats. Not only does it make that provision, but the adjoining landowners must be advised, and also the landowners across the street and those within 25 metres of the subject site. The proposed legislation goes even wider than the advice procedure in the Wade case. What right has someone in a minor matter such as the erection of a flagpole or the construction of a swimming pool to object to that procedure? The proposed legislation will provide for that to occur, and when one starts writing to people asking whether they have objections, one will always receive objections.

Delays will occur because the council cannot act and the permit is not issued until that whole procedure takes place, which will add weeks to the total time involved for applicants. It means that the applications will be delayed for at least three or four weeks just as a matter of course.

It would be better if we returned to the idea that, where there was ruled to be substantial detriment, it was the obligation of the municipality to advise the adjoining landowner. The situation now is that substantial detriment does not even have to be proved. The paper war has increased because, as a matter of course, every Joe Blow who might live within a stone's throw of the property involved is advised of potential problems.

An alternative to this proposal, which has been suggested by some local government circles, is a consent form. This could be provided for in the Bill so that adjoining landowners who come within the definition in the Bill could be presented with a consent form by the applicant for the permit or by the planning authority itself. The consent form could require to be signed. It would be up to the Government to compose such a form and include it in the Bill so that such a consent form would be legally binding and, therefore, carry some weight in later appeals. This would certainly streamline the whole procedure. By sending out a letter inviting objections, one is asking for trouble.

The Minister has announced that the functions of the Planning Appeals Board are to be linked with the Administrative Appeals Tribunal. Last week, a small Bill was introduced dealing with this matter. The Government has said it is not intending to interfere with the valuable informal style of the Planning Appeals Board and that the Administrative Appeals Tribunal is to have an additional role in scheme interpretation.

The major benefit of the Planning Appeals Board has been its non-legalistic approach to problems and its informal manner in approaching matters in a logical and commonsense way. God help us if we finish up with a legalistic form of planning appeals! We will all have to go along to the tribunal with Tom Hughes QC at our elbows to thrash out even the most minute type of appeal.

I take the point raised by the honourable member for Gippsland East who says, by interjection, that it would cost thousands of dollars a day. That is not what planning appeals are about. They are supposed to be swift, informal and simple. They are not supposed to be bureaucratic or legalistic and they are not supposed to be intimidatory for the people appearing before the board. The Government should ensure that the present informality of the Planning Appeals Board remains in the new, restructured Administrative Appeals Tribunal.

The proposal for appealing to the Administrative Appeals Tribunal against the issuing of enforcement orders is not a new proposal. A similar provision with objection rights to the municipality now exists under section 44 of the Town and Country Planning Act. That provision has merely been transposed into the new Bill. The provision has rarely been used by municipalities because most councils believe it simply delays the whole procedure. They would prefer to have matters resolved rather than carrying them on to a formal appeals procedure.

Most breaches of the Town and Country Planning Act are resolved by officers investigating them and also by warning letters. Usually, if people are a bit hard to control, an approach by those officers and correspondence from the municipality produces a resolution. If prosecution is warranted it must be carried out quickly and in accordance with strict legal procedures. I refer again to section 49 of the Town and Country Planning Act, which allows an immediate step to be taken if a person is carrying out an illegal use or development. If that were not possible it would lead to delays in the required legal procedure.

The current procedures for prosecution are inadequate. An enforcement order may have some limited application if applied as an injunction where urgency is required. An example is the case of the demolition of the church on the corner of Toorak and Williams roads, where the bulldozer moved in overnight. If a couple more hours had passed there would have been no need for any orders, but orders were quickly issued, yet that matter is still unresolved with the building half standing. In its present state, it could be construed as being a danger to the surrounding community; but it is hard to control a situation where a person believes he can go outside planning procedures and permits and take the law into his own hands by starting up a D6 and steaming right ahead.

The ultimate legal prosecution as currently occurs in the courts, should still apply. That is the appropriate area for the resolution of these problems. There may be scope in the Bill to provide for a third party to apply to a council to require action to be taken against alleged illegal development and such request may warrant independent arbitration by the Administrative Appeals Tribunal. However, there is no justification for such an appeal on behalf of a person alleged to have carried out an offence.

More power should be provided in the Bill to deal adequately with unscrupulous persons who seek to use the planning and legal systems to avoid prosecution by delaying tactics. Also, the magistrate should have power to close a quarantine use once it is proved to be illegal; in addition to the levy of a fine.

With regard to prohibited use, the Ministry for Planning and Environment is proposing a system that is supposed to be responsive to good development. A planning authority will be able to grant a permit for a use or development prohibited by the scheme. Safeguards are proposed in an attempt to prevent fundamental undermining of schemes and the two main ones will be; firstly, that the consent of both the planning authority and the Minister will be required; and, secondly, that an applicant will be able to appeal against the refusal of a permit.

Although there are some arguments in favour of this proposal, it is considered to be contrary to the concept of a planning scheme being a controlled document. The virtual elimination of prohibited use will mean there is no limit to the extent and possible use of developmental land.

The process for dealing with proposals which are technically prohibited but which are supported is the process of rezoning; and the honourable member for Ivanhoe is fully aware of that loophole because of his involvement in local government. I should imagine many is the time when he has had to use the process of rezoning to ensure that a development that is of great value to the local community proceeds. As the local planning authorities, local councils must have the power to act quickly and rezone.

From time to time, the honourable member for Swan Hill, and other members of the National Party involved in local government have put before the respective municipalities in the electorates we represent proposals that would be of great benefit to the local communities.

To ensure that those projects have proceeded, we have been able to apply for rezoning of the municipal area concerned.

With regard to revocation or modification of permits, new powers are to be introduced relating to procedures for the revocation of permits and for the review of the validity of decisions made by a planning authority. That refers, of course, to the need for notification, as in the Wade case, and no doubt the Bill will attempt to address this issue.

In both of these cases, the Planning Appeals Board will be the final arbiter and third party objectors will be permitted to be involved in these actions where previously they were omitted. I have some reservations about that. That is an issue that must be addressed further down the track to ascertain whether it operates effectively.

A further ground for revocation is proposed: that concerning any change of planning policy affecting the use of development permitted by the permit. A revocation on this ground would attract compensation. The honourable member for Ivanhoe addressed the issue of compensation and I shall refer to that when I finalise my comments.

A modification of a permit may be made at the request of an owner. It may include modified or substituted plans, deletion, variation or alteration of conditions or limited corrections to land descriptions or permitted matter.

A modification must not in the opinion of the planning authority, firstly, change the effect of a condition specified by a referral agency or the Planning Appeals Board—which will now be the Planning Division of the Administrative Appeals Tribunal—secondly, require further consideration by a referral authority, thirdly, cause an increase in detriment or, finally, provide for a change in land use.

There are two concerns with these proposals. Firstly, that the permit revocation and permit review procedures should be combined as they both essentially involve the same process and third parties should not be able to go direct to the Planning Appeals Board without first being heard by the planning authority. That is essential. There will always be vexatious types in the community whether they be competitors of the person making the planning application or whether they simply have a vexatious nature. This matter should be resolved in the first instance by the local planning authority and before a vexatious person holds up what could be a valuable development to a local community.

The other concern is the new ground for revocation proposed to be included which would diminish the security of a permit and should be removed. It would be ridiculous if a permit were to be issued while the opportunity existed for people to have it revoked.

The honourable member for Preston has close links with his municipality. I am sure his local council would not appreciate the power to overturn permits to this extent. I know the honourable member keeps in close consultation with his electorate and I am sure he has highlighted the deficiency in the Bill to his local council.

The proposals for modification of permits is supported as there has never been a clear statutory process for amendment to plans.

The Bill will bind the Crown on Crown development. Government projects will need to comply with planning schemes. Schemes should allow a broad range of routine Crown development. If a particular project is prohibited by the provisions of a scheme, the Minister, on the Government's behalf, may initiate an amendment to allow the development. To facilitate a swift decision, the Minister may accept notification. We are virtually giving a complete overrider there.

If the provisions of a scheme require a permit for a particular development, an application is to be submitted to the Minister who will consult the local council before a decision is made. The former Planning Appeal Board, now to be the Planning Division of the Administrative Appeals Tribunal, will not determine third-party appeals. Statutory authorities will continue to comply with normal planning procedures. Of course, there is a let-out here. The proposals do not bind the Crown. The council should remain the planning authority for any such application.

The proposals in the Bill are not sufficiently extensive and are little different from the situation which applies now where Government departments have to consult only with the local council. For example, clause 106 does not provide for a refusal of a permit for an application by a Government department, nor does it provide for third party objections and appeals.

Government departments must go through the appeals procedure and must be given the right to refuse the permit. Third persons must be given the right to lodge objections and, if necessary, allow appeals to be heard at a higher level. If the Minister still wants to intervene and scrub the decision of the local council and push the planning appeal ahead, at least the matter has been aired publicly.

The following administrative procedures should be altered: delegation; acquisition and compensation; permits—fees; certificates; confirmation permits or certificates, and agreements. In the last case, that relates especially to the current system whereby third parties and referral authorities may become parties to an agreement.

As a general comment, it is fair to say that the planning scheme preparation has not been sufficiently addressed in the Bill, particularly regarding the definition, form and content of a scheme. The format of a scheme should be provided for in, at least, a set of detailed regulations. It is disappointing to the opposition parties that the proposed regulations are not available for scrutiny. That is something Opposition members would like to examine before the Bill is dealt with in another place.

I urge the Minister for Water Resources to carry that message to the Minister for Planning and Environment because the regulations will determine the interpretation and administration of this Bill.

Finally, I shall deal with some of the principal matters raised by the honourable member for Ivanhoe. He referred to existing uses and stated that they should be protected. The National Party supports that proposition. The Bill is unacceptable in its present form. The planning scheme should enable unlawful uses to be prohibited. If a person has a shop or factory in current use, the provisions of the Bill could make the operation of that business illegal and the owner could be told to shut down virtually the day after the scheme comes into operation.

The wider powers contained in the compulsory acquisition provisions in the Bill should be cut back to compromise the position agreed on between the opposition parties and the Government several years ago. This will be the subject of an amendment to be moved by the Honourable Alan Hunt in another place.

Again, the compulsory acquisition powers could be used to deal with a change in the existing use provisions. If a municipality or planning authority wants to change a use to make it illegal, it is not sufficient to tell the particular factory or shop that it will be operating illegally and it must be shut down. That municipality or planning authority should be compelled to compulsorily acquire that operation.

A valuation of the business, including the goodwill, should be made to ensure that a person is adequately recompensed. If that power is not available, there will be a great deal of injustice.

The powers given to the Minister for Planning and Environment should be constrained by various limits and guidelines. Honourable members do not know the specific regulations. We can read so much into the various clauses and can make hundreds of amendments to the Bill, but if the regulations do not conform with the spirit of the proposed legislation, the Minister will be able to ride roughshod over individuals who may be affected by it.

The regulations and planning controls placed on the general community should also apply to the Crown. That is an important point and I have referred to it in some detail. What is good for the goose is good for the gander. The Minister has wide powers if he wishes to waive or rezone, but he should go through a process of consultation to ensure that Crown developments have community support.

The Bill provides for the State to override the local level in all circumstances, which is unrealistic and unnecessary.

Mr Steggall—It is immoral.

Mr McNAMARA—That is true. Local municipalities believe the Bill is a grab for power and a method of centralising planning schemes. The Government must allay those fears to ensure that the local level of planning has some clout. If the local level is overridden by the State in all instances, it may as well shut up shop tomorrow as it will be only the dispenser of the Mickey Mouse permits and will not be involved in the meat of planning issues.

I greatly value the expertise of local communities. I have been involved in local government, as has the honourable member for Ivanhoe, and we appreciate, when a planning issue comes before a municipality, the value of having someone who knows the land, is aware of its surrounds, knows what is involved and can give advice to ensure that an appropriate development proceeds.

The provision for mandatory notice to be given to all neighbours in all circumstances is unnecessary. Some type of scheme is needed where a waiver permit that is legally binding can be signed. The provision enabling any person to seek cancellation of an existing permit is open to abuse. A person may maliciously appeal against a planning development simply to obstruct it. There must be some penalty to ensure that people who take up frivolous and malicious objections to what is finally determined to be a worthwhile development are discouraged from doing so.

Planning is necessary to ensure that the State goes ahead and is not bound up by bureaucracy and red tape. Victoria must regain the lead that it had a few years ago. Victoria has slipped back into the mire of bureaucratic control and obstruction and the Government must try to open the gates and say to business, "Get out and have a go, we are behind you. Do something similar to what Sir Charles Court did in Western Australia, what Sir Henry Bolte did in Victoria and what Sir Joh Bjelke-Petersen is doing in Queensland. The Government will support you; it will not try to hamstring you at every turn. We will ensure that the community is totally protected because we want to give business a go. We want to give business a chance to create jobs".

Members of the Government are not interested in creating jobs and in encouraging new development.

Mr McCutcheon—We have the best record in Australia.

Mr McNAMARA—The Government has the worst record. Everyone knows this Government is an absolute disgrace when it comes to giving free enterprise a go. The Government is a sham, and the sooner members of the Government wake up to that, the better they will be. If the Minister for Water Resources does not know it by now, he will

never know it. The sooner there is a change of Government in this State, the better it will be for every Victorian.

I have a lot of liaison with those in the development area through my contacts with the Real Estate Institute of Victoria, planning people and others. They are totally frustrated by what is happening in Victoria today. They believe the Government must get off the backs of individuals and give the person who wants to develop something for the State a fair go. However, the Government does not believe that and will try to stop people at every turn. That is disgraceful and I make that point as strongly as possible.

We must ensure that the red tape is cut and that we lift Victoria out of the bureaucratic mire. We want jobs created and we must stop our young unemployed people going to the beaches in Queensland. We must get them back here into the factories, shops and where the real development is. Until we get that type of action in Victoria, the State is destined to slide down the gurgler.

I hope the Government will wake up. Members of the opposition parties must ensure that the Government is aware of what the community wants. It wants genuine development and a planning scheme for this State that will encourage incentive. Motivation must be provided for the individual and jobs must be created.

The National Party supports the thrust of the proposed legislation, but it has a number of genuine and real concerns about Victoria succeeding as a major State in Australia. Victoria was the major State until this ratbag mob took over and now it has slipped into the mire. We must drag Victoria up again. The proposed amendments referred to by the honourable member for Ivanhoe to be moved by the honourable member for South Eastern Province, Mr Hunt, in the other place, will go part of the way to do that. However, the Minister must be willing to put the bureaucracy behind him. Until there is leadership from the highest level in this State, Victoria will not drag itself out of the pit in which it currently is.

Mr DICKINSON (South Barwon)—This is an important Bill. I have distributed it to many municipalities in the electorate I represent and I have also conferred with the Geelong Regional Commission about it. Since 1977, there has been a regional commission in the area. The fact that there is not enough accountability to the people and to Parliament concerns many developers in the area.

On 20 February, I directed a question to the Chairman of the Geelong Regional Commission asking for some specific information to assist the public in discovering the direction in which we are headed. I asked:

Since the commencement of the G.R.C. in 1977—

1. A list of all lands purchased, acquired or leased by the Geelong Regional Commission.
2. A list of all development costs of land or parcels of land and improvements effected on particular blocks.
3. A list of interest, rates, taxes or holding charges, incurred or charged to particular blocks or parcels of land.
4. A list of all land disposed of or leased out by the GRC together with the selling cost of the land or the consideration received in respect of the leases.
5. A list of any plant, machinery or stock purchased or leased by the commission in respect of any particular block or parcel of land purchased or leased by the GRC.
6. A list of plant, machinery or stock sold or leased out by the GRC in respect of any particular block or parcel of land.
7. A schedule of all land owned or leased by the GRC together with details of particulars of the purpose for which the properties were purchased or leased.
8. A schedule setting out the latest valuation of all property, now owned or leased by the Geelong Regional Commission.

No doubt it will take some 40-odd days for the staff of the commission to furnish a reply, but newspaper editorials make us aware of what needs to be done in our region.

I represent an area that is probably one of the best coastal resorts in Australia with magnificent surf beaches that are second to none. Torquay is the surf capital of Australia. We are fortunate to have the forest and special nature reserves that have been retained in the Otway Ranges, but the Geelong Regional Commission has been going public about the need for tourism. Tourists will come if the area is well developed and looked after by the municipalities.

I am proud that the municipalities in my electorate—the Shire of Barrabool and the City of South Barwon—cater for the needs of their respective areas. However, it is a crying shame that conflict has arisen between the two municipalities concerning coastal development; there is a need for rationalisation of council boundaries. I refer to Torquay, where the two municipalities in the one town are pulling in different directions when they should be heading down the one track.

In recent days editorials in the *Geelong Advertiser* have spoken highly of the tourist needs of the community, and the commission has been advocating a need to head in this direction. However, the commission has done little to document what is required. Funds have been wasted on many Mickey Mouse projects.

The pluses for the commission in recent years have been the city square; the racing complex; the re-leasing of the International Harvester company's factory and plant when that company fell on hard times; and the attraction of the Pulsar battery factory. Some of those projects have become a bureaucrat's delight and the commission is often seen as a form of county council overriding and frustrating the real and perceived needs of the local municipalities.

As the plans of the Cain socialist Government to amalgamate councils fell on stony ground because the Government forgot to consult with the public, there is a tendency for these matters to be channelled onto the desks of bureaucrats who are sometimes out of touch with the real needs of the community. Decisions on local planning issues are sometimes left in the hands of municipal councillors who have no training in this sphere. This highlights the need for openness in planning, whatever the project. Councillors or public servants who have a vested interest in a project that they are promoting can make bad decisions.

I have seen instances of this in the rural community when people have developed worthwhile agricultural processes. In one area of Ballarat a farmer invested \$3 million in a vast piggery, only to find that his near neighbour, a local councillor, was subdividing and selling the land; the councillor then tried to force the farmer to close down his piggery.

In Geelong cement works and quarries were developed long before some of the subdivisional development in Manifold Heights. Unfortunately, people who later came into the area tried to close down the vast cement works enterprise because they said it interfered with their rights. Looking at the matter objectively, one finds that bad decisions were made because municipalities failed to look to the real interests of the community and did not put buffer zones around those industrial activities.

Tremendous capital development has been undertaken by Steggle's Pty Ltd in the Shire of Bannockburn, which might be described as the capital of Australia for the broiler industry; but the council has irresponsibly allowed the proliferation of chook sheds anywhere and has granted applications regardless of planning orders that were put in place for very good reasons. I refer to the planning order that applies to the Moorabool valley—an area of very special significance, embracing some very picturesque territory.

Not many years ago a Parliamentary committee examined the relocation of the Portland powerline so that it would not despoil the beauty of that valley which has seen 100-odd years of farming, together with vineyards and sheep and cattle grazing. Its gradual development has seen a tourist attraction growing around that area as vineyards have developed.

The Geelong area is fortunate in having some old stone buildings dating back to the early pioneering days. These are an added tourist attraction. When we preserve these buildings we must be careful to assist the people who care for them and we must not detract from the value of the buildings by allowing higgledy-piggledy, hideous, tin shed development to spoil a natural tourist area.

The township of Bannockburn has an old stone lockup. In the past eleven years that building has been allowed to deteriorate and be vandalised. Its roof has been destroyed and no-one wants to take any responsibility for refurbishing that building which, I believe, comes under the control of the Public Works Department. The department says that the matter should be referred to the municipality, but the municipality does not want to spend ratepayers' funds on that work. It is hoping for Commonwealth assistance or other funds to refurbish the building.

Planning Ministers are made mindful of these matters in any particular area of Victoria.

Honourable members have already heard from the honourable member for Benalla how people can perniciously frustrate development. So, too, people can upset the orderly planning in a settled community through irresponsible applications to carry out certain activities. Planning should deal with people's needs and should be the servant of the people.

As the member for South Barwon, I am delighted to say that the coastal areas of my electorate are second to none. I am mindful that the Cain Government failed to carry out an environment effects study when declaring two beaches in that electorate to be optional dress beaches. That was irresponsible on all counts, because the people's concerns were not taken into consideration. The municipalities concerned did not want optional dress beaches. The people who use such beaches go into sand dunes and destroy the natural flora and fauna in the area. The result is that the Department of Conservation, Forests and Lands is now spending \$60 000 and more to repair the damage that has occurred in areas of Point Impossible.

There is also a demand for facilities for people who go to the coast. Those people want toilets and road facilities. Once again, the Government is refusing to meet these needs and is passing the buck to the municipalities, but the municipalities take the view that the Government started this project and should meet the cost of these developments.

I refer to another project which has a long standing and vital interest in Geelong, namely, the development for water sport facilities of the flood plain of the Barwon River. The Geelong Regional Commission could well shoulder that task, but it has not done so.

The Minister for Water Resources is well aware of the beautification schemes that the Geelong and District Water Board have carried out along the course of the Barwon River. There are beautiful and picturesque sanctuaries created at Queens Park and at the foot of Shannon Avenue. That is the direction the people of Geelong and the community want to head. They want the responsible Minister to give direction to the Geelong Regional Commission to get its act together, as this Bill entails, and call for submissions and plan so that orderly development will take place. We do not want a situation like at Belmont common, which has bird sanctuaries, minigolf courses, an area where dog owners parade their dogs and many other small interest groups find a corner here and there, but no overall coordinated plan for a proper and well planned development.

I was delighted that the Minister for Sport and Recreation took the opportunity, when he went overseas to visit Scotland at the expense of the Victorian taxpayers, to view the water sports centre in Nottingham. It embraces a great number of water sports including water skiing, rowing, canoeing, camping, angling, bird sanctuaries and a number of different activities that have been brought together in one particular spot.

That is something that could well take place in the flood plain of the Barwon River. We have seen in other States, especially Queensland, where wastelands have been redeveloped. Land has been reclaimed and dredging has taken place. Housing sites have been made

available on waste and vacant land. This is the sort of development that has been called for by the community in the Geelong area.

With the growth of towns like Barwon Heads, the suburban crawl will eventually go along the coastline, and take in farmlands which should be left as farmlands. An attempt could be made to dredge and reclaim areas of the Connemara Lake, not only for a bird sanctuary but for the ongoing needs of people wanting holiday homes and permanent homes in that area.

I direct the attention of the House, too, to the lack of regional planning in the placing of the new Barwon bridge. It will be a wonderful asset to redirect the traffic to those coastal areas during the holiday season. However, there has been a lack of proper planning in doing away with unnecessary traffic lights and putting in proper roundabouts and, ultimately, connecting the ring road from Lara around the back of Fyansford quarry over the Cares hills with the coast near Waurin Ponds. That is on the drawing board. Planners have acquired land, but have yet to plant trees along the highways.

I direct these matters to Parliament because planning and environment go hand in hand providing they serve the interests of people. They do not just exist to allow bureaucrats to frustrate development; nor do they exist to allow municipalities to hamstring people in the proper use of their properties.

I trust the Minister, when he retains certain rights to overrule schemes, will be mindful of the needs of the people.

I instance a case in Anglesea recently where concern has been expressed over the development of a surf lifesaving club extension, a club which has given wonderful service to the community. The redevelopment of the club site imposes some embarrassment for the club authorities because some residents consider that it will obstruct their views.

These buildings can be tastefully developed to exist in harmony with the coastal area. Perhaps we should take a leaf out of the book of some of the municipalities in Queensland which have removed the ugly, hideous tourist hoardings on buildings in coastal areas. When one looks at the Torquay surf club building, one should not see a sign advertising Foster's beer splashed across the building which is out of keeping with a building designed to blend in with the coastal area.

The same can be said about the Anglesea lifesaving security tower, which was kindly donated by Alcoa of Australia Ltd. Everybody knows that that is the case and we do not need a hoarding on that particular structure to advertise the fact.

I urge the Minister to allow the amendments proposed by the Opposition to be fully considered and to be mindful that, in the ultimate, it is Parliament that is accountable to the people. The Minister is accountable to the people and, providing people's needs are kept in mind to allow the proposed legislation to be the servant of the people, this will make for a better society.

Mr WILKES (Minister for Housing)—I thank the honourable members for Ivanhoe, Benalla and South Barwon for their contributions to the debate. Although I was not in the Chamber, I have received a note from my colleague which states that the honourable member for Benalla raised certain points that he wanted to clear up while the Bill is between here and another place. I shall be pleased to raise those issues with the Minister.

The motion was agreed to.

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

GOVERNOR'S SPEECH

Address-in-Reply

The debate (adjourned from March 19) on the motion of Mr Pope (Monbulk) for the adoption of an Address-in-Reply to the Governor's Speech was resumed.

Mr SHEEHAN (Ballarat South)—I am pleased to take part in this debate and to endorse the many positive remarks that have been made from this side of the House and particularly to congratulate the Governor on the Speech that he delivered on the opening of Parliament.

The five years since the Cain Labor Government came to office have been years in which a great deal has been said about its prospects and its value to the State. I think one could easily say that most commentators have seen far more positive actions from this particular Government in the five years it has been in power than could have been seen, from my experience and knowledge of politics, in the ten years prior to the Labor Government's election in 1982.

There have been some hard decisions to make and the Labor Government has not resiled from those decisions. The Labor Government has made reforms in relation to a large number of issues that were in need of attention and reform and they have passed successfully through Parliament. There is no real need for me to list those reforms at this stage other than to say, in general terms, that the Government has been successful and positive in governing the State.

In the early stages of the Cain Government, I suppose many people, especially those now on the Opposition benches who had been in government for a long time, saw the incoming Labor Government as a very short term, interim sort of Government and that the Liberal Party would shortly be back in power. That has proved to be untrue. The people of Victoria have readily recognised that this Government has approached the issues that concern the people of this State in a forward thinking and progressive way.

During the five years of Labor Government there has been reform, progress and concern for ordinary people in their everyday lives. These are the things that ensure that the Government will remain in power for a long time to come.

Other honourable members have indicated that the period during which the Labor Party has been in power in this State has been a watershed in Victoria's history. One needs only to consider the reforms in regard to the economy, the community welfare structures and so on to realise that they have been years of change and, in fact, the watershed.

The unprecedented period of change that has taken place worldwide was never fully envisaged. I suppose it is something that comes upon us in a way that not everyone can fully appreciate, particularly when many international forces are proving to be extremely influential on the State and national economies of countries throughout the world.

There has been unprecedented change in the world economy. Oil prices have decreased from some \$30 a barrel to approximately \$10 or less a barrel over two or three years. Therefore, the reduction in price of that commodity alone, which has a tremendous influence on world transport and world economies, could be regarded as unprecedented.

As a result, State Governments in particular, whose tax bases are relatively small, have had to respond in a very distinctive way. The response has had to be of a very high standard if the people of a particular State—in this case I refer to Victoria—were to receive the benefits to which they were entitled and be cushioned against adverse economic change.

I am sure everyone—including members of the opposition parties—would agree that the Government has attempted to plan and coordinate its response to that change. People on the Opposition benches will react in various ways and will say that they would have

done it differently. One would have to agree with that because, by doing it differently from those parties, the present Government has done it better.

That statement is borne out by the fact that the Labor Government was re-elected to office in 1985. It was obvious that Victoria recognised that the Government was doing its job, that its planning, coordination and approach to the various issues about which Victorians were concerned could be followed through successfully, and they returned the Labor Government to office.

Throughout the five years of Labor Government, it is obvious that the Government has planned and coordinated its response to the unprecedented economic change that has taken place worldwide, which has had a marked influence on the economies of all countries, particularly countries like Australia, which has a relatively small population and which, as a result, has what might be called a small domestic market in which to sell its products and develop its economy. Therefore, Australia has perhaps been required to bear the brunt of that unprecedented change to a greater extent than countries with larger populations have had to do.

There is no doubt that, prior to the five years of Labor Government, Victoria was performing poorly. The Government of that previous era was bumbling along from issue to issue and trying to address matters in a way which it believed would see the State through the unprecedented change. However, it is obvious that the former Liberal Government was not able to do that with the same charisma, dedication and expertise which have been displayed by the present Government.

During that time Victorian manufacturing industry had been allowed to run down to a point where there was grave concern about the manufacturing industry having any future in Victoria, particularly in the heavy engineering area.

Although the downhill movement in the manufacturing industry has been arrested, it certainly still requires much attention and assistance to return it to its former status in Victoria. The Labor Government's response to the manufacturing industry and its needs is important. The Government is addressing that matter.

During the pre-1982 period, much attention was paid particularly to the wool and mineral industries. I am sure many honourable members recall that it was expected that we would ride in on a mineral boom. The importance of agricultural products and their export value had been reduced.

The Federal Government of the day was hoping that a mineral resource boom would bring the economy back to an even keel. Of course, that did not happen either and the whole question of manufacturing industry has had to be addressed to enable it to return to its former glory so that it could play its part in Australia's future and continued economic growth, rather than relying, as was the case before a Labor Government, on the mineral boom, which did not eventuate.

When addressing the question of increasing our manufacturing base, there is a need to maintain at as high a level as possible those areas of our economy which traditionally have been valuable and important—I refer to the agricultural area.

On the overall scene with its unprecedented change, it could be said that the world economy was too quick on its feet for us, and we languished for a period of time. However, there is a marked increase in the amount of attention being paid to those areas at Federal level, and particularly in Victoria. There is certainly a marked increase in the positive effect that those areas are having on our economy, and Victoria is beginning to catch up; the world has not left us behind.

It has been necessary to reform some things in industry that have caused some pain. We have had to attack the world economy in a way which was not necessary before in terms of our attention to exports. Shortly, I shall provide some figures relating to the export

situation. The present situation exists only because of good coordination and planning by this Government in the face of unprecedented economic change.

Prior to 1982 the Liberal Government had lost its way and had been lulled into a false sense of security after having experienced a bubbling economy for many years. However, that was false security and, as often happens, the Liberal Government became frightened about making decisions. I am delighted to say that that phase changed with the advent of the Labor Government.

One area that has been of concern to all States and economies, particularly in Australia, is unemployment. On many occasions in this Chamber it has been said that Victoria has the best unemployment record in Australia. The unemployment scene in Victoria has improved in recent years. Victoria has had the best employment rate and the best record for reducing unemployment in Australia for almost four years. Unemployment is a difficult issue for Governments and families to deal with.

Mr Perrin—Mr Acting Speaker, I direct your attention to the State of the House.

A quorum was formed.

Mr SHEEHAN—I am delighted that members of the Opposition are so interested in my contribution that it was necessary to direct your attention to that fact, Mr Acting Speaker.

I wish to direct the attention of the House to some interesting statistics. In December 1982 the number of employed in Victoria was 1.7 million. In December 1984, two years later, that number had increased by 800 000.

From December 1982 to December 1984 the number of unemployed decreased from 8.6 per cent to 7.6 per cent. Although the world economy was undergoing an unprecedented change and the Australian economy was being adversely affected by a number of influences, it was still possible for the Victorian Labor Government to undertake proper planning measures and to assist industries that employ many Victorians to increase the number of employed and to reduce the unemployment rate. That is an indication of the significant achievements of the Cain Labor Government in that area alone.

Many people talk about unemployment and the need for something to be done but the Labor Government has adequately addressed the problem in many ways, although the level of unemployment must be reduced even further.

It is important that unemployment be seen in the overall context of the Australian economy. Many influences exist outside Victoria and Australia. It is my hope and the hope of the Government that we can continue to address that issue and further reduce unemployment.

The fact that Victorian exports have increased significantly in recent times is an indication of one way in which unemployment can be reduced. Exports will add to the wealth of Victoria not only in money terms but also by increasing employment. Many difficult issues associated with unemployment can be addressed through increased export production.

In 1973–74 Victorian exports amounted to \$1.5 billion and ten years later they amounted to \$4.7 billion. Perhaps honourable members could argue why that occurred and might compare former Liberal Governments with the current Labor Governments, but I have taken that ten-year period because it is important to recognise what happened before 1982 and to compare it with what has occurred in the past five years since the election of the Victorian Labor Government.

Since the election of the Labor Government there has been a dramatic increase in exports. More than \$1.3 billion has been added to exports in Victoria since 1982, which is almost as much as was exported in 1973–74. Between 1983–84 and 1985–86 there was a 33 per cent increase in exports from \$4.7 billion to \$6.8 billion.

It is significant that the Government has been able to turn around the economy at a time when many economic commentators agreed that Victoria was going through an unprecedented period of change, challenge and influences that were outside its geographical boundaries. It is a credit to the Government that those figures illustrate a substantial change from when the Liberal Government was in office.

The economic cake has increased. Victoria has a much greater wealth with which to work now than it has had previously. One reason for that has been the changes that have taken place in industry assistance, especially manufacturing, in the 1983–85 period when the Government decided to identify the economic strengths that existed in Victoria and provide assistance in those industries as distinct from the as-of-right application of assistance that was available prior to that period.

I know that our friends on the cross benches, the National Party, would be proud of the former Parliamentary member of their party, Mr McDonald, who was the chairman of a committee reviewing assistance packages. The committee put forward many of these ideas but they were never picked up by the former Liberal Government because it was too frightened to make political decisions that might prove unpopular.

In fact, I have a tape on which a former Minister for Economic Development—

Honourable members interjecting.

Mr SHEEHAN—Yes, tapes are a big issue at present. I have a tape on which a former Minister for Economic Development said that he was not sure that the money being made available at that time by the State was being well spent. However, he did not get the opportunity to put any ideas into action because the Government changed. However, the Labor Government picked up those ideas and added to them proposals which were put forward by the committee.

Many people agree that industries assistance, which is now directed to all forms of industry, is much more valuable to the economy than the as-of-right approach whereby industry gains assistance from the State Government whether it deserves it or not.

In the electorate I represent, a number of industries have benefited from package assistance being made available to them. During the period of this Government, a change of direction has taken place in the sort of approach that is taken to skills training and to the general question of retraining because our economy is “fast on its feet” these days and changes have to be made to accommodate the various needs of industry to ensure that skills are available in its manpower.

In relation to export and to the economy generally, I was recently involved in the launching of the National Industry Extension Service which, for the first time, brought together programs of assistance to industry that are available at both the Federal and State level. Although there has been a de facto type of relationship between those programs and the way in which they were proposed to industry, that tie has now been formalised to the point where the office of the Department of Industry, Technology and Resources has become the headquarters for both Federal and State schemes under what is known as the National Industry Extension Service. That is another step forward in coordinating and planning our response to the changes that have taken place in the economy.

Allied to that has been the marked decrease in the number of hours lost through industrial disputes. It is of significance that the recent figures indicate that the number of days lost through industrial disputes has been reduced to approximately 10 per cent of the disputation that occurred during the former Liberal Government's reign. Alone, that is a significant factor in the approach to an improved economy.

The tourism industry is of significance to Victoria. It has potential and, in the area I represent, it is growing in significance. Many people recognise that Sovereign Hill in Ballarat is one of the world's leading tourist attractions. The international visitors that have come to Victoria over recent years has increased markedly. In 1982 there were

334 000 international visitors to Victoria and, in 1984—the last year for which figures are available—there were 358 000, an increase of 7·2 per cent. That is an important area of Victoria's economy as it brings back what might be termed "new money". This is money that is not generated in Victoria but which is spent in Victoria.

We ought to be attempting to increase the tourism industry. One would hope that when figures are available for the latest period, that an increase will be seen beyond that of 7·2 per cent to around approximately 10 or 12 per cent.

On the overall scene, there is no question that the Government has been successful in the way it has planned and coordinated its approach to the economy. It has been resourceful and its decision-making has added to its impetus and to the public's perception of a worthy Government.

Mr ROSS-EDWARDS (Leader of the National Party)—I am delighted to have the opportunity of taking part in the Address-in-Reply to the Governor's Speech. I take the opportunity of complimenting the Governor, Dr Davis McCaughey and Mrs McCaughey on the completion of their very distinguished first year in office. Dr Davis McCaughey is a cultured, well-educated man who has dedicated himself to Victoria over the past twelve months and he has been ably assisted by Mrs McCaughey.

I pass on to His Excellency the Governor to be transmitted to the Queen, the loyalty to the throne of both my wife and myself and the constituents of the electorate of Shepparton whom I have the honour to represent. I am a great believer in the monarchy and the Westminster system. It has worked with great success and it has proved itself in the test of time. We are fortunate to have a situation in which governments come and go, but the governments representing the monarchy continue on.

The old expression, "The King is dead. Long live the King", is a true expression and typifies a wonderful system.

Recently, I was unfortunate to spend some days in court and it was necessary——

Honourable members interjecting.

Mr ROSS-EDWARDS—I still did not get an apology, of course. I had the experience of explaining to the court what the Westminster system meant and also what were the rights of Opposition Leaders so far as the Governor of Victoria was concerned. A misguided journalist had stated that Leaders of the Opposition were not permitted to talk to Governors or Governor-Generals without first obtaining the permission of the Premier or the Prime Minister, whatever the case may be. That, of course, is quite wrong.

It is up to the Governor of Victoria to decide when he sees the Leaders of the opposition parties. The Minister for Housing, when he was the Opposition Leader, often visited the late Sir Henry Winneke when he was Governor of Victoria, sometimes at the request of Sir Henry and sometimes at the request of the then Premier. I have been in a similar position.

The Government has often misunderstood the role of Opposition Leader. Of course, Opposition Leaders do not give advice on political matters, but they are a valuable contact point for the Governor of the day with sections of the Victorian public. That has been recognised by successive Governors and I have appreciated my close association with Sir Rohan Delacombe, Sir Henry Winneke, Sir Brian Murray and Dr Davis McCaughey.

I put that view quite clearly, because it would be a sad day if the Governor of Victoria was cut off, not only from opposition parties, but also from leaders of industry and commerce, sport and community affairs. Those people go to Government House nearly every day of the year. It is an open house in which the Governor is the centrepiece. That contact keeps the Governor in touch and gives him a balanced view of what is occurring in society.

The Governor also plays host to many distinguished visitors who visit Victoria from time to time. I am delighted that more distinguished visitors are staying at Government House. Recently, a Chinese delegation consisting of nine people stayed at Government House. That was a wonderful gesture by the Governor and I am sure that those Chinese visitors will go back to China knowing more about Victoria by having that personal contact with our Governor at Government House.

Some members of the Government still have difficulty in understanding the role of the Governor, but after being in office for five years I hope their understanding is more balanced and more fruitful than it was when they were in opposition, because some of them had the view that they had something to fear. The Governor's position and Government House goes on regardless of who is in government. He has an independent role. Politicians come and go, but the monarchy goes on forever. The honourable member for Richmond shakes his head, but he lacks the experience of those people who have spent a lifetime in Australia and who have seen how the British and Australian systems have worked for so many years.

There are two matters to which I wish to refer at some length. The first concerns the economy of the State and the second concerns the problems of primary producers. I shall not say nearly as much about the economy as I originally intended, because I now discover that I am able to speak during the Supply debate in the near future and perhaps it would be more fitting if I kept some comments for that.

The Government has been in office for exactly five years, which was mentioned by the honourable member for Ballarat South, despite the fact that during the greater part of that period it has not had a majority in the Upper House. Members of the Government, after being elected to office, were paranoid about what might happen in the Upper House, despite the many assurances that I gave them on behalf of the National Party that the Labor Party was the democratically elected Government and, unless a most extraordinary set of circumstances occurred, they would remain the Government for the full term of office.

People tried to say, "What are the most extraordinary set of circumstances which could happen?" It is hard to define something that has not happened in the twenty years that I have been in this Chamber. An eminent Queen's Counsel said to me, "It is a subjective judgment", and I said, "I suppose it is". However, it is a judgment that a responsible leader and a responsible political party might have to make. That set of circumstances has not arisen and if it did the National Party would not act hastily or overnight. The matter would be given serious consideration, because I realise that to dismiss a democratically elected Government is a serious step and to do it one needs good cause, the public of Victoria behind you and, from a political point of view, one would have to be assured of winning the ensuing election.

All Governments do stupid things from time to time but, generally speaking, when sufficient pressure is put on them, they react positively. That happened to the present Government on two or three occasions when they put themselves in danger and did some stupid things, but they pulled back when the pressure was applied. It says something for those Ministers who are members of the Cabinet.

During the past five years Victoria's economy has deteriorated. To say that Victoria is leading the way in economic growth is fanciful. The fact is that Victoria is the tax capital of Australia; Melbourne has the highest inflation rate of any capital city in Australia. There is silence from the Government benches because that is true.

There is a need, not only in Victoria, but also throughout Australia, for restraint. Governments are recommending this and I know that the Government is not looking forward to next May when its representatives will meet with their Federal colleagues to ascertain the financial program for the ensuing twelve months. The news will not be good for Victoria or for any other State. Victoria, as do other States, will need to tighten its belt and, speaking pragmatically, that is overdue.

Not one of us welcomes cutbacks in Government expenditure. I shall continue to ask the Premier and his Ministers for money to be spent in various ways. I see no conflict in that. Honourable members have varied views on how the dollars should be spent. Ministers have conflicting views on that matter. I do not apologise for asking the Government to support causes in which I believe. The Premier, from time to time, has named those various causes. The Government is wasting money in some areas and that money could be better spent in other areas.

I have mentioned on other occasions the way in which the Government is wasting money and I shall not go through that list today, but the honourable member for Richmond knows my views and I know that he does not agree with them.

The people of Victoria have had enough of the Labor experiment. They are sick and tired of it and they know that Labor Governments are big spending and high taxing Governments. Hard decisions will have to be taken in the months ahead.

An interesting, almost comical, situation occurred on 9 March when the people of Victoria celebrated Labour Day. Labour Day originated as Eight-hour Day. That celebration is no longer called Eight-hour Day because the seven and a half hour day is universal. It has now become the Moomba weekend rather than Labour Day weekend because the whole concept of an eight-hour day has long since gone.

Even members of the Government would agree that the best way for Australia to lift itself from the economic mess that it is in would be to reintroduce the eight-hour day. I want to keep the standards that we have in Australia, the remuneration and benefits that the "workers" have.

I do not want those standards reduced. The only practical way in which to keep those standards is to have a longer working week—I suggest 40 hours—and genuinely to work during those hours. I am quite sure that the workers, their wives and families would much prefer to work 40 hours and get the same benefits than to work 35 or 38 hours a week and have a reduced standard of living.

This situation must be faced in Australia. I fear that an easy way out will be taken and Australians will end up with a shorter working week and a reduced standard of living. If so, it will be tragic for many people. It will shatter the dreams of many people to own their own homes; it will shatter the dreams of many parents to give their young a better education; and it will shatter the dreams of many people for holiday plans, and so on.

Up to a few years ago there had been a steady increase in Australia's standard of living since the end of the second world war. Now, Australia faces a relatively reduced standard of living. It is no use arguing the toss about whose fault that is. The fact is that to get out of it will mean harder work and longer working hours for the workers of this country.

I refer to agriculture and rural affairs but before going into any detail I shall mention a matter that I shall address calmly because I will be speaking to the Premier about it today. I have refrained over recent weeks and months from making this a public issue because I felt it should be beyond politics and I shall not make it a political issue now. In closing down the Newmarket saleyards the Government has decided—and I do not disagree with the Government's decision—to redevelop that wonderful area. No doubt it will become a showpiece. The stock agents of Newmarket have continued sales there while the development of a new complex at another site is proceeding. It will be ready for occupation, it is forecast, on 1 July 1987.

The plan, as of today, is that the Newmarket sales will finish next weekend, 1 April. However, the land at Newmarket is not needed for the new project at this stage. At this point the land to be handed over has not been touched. The yards are still there. The agents can immediately hand over one-quarter of the yards under their control. At present, the yards are operating at a profit for the Melbourne City Council. They are of benefit to Melbourne, to Victoria and, particularly, to the farming community of Australia.

Through sheer pigheadedness the Government has said that it will force the Newmarket saleyards to close on 1 April with the result that for three months there will be no central market in Victoria. This decision will cause unemployment—unnecessary unemployment. Ministers, for their own good reasons, have said that the decision has been made and they will not change the decision. That is a sad state of affairs because logic has gone out the door. The Newmarket saleyards could be continued on a week-to-week or fortnight-to-fortnight basis and nobody would be inconvenienced—there would be jobs, a service would be provided to the farmers of the State, and Victoria would have a central market.

Not many people realise that more cattle are sold at Newmarket than at any other market in Victoria, although Wodonga sells virtually as many cattle as Newmarket but no other market approaches it. I make a desperate plea to the Government to reconsider this decision. Nobody wants to frustrate the development of the Lynch's Bridge project. It is a magnificent concept but it is running months and months behind schedule. I do not blame anyone for that because there are real problems there; however, the Newmarket sales could continue for a short period.

The land is not needed as at 1 April. It will not be needed for some time. For the sake of an extension of a few weeks there could be continuity between Newmarket and the new site at Sunshine. I hope the backbenchers of the Government party will support me on this issue. It is not a political issue. It is logical and it is commonsense. The matter is in the hands of the Government. I appeal to Government party members to support me on this issue. For those who want to do something for the farmers of Victoria this is something that they could do and it would not cost the Government a cent. It would bring in money.

The Government's decision will cost jobs. The decision is pigheaded and illogical. I cannot understand it. I shall say this for the Premier: every time I have taken a proposition to him where I have had logic on my side he has agreed to it. If he had a good political reason for disagreeing, I could understand it, but there is no political reason for disagreeing with me and logic is on my side.

One could not get a more reputable, hard-working, decent group of businessmen than the stock agents of Victoria. They are first-class in their dealings and they have done everything right by this Government. They are being frustrated by a Government decision that is nobody's fault but a fault of the system. The Minister for Housing, as a former Minister for Local Government, had dealings with stock agents in the early stages of the proposal to close the Newmarket saleyards and he will vouch for their integrity and their high standards.

I am sorry to be spending so much time on this issue but a matter of great principle is involved. The Government's decision, if unchanged, will cause hardship to stock agents, employees, and farmers. I make a last minute plea to the Government. As I said, I will be speaking to the Premier later today. I cannot believe his decision will be "No", when the logic is so obvious and the need is so genuine.

The Labor Party's record in agriculture and rural affairs is not good. I suppose one can put that down to the Government being a city-based Cabinet. There is little understanding of the problems of country Victoria and it is true that those grave problems are not the fault of this Government. The basic problems are caused by events beyond the State Government's control. There have been adverse conditions, particularly in the Mallee; overseas countries like the United States of America and members of the European Economic Community have subsidised their grain growers at a time when world prices have been falling and the cost of production has been rising steeply.

However, the Government of Victoria could have done more for grain growers. The Government cannot solve all the problems but it could have done something. The Government could have given grain growers some basic assistance. The Government has not done that. The cruelest action of the Government was to impose the public authority dividend on the Grain Elevators Board. As a result, the Government has raised \$16 million out of wheat growers' pockets. As the honourable member for Balwyn interjects,

virtually all the capital raised by the Grain Elevators Board over the past 40 years has been put in by the grain growers of Victoria. As well as the input of capital, they have paid interest on loans. For the most part, the board has been controlled by growers.

Suddenly, the Labor Government said that the board is a Government investment and it ought to pay the public authority dividend. That is an action too stupid for words. The board was well run and efficient and it did not require Government funding. It raised loans with a Government guarantee and the loans were paid back by the industry. As I said, for the most part the board was controlled by growers. The board had on it Government representatives and a Government-appointed chairman to ensure that the Government's interest was well cared for. The reduction or abolition of this tax would have been one way the Government could have helped grain growers.

The average debt of the Victorian grain grower is \$126 000. I suppose it is not hard to say: what does an average debt mean? However, that is what the average debt amounts to. Most of that debt was incurred when the interest rates were 8 or 10 per cent. Today most grain growers are paying the equivalent of 20 or 21 per cent in interest. There is no way with the present price of grain that they can survive paying interest rates of 20 or 21 per cent.

It is quite easy to work out. If one takes the so-called average debt of \$126 000, that means a grain grower is paying interest of somewhere in the vicinity of \$27 000 a year. When one considers that the income of the average grain grower is in the vicinity of \$35 000 a year, one realises that all grain growers are in a desperate position.

Grain growers are not being looked after so far as rail freights are concerned. Also, grain growers are not being looked after as well as they might be so far as interest rates are concerned. Larger concessions could be given by the Government.

One must remember that grain growing is an essential part of the economic structure of Victoria. The grain industry is here to stay. It is a very valuable export earner. Victoria needs the export income and the efficient grower must be looked after in his hour of need because the cycle will turn and grain growing will become a prosperous industry again. If we are not careful we will lose a high percentage of efficient, experienced and hard working grain growers.

A few days ago an interesting article appeared in the *Australian Financial Review* stating that the production in the two big grain growing countries of the world—China and Russia—was going down due to climatic conditions. The article said that, although production was not going down dramatically, it was going down substantially in those countries.

That is the history of the industry. However, we face the situation where we have had bumper crops around the world for a considerable time and that has put us under pressure with the high costs that are imposed on the industry. Our industry is also under pressure, as I said before, because the United States of America and the European Economic Community countries are providing subsidies to their grain growers. At the same time Victorian grain growers are not only facing increased Government taxes and charges, but also their incomes from grain growing are decreasing.

I make an earnest appeal to the Government to try to ensure that the efficient grain growers and the efficient primary producers in this country survive the present crisis. It is a crisis. On Friday a couple visited my electorate office. They have budgeted to live on \$100 a week. That amount has been allowed for their household and food expenses and other odd items. They do not mind doing that for a year or two if it means they can survive and hand over the property intact to their son. If it means they have to go off the property—I point out that this is the third generation of that family on the property—it would be a sad state of affairs.

It is in the hands of the Government. I am not suggesting that people who are inefficient and who have too high a lifestyle should be helped out of their mess. I am appealing on

behalf of the hard working, efficient and prudent farmer, who has pulled in his or her belt to the tightest knot, for the Government to show consideration and help in his or her hour of need. Grain growers are the backbone of the country; they provide export income, jobs and the wealth of the State.

I know the Government does not understand the problem but I ask it to give grain growers consideration in their hour of need. It is a matter that should not be political; it is commonsense and deserving of the sympathy and understanding of this Government.

Mr WILLIAMS (Doncaster)—I pledge my allegiance and that of the electors of Doncaster to Her Majesty Queen Elizabeth II. I also wish to pay my respects and their respects to her representative in Victoria, His Excellency the Reverend Dr Davis McCaughey and his charming wife.

I completely agree with the Leader of the National Party that we are very well served in the Queen's Vice-regal representative in this State. Guests of mine at the opening of Parliament were privileged to have a conversation over afternoon tea with the Governor in the marquee and they were enchanted at the charm of the Governor and his interest in their affairs. Although I freely admit to you, Mr Speaker, that they were tied up with me politically, His Excellency was also very interested that I had with me two senior party officials in my area who were both ladies.

I recognise the great contribution that a Governor can make to this State, especially in the moral sphere. His Excellency was a moderator of the Uniting Church and I welcomed in the Governor's address some moral homilies of the old Presbyterian-Methodist kind that I heard as a boy.

Like the Leader of the National Party I am a great believer in the Westminster system that we inherited from Great Britain. I think what happened on Saturday was an extension of the greatness of the democratic system. On behalf of my party I was the captain of a polling booth at Epping North. I was pleased that Government Ministers had come along to that polling booth to hand out tickets alongside me and my colleagues. We got on happily to the annoyance of some representatives of the minor parties, one of which I do not think you approve of, Mr Speaker. One of them rebuked me and said that I should not be so friendly towards the Ministers. However, that is what democracy is all about. The Minister for Housing knows about the matter of which I am speaking and he may advise you, Mr Speaker, how he was verbally assaulted by a zealot from one of the minor parties.

Mr Wilkes—I thank you for your protection on that occasion.

Mr WILLIAMS—I look around this great Chamber and see the magnificent architecture and remember the even better architecture in the other place. I have travelled to many of the Westminster Parliaments and I, and I think most of us here, would claim that our Parliamentary buildings are second only to Westminster.

Mr Sidiropoulos interjected.

Mr WILLIAMS—I recognise a former inhabitant of Greece and I point out that I am proud of the Grecian and Roman architecture in this place and in the other place. The honourable member for Richmond should go to the vestibule and view the mosaic. I, like him, would like to see the great dome built above the vestibule—something Victoria has been waiting for for 100 years.

An Honourable Member—Is it Doric or Corinthian?

Mr WILLIAMS—Very well said! So far as I am concerned, our Chamber is Ionic and the other is Corinthian—with a dash of the Roman.

Queen's Hall is a replica of the House of Commons Queen's Hall. The vestibule measures 44 feet square. If it had been built to the design of the original architect, it would have been 134 feet high, making the height of the building something like 256 feet. I regret that, because of the collapse of the goldmining boom, successive world wars and the great

depression, the building of Parliament House has not been completed. I hope if the Liberal Party is re-elected to government—as we all fondly hope it will be after the results last Saturday—the building will be finished to its full magnificence.

If our colleagues in Canberra can spend \$1 billion on their ostentatious edifice, surely we can spend \$20 million or \$50 million on bringing this Parliament to its fullest glory where it would be a tourist attraction. I for one would like to see that great dome installed, with the sun shining on the motto outside in the vestibule because thousands of people must walk over that great motto daily and not realise its magnificence. I want to see this building completed in my lifetime.

The problems of this State and this nation are not all of material or political significance. There is much ado about hedonism and self-indulgence that afflicts this nation, and there is disrespect for others. All the social justice strategies in the world will not cure the malaise inflicted on us by the deadly sins of gluttony, envy, sloth and all the other offspring of self-indulgence. The cult of greed and permissiveness and the pursuit of instant gratification are rooted in most of the problems of modern society. They have been the downfall of many other societies.

I spoke a moment ago about the former greatness of ancient Greece and Rome. What brought down the two greatest civilisations the world has seen was the fact that people lived for the day. They lost all sense of moral values, and in ancient Rome it was daily bread and circuses. That is all people cared about, they all congregated in Rome and no-one would do any work. Of course, high taxation was at the bottom of it. The people who would work, those producing food, would not work in the end if they were overtaxed.

I quote to the House the Book of Isaiah which says;

Without a vision a nation perishes.

If we do not follow some moral standards in the Westminster system we must expect the worst.

I do not want to be sanctimonious, but I would say that the greatest plague that is now afflicting our society is AIDS. It is the worst plague since the Black Death. The Royal Society of Medicine claims that within five years the spread of the AIDS epidemic will be unparalleled in history.

Statistics indicate that three out of every four drug users in New York are now afflicted with the AIDS virus. Australia follows about six years behind the United States of America and, therefore, the cities of Melbourne and Sydney will be in a similar situation if we do not take serious measures in education and persuasion to try to stop people from engaging in permissive activities that spreads AIDS. It is estimated that within five years there could be up to 12 000 AIDS infected drug users in this country. There could be at least 50 000 carriers of AIDS, of whom one-third would die. In New York 80 per cent of children with AIDS were born to drug users.

The Parliament has a great deal on its conscience because a few years ago a Liberal Government, almost without protest—there were a handful of protesters, including me, on a conscience vote—passed a Bill for the legalisation of homosexuality. Parliament has an obligation not to give credence to those people who want to engage in homosexual activities.

Equally deplorable is Parliament's action in decriminalising prostitution and legalising massage parlours. There are now over 40 such legalised establishments in the City of Melbourne. Those establishments are patronised by 40 000 to 50 000 males each week. If the parlours are associated with the spread of the AIDS virus we have done a dreadful service to the citizens of this State. Regrettably, there are some people in our community who want to decriminalise drugs. I do not know how much those people know about the underworld and the drug trade because the drug trade is virtually the monopoly of the underworld.

The world's most frightening criminal organisations, the Triads from Hong Kong, are now in this country in force, particularly in Sydney and Melbourne. Those organisations are importing drugs worth hundreds of millions of dollars. Their members are obtaining enormous wealth from Hong Kong before the Chinese take over in 1997. The Triads dominate the Australian wholesale heroin market.

Of the estimated \$1200 million worth of heroin smuggled into Australia last year, the Chinese syndicates, particularly Triad 14K, accounted for approximately \$900 million. They are the real killers of our young and the cause of two-thirds of all the burglaries, armed robberies and other crimes against property that occur in this State.

The cult of greed and hedonism is largely behind the economic troubles of this country. The extent of debt is now unbelievable. Personal debt amounts to \$240 billion; State and local government debt is something of the order of \$55 billion; and Commonwealth Government debt is \$75 billion to \$100 billion.

The chickens are now coming home to roost, and there must be a savage reduction in living standards in this country if we are to pay off the \$100 billion overseas debt, equal to approximately one-third of our gross domestic product. That can be achieved only through the conciliation and arbitration system.

Hourly wage costs are above those of any other country with which we compete. Recently the Australian Conciliation and Arbitration Commission saw fit to increase wages by \$10 a week. However, that is not the end of the matter. By the time one adds costs for holiday pay, insurance loadings and all the other oncosts, the total figure is approximately \$15 a week; and, if the reports are correct, even that amount is to be further increased later in the year.

Australia is in serious economic trouble; we all know it. There is a colossal deficit in Australia's balance of payments—something like \$1 billion a month. The amount the country receives for the exports it contributes relative to its imports has dropped to the lowest level this century and that figure should be known by every leader of business and trade union in the country. One cannot slice billions of dollars off available real goods and services without having to do a great deal of belt tightening.

The London *Economist*, probably the world's greatest financial journal, only last month said that Australia was a world economy with a first-class standard of living but that it risked becoming a Third World economy with a Third World standard of living. That is something that I do not want to see happen, and I am sure that all honourable members would agree with me.

Next to the economic difficulties of this country, organised crime is the second most worrying problem facing the nation. We are fast becoming like some of the South American countries that are run by drug barons. Even countries like Brazil and Argentina can be likened to Australia. They are enormously rich in resources but overrun by a horde of robber barons who are above the law. They are untouchable because of increasingly weak mechanisms of control by Governments.

I am concerned at the dozen or so Mr Bigs at the top of the organised crime pyramid in Victoria, New South Wales and Queensland. They must be wiped out before the nation can hold its head high and say that it is a true disciple of the Westminster system of government.

I am pleased at recent events, particularly involving the National Companies and Securities Commission, that have led to a crackdown on people who are misusing the free market of the stock exchange for ramps and rorts that are a disgrace to us all. Some people are sceptical about the infiltration of organised crime into our great financial institutions; but I remind them of a study by the Quebec Crimes Commission that showed that one head of a criminal organisation in Quebec held beneficial interests in at least 38 legitimate companies.

The DEPUTY SPEAKER (Mr Fogarty)—Order! The honourable member will relate his speech to the Address-in-Reply.

Mr WILLIAMS—It is related because that figure was investigated by the Costigan Royal Commission and I am sure that you, Mr Deputy Speaker, are aware of the findings of that commission. Mr Doug Meagher, Mr Costigan's top lieutenant, said his investigations would place that Quebec criminal among the less significant of those identified by the Costigan inquiry. Some of the top business criminals in this country obtain their money from New York, Montreal, Chicago and those sorts of places.

The people who made their fortunes at the turn of the century on illegal booze and gambling went to New York and that money has now been invested throughout the Free World. Some of it, regrettably, has been invested in this country.

Dozens of authors such as Bob Bottom and Alfred McCoy and a man named Ovid de Maris in the United States have constantly pinpointed the areas of Australian business penetrated by organised crime and they have even signposted individuals.

There is no doubt in my mind, based on the investigations of the Costigan commission, that vast amounts of shady money are held in readily realisable forms within the legitimate financial system of this country, hidden behind false names, company facades, solicitors' trusts and similar organisations.

The way Mr Costigan was able to obtain evidence was by following what he called "the money trail". Since the demise of the Costigan Royal Commission, the National Crime Authority and other police authorities have not had adequate numbers of highly skilled, intelligent and equipped staff to follow the money trail.

It is most important that the Victoria Police, the National Crime Authority and the National Companies and Securities Commission—all of which are in full or in part the responsibility of the Government—have the resources to prosecute the Mr Bigs whose activities are well known to these authorities.

It is outrageous that clandestine telephone taps have revealed currency movements overseas by a well-informed Mr Big who is on the inside of a top Government institution and who knows a great deal about currency transfers. It is disturbing that the same man was involved in the Moffit inquiry and the company that he headed was clearly established by the Moffit inquiry as having close ties with Mafia money—Mafia money was invested in it.

People of that ilk are so powerful in this country that they are beyond any influence. In fact, their political influence is probably greater than that of any honourable member in this place. If enough resources are devoted to the successful prosecution of this handful of men who dominate the criminal business scene, we might be able to look forward to the 21st century with much greater hope than we have now.

I deplore the fact that the New South Wales Evidence Act was changed to hide the activities of people engaging in these money-making activities.

The DEPUTY SPEAKER (Mr Fogarty)—Order! I have given the honourable member a great deal of latitude. He should relate his remarks to the Address-in-Reply. He is in New South Wales now; he has been all over the world!

Mr WILLIAMS—I am trying to give the House evidence of the fact that organised crime is the greatest threat to this nation.

I am sure that you, Mr Deputy Speaker, know something about meat. The meat rackets in this country have not ceased. The meat substitution racket now going on in this State and in New South Wales could threaten the very future of the meat trade in this country.

Australia's lower grade meat, in the form of buffalo, donkey, kangaroo and low-grade mutton destined for the pet food manufacturers, is being diverted for sale as hamburger

beef in the United States of America. Even legitimate beef, heavily contaminated with drugs and not approved for use in the United States of America, is being sold there.

Do not cry to me, Mr Deputy Speaker, if the meat industry that you love so much suffers massive unemployment within the next twelve months because the Americans ban meat exports from this country.

Organised crime is the enemy. It is a threat to our way of life. We must employ the best lawyers, the best analysts and the best accountants to fight it. There can be no bigger enemy to our decent and free democratic way of life than organised crime. The authorities that I mentioned earlier must identify criminal organisations, the people in them, their activities and their connections with legitimate business and finance and, unfortunately, with law professionals, all branches of the Public Service and even Parliament.

The vast assets and wealth of these criminal businessmen must be ascertained and officials must not be hindered by nineteenth century concepts of civil liberty and presumed innocence. Prosecution authorities must have publicly available all the confidential reports of accountants, financiers, banks and lawyers, which must be examined and cross-referenced through computers and all other techniques of modern investigation analysis.

I do not want to see in this country what has been seen on television in the past few weeks. I refer to the horrifying television story of how the American Mafia gained control of the New Jersey city of Newark and reduced it to ruin. I do not want that to happen to Melbourne or Sydney.

I am fed up with the triviality that occurs in the Parliaments of this country when the real enemies are these people who are perverting our democracy and undermining our business and financial institutions. Day after day, the financial columns of the country's newspapers contain evidence of criminality at the heart of our financial and business system. That is why I have endeavoured to persuade the House that criminal businessmen do exist in this State. They have close links with the United States of America and they must be stamped out.

The sitting was suspended at 6.13 p.m. until 8.5 p.m.

Miss CALLISTER (Morwell)—It is my privilege to contribute to the debate on the motion for an Address-in-Reply to the Governor's Speech. I congratulate His Excellency the Governor on the depth of the speech he made on the occasion of the opening of Parliament. On behalf of the people in my electorate I extend sincere and warm greetings to both His Excellency and his wife and compliment them on the magnificent way in which they are undertaking their duties and especially the way in which they are moving around Victoria meeting ordinary people.

Last year the Morwell electorate received a visit from His Excellency Dr Davis McCaughey and Mrs McCaughey and, on that occasion, they showed that they had a strong interest in the social sector organisations and the individuals involved with those organisations.

While in the electorate, Mrs McCaughey made a speech at the opening of a child-care centre in the Shire of Morwell. Her speech was a strong statement of support for services of that nature that help to strengthen the family and provide much needed child-care services for the children of working women, single parent families or for those families who need child-care support because of other circumstances affecting their situations.

It is my observation that the Governor's Speech is really about the meeting of the challenge. The Speech commenced with the statement of the difficulties that confront Victoria and confronted Victoria when the Labor Party took office. The first page of the Speech stated:

It is a time of unprecedented economic change in the world at large and, of necessity, in Australia. It is on the calibre of our response to these changes that Victoria's future depends.

The planning and coordination of that response is the prime task of my Government. In the context of past and contemporary events, it may well be called an historic task.

Elaborating on that basic theme of the Speech, the Governor went into measures that will be undertaken in Victoria during this session to correct disadvantages and to strengthen the base of Victoria's economy. Indeed, it is a good statement of the goals that this Government has put in place. It is all about building on our strengths and confronting our weaknesses so that in the end result there will be more jobs for Victorians, young Victorians in particular, and individuals and families will have their needs better met through the support systems that they rightfully require in the 1980s.

It is the determination of this Government that the social and economic well-being of Victorians should be met through a fair and equitable distribution of the resources available to Government in carrying out its programs. The Government so far can rightfully emphasise that it has achieved scores on the board since it took office in 1982.

In this regard I direct attention to the Government's outstanding record of employment creation. For the past 44 months this State has achieved the top rating of all the States in terms of having the lowest unemployment rate. For 44 months Victoria has held the leadership position when compared with the rest of the nation.

That is something of which members of the Government party are rightfully proud, and they will put their efforts into sustaining and improving it. We want to see even more growth and job creation for Victorians so that the terrible problem of unemployment can be reduced even more over forthcoming years.

The record of private investment in Victoria is also worth highlighting when considering the general achievements of the Cain Labor Government. At this point, I seek the leave of the House to have incorporated in *Hansard* two graphs relating to employment achievements.

The ACTING SPEAKER (Mr Kirkwood)—Order! Has the Speaker examined and approved the graphs?

Miss CALLISTER—Yes, Mr Acting Speaker.

Leave was granted, and the graphs were as follows:



Miss CALLISTER—The graphs illustrate the employment achievements of the Cain Labor Government to date. In addition, they illustrate the private business investment achievements that are occurring under the auspices of the Victorian Government.

The Government has reversed completely the negative position that prevailed when it took office. Compared with the rest of Australia, Victoria is leaps ahead in that regard, and that is reflected in the number of jobs that have been generated in this State. By using any reasonable measure one notes that this State is achieving results under the policies of this Government.

I should like to amplify on the general points that have been raised in the Governor's Speech and also to relate to the Latrobe Valley some of the details I have mentioned. The economy of the Latrobe Valley is based substantially on the resource of brown coal. It encompasses a huge power industry, and 85 per cent of Victoria's electricity is produced in the Latrobe Valley. To date, only 2 per cent of the total brown coal resource that is economically winnable has been used. Obviously, it will be a point of strength in future developments in the Latrobe Valley to build on the fact that we have a massive brown coal reserve which can quite easily be mined.

The Latrobe Valley also has an important pulp and paper industry which employs a significant number of people. Of course, in doing that directly, it is responsible—as is the State Electricity Commission—for a wide range of support industries, from the engineering through to the retail sectors.

The economy of the Latrobe Valley is diverse. Although it is dominated by the State Electricity Commission, it embraces a wide range of other activities, from primary industries to service activities.

At this point I again seek the leave of the House to have incorporated in *Hansard* a graph detailing the employment profile of industries in the Latrobe Valley.

The ACTING SPEAKER (Mr Kirkwood)—Order! Once again I ask the honourable member whether the Speaker has approved the graph.

Miss CALLISTER—Yes, Mr Acting Speaker.

Leave was granted, and the graph was as follows:

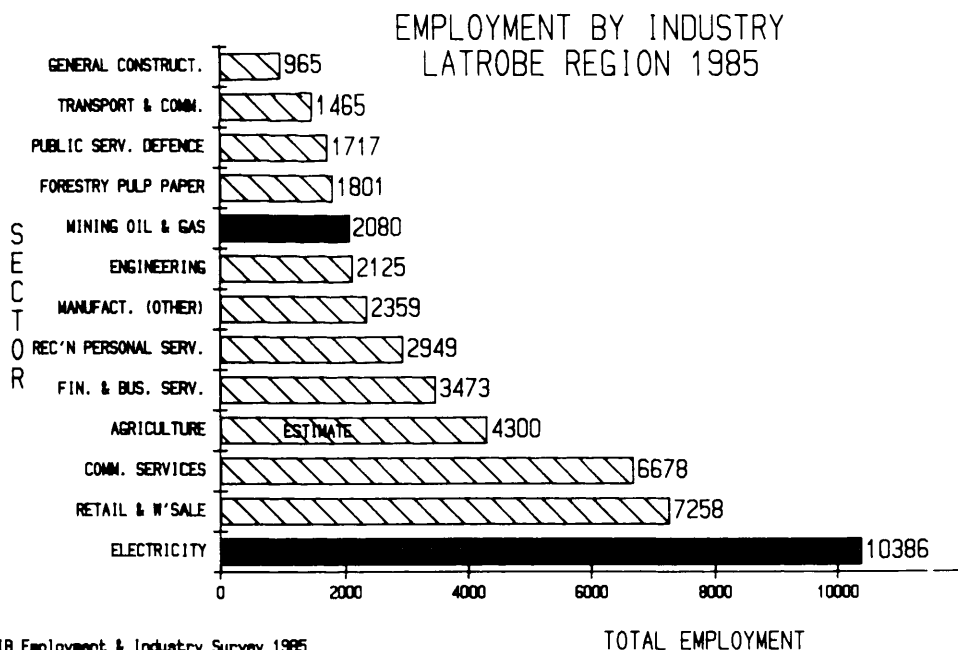


FIGURE 4

Miss CALLISTER—The graph shows that people are employed in a wide range of areas: in the retail and wholesale; commercial services; agriculture; financial and business service sectors; in the recreation—personal services; manufacturing; engineering; mining, oil and gas; forestry, pulp and paper; public services and defence; transport and commerce, and general construction sectors.

The graph takes into account that area which is covered by the Latrobe Regional Commission, which extends from Moe to South Gippsland and through to Sale. Therefore, it incorporates quite a wide geographical area.

The Government has set its mind on having as a top priority for the Latrobe region the setting up of a framework for a strong and enduring regional economy. Anyone who is familiar with the Latrobe Valley will be aware that, over past decades, it has been extremely vulnerable to the boom and bust pattern. Therefore, it has been a top priority of this Government to introduce measures that will help to modify and stabilise that fluctuating situation, which will result in a much less stressed community that will not have to cope with dramatic growth followed by dramatic declines.

One of the chief measures in attempting to achieve that stability is the creation of a wider economic framework.

The ACTING SPEAKER (Mr Kirkwood)—Order! The conversation level is fairly high, and I am sure *Hansard* must be finding it difficult to hear the honourable member because I am having difficulty.

Miss CALLISTER—Thank you, Mr Acting Speaker. I am glad my speech has stimulated so much discussion in the House!

Obviously, one of the key factors in achieving stability of growth in the Latrobe Valley is ensuring that the demand for electricity remains constant and that a steady growth pattern is associated with it. Therefore, it is extremely important to people in the Latrobe Valley that the rest of the Victorian economy is in fine form because that means that the demand for a major product from that area is enduring and improving.

The Government's successful renegotiation of the Alcoa project when it came to office was extremely important for people in the Latrobe Valley. As honourable members would be aware, the first stage of that project was officially opened on 9 February.

I assure the people of Portland that it was a significant event not only for them but also for people in the Latrobe Valley in the light of the fact that, at the end of the former Liberal Government's regime, that project was put on ice. Naturally, as one could imagine, that created a deep concern about the future of the Latrobe Valley should that project not be renegotiated and recommenced.

The Government has also developed a strategy for balancing the supply and demand of electricity to the mid-1990s, including the development of the Loy Yang "B1" and "B2" power stations. An important plant life extension program is occurring at the Hazelwood power station, which will ensure the retention of a significant part of the State Electricity Commission's work force at that power station.

When we agreed during the course of the last election campaign to undertake that plant life extension project, we were criticised by the Opposition spokesman on energy. That honourable member implied that that project was undertaken only to please the unions. I assure the House that, although I know that the unions are very pleased about it, it is a project that makes very sound economic sense for the rest of the State and very good occupational and economic sense for the local area.

Another important measure the Government has undertaken in the Latrobe Valley has been the establishment of the Latrobe Regional Commission. The commission has a wide charter and an economic brief of great importance that deals both with existing industries, to strengthen and foster them, and also with industry development in the region.

In terms of helping existing industry in the area, I highlight a number of successful measures that the Latrobe Regional Commission has been able to facilitate so far as liaison with Government is concerned in achieving its objective and ensuring the retention of existing industries. I refer to the Rocklea spinning mills in Moe. Some time ago the mills looked like closing down because of company rearrangement and so on. The Latrobe Regional Commission was able to intervene and, in association with the Department of Industry, Technology and Resources, produced an industry package to ensure that the spinning mills stayed in Moe, thus retaining jobs as well as consolidating operations in Victoria. That industry was not lost to this State; it is hale and hearty and achieving well in the Latrobe Valley.

That is an example of an industry package and demonstrates the types of arrangements that can be forged under the State's new industry arrangements for decentralised industry. There were particular problems with the textile industry in the Latrobe Valley.

Another firm at Moe is Valentine Lee Pty Ltd, which was in economic difficulties and was at the point of closure. As a result of action by the Premier, the Department of Industry, Technology and Resources and the Latrobe Regional Commission the retention of that industry was achieved. It now has 56 employees working in that industry and has a secure growth picture. This is another example of the effectiveness that is developing as a result of the implementation of new industry packages in non-metropolitan Victoria.

The Latrobe Regional Commission arranged the re-establishment of CHL Apparel in Churchill. The firm of Exacto Knitwear Pty Ltd had closed its operations and there was wide community concern among the female work force. The company was an employer of women in Churchill and the surrounding district. A package was developed through the assistance of the Latrobe Regional Commission whereby a textile industry in Traralgon was relocated to a modern factory in Churchill. As a result of that the work force has expanded from 160 employees to approximately 200. My latest information is that the industry is now looking ultimately toward providing 250 jobs.

I have just cited three examples of important measures that have been accomplished under the policies developed and operated by the Government. With industry development, very exciting projects are being developed and put in place.

Thinking creatively and laterally, and building on the strengths of the region, one sees that a new pilot project for prawn farming is being developed in South Gippsland. It will most likely be sited at McLaughlin's Beach. Detailed laboratory work is being undertaken to develop the necessary technological understanding and expertise to ensure that field trials can be proceeded with in 1988-89 and move forward to a full-blown industry. From that will come a wide range of other jobs associated with packaging and exporting.

A very exciting project at the moment is the use of warm water from Hazelwood pondage to grow flowers for both the local and export markets. Preparatory work on greenhouses on a 25-hectare site leased from the State Electricity Commission of Victoria is currently under way. The cut flowers selected will be suitable for the export market, and the potential for the work force associated with that project is between 40 and 50 people with approximately 100 casual staff.

Packaging will be undertaken on site as part of that particular development. That is an exciting development that is happening now and will assist the nation because of its export aspect.

We have managed to attract to Rosedale an earth-moving equipment firm, BWC Racho. This will provide approximately 40 to 50 jobs, and it is anticipated that it will start operating within the next three or four months using local subcontracting arrangements, so firms in the area will benefit. New Zealand, China and South-East Asia are identified as potential markets for that industry's products. Details of assistance for that industry are being finalised under the heavy engineering package.

Another interesting project through the application of Government policies for the region will be a tourist project at the old Mirboo North butter factory. It is anticipated that that project will create up to 40 jobs.

The examples I have indicated show the reality of the application of Government industry policies, for which credit must be given, and their effectiveness in both creating jobs in Victoria and the contribution they are making to potential development in terms of trade.

I turn now to the Coal Corporation of Victoria, which is another important measure the Government has undertaken in order to build on the regional strengths of brown coal. That organisation is based in Traralgon and is charged with the responsibility of developing new and profitable markets for brown coal. It is not only about industry development, but also it is involved with developing the strengths of the briquette industry which has operated for a long time in the Latrobe Valley.

When the Government came to office the briquette industry was in a dismal state. With improved marketing techniques and better pricing policies there has been a complete turnaround.

The 1986 annual report of the Coal Corporation of Victoria states:

Substantial increases in sales of briquettes and brown coal have been recorded during the Corporation's first full financial year; these increases being approximately 15 per cent in briquette sales and 12 per cent in brown coal sales. Briquette sales increased substantially in the industrial and export markets.

The corporation has also given attention to improved product merchandising of briquettes for the domestic market. Late last year a small company was established in the Latrobe Valley to do just that. Victoria can look forward to an improved internal operation of that industry.

The Government has also been active in the social sector of its responsibilities. A legal aid office has been established in Morwell, as has an office of the Accident Compensation Commission, which was put in place with the introduction of WorkCare. A number of other regional offices have been sited in the Latrobe Valley so that access to these facilities has been vastly improved for people in the area.

The Government has serviced local community groups doing important work on tenancy advice and providing housing assistance. Local people can now receive good, efficient and quick service and advice rather than having to wait at the end of a telephone while trying to contact departmental officers in Melbourne.

I have had the pleasure of being with a number of Ministers on their visits to the Latrobe Valley when presenting specific groups that have assisted in the delivery of services with cheques so that they can further play a part in enhancing community services.

One magnificent achievement of the Government has been the development of Kurnai College, which is in line with the Blackburn report but was developed long before that report was finalised. The Government can rightly claim national leadership for the steps it has taken towards assisting students in their endeavours to reach a higher level of attainment by participating in the post-primary system.

Mr Acting Speaker, I regret that time in which to make my response to the Governor's Speech is limited. I am certain that the information I have put forward in this House will bring home to people the importance of having a Government as effective and as committed as is the Cain Labor Government to improving the economic and social well-being of all Victorians.

I am proud to be part of a Government that is setting about achieving those objectives in a systematic and orderly manner, with a strong thread of social equity built into the criteria by which those promises are being developed and delivered.

Mr RAMSAY (Balwyn)—I am delighted to join in the debate on the motion for the adoption of an Address-in-Reply in this second session of Parliament. I am honoured to pledge the loyalty and affection of the people of the Balwyn electorate to the Crown and to Her Majesty the Queen.

The Governor's Speech presented last month is an interesting document. It is high in some of the aspirations expressed by the Governor on behalf of the Government and low on what the Government has actually achieved.

The Governor stated that he was presenting to the Parliament and people of Victoria:

... my Government's intentions and aspirations for Victoria.

There is an interesting distinction between intentions and aspirations. I view the intentions of the Government as a statement of what it proposes to do. Its aspirations are viewed as a statement of what it would like to achieve. There is a marked difference between those two areas.

I direct the attention of the House to the aspirations that His Excellency spelled out on behalf of the Government.

Aspiration No. 1 was that the Government is seeking:

... nothing less than a humane and prosperous society: an enlivened, modern society.

They are grand words. If the Government's performance was anywhere near the mark in delivering a prosperous and modern society, all Victorians could rest easy at night. It is obvious that that is not happening. The rural sector in Victoria is in dire trouble. Farmer after farmer is in financial difficulties. People are leaving their farms on a daily basis.

Victoria's level of unemployment is higher than when the Cain Government first took office. The waiting list for public housing is at record levels, with more than 32 000 families seeking Government assistance to give them the most basic accommodation.

High interest rates are affecting every young family trying to purchase their own home. Victoria has rarely seen such high interest rates, which have placed young families with mortgage commitments in a grave position. The chances of their being able to hold on to their houses are becoming more problematic by the day, unless the Government's policies can change these high interest rates.

Victoria is becoming the debt State of Australia. The Government has imposed record levels of taxes and high charges for gas, electricity and water. Part of those charges has been used to repay Government borrowings. Victoria has borrowed \$20 billion and every man, woman and child in our State must repay \$5000.

The aspiration of a humane and prosperous society and an enlivened, modern society is eluding this Government and is leaving the community wanting.

Aspiration No. 2 that the Governor spelled out on behalf of the Government was:

A fundamental challenge will be to encourage exports and create growth based on Victoria's competitive strengths. These include the greater use in industry of our intellectual capacities and the realisation of the potentialities of new technology.

It is fine to talk about the intellectual capacities of the community and the realisation of the potentialities of new technology. That is something every industrialised community must pursue, and is pursuing, to the best of its ability, all over the world. It is one thing to hold it up as an aspiration of the Government, but what is being done about it? The answer is, "Very little".

Victorian schools are not coming to grips with the essential scientific technologies that must be dealt with. A shortage of mathematics and science teachers is evident in our high schools. Families with children who have attended State schools are turning more and more to the private sector for the education of their children, which has left the State-administered education system overstuffed and underdeveloped.

The development of the intellectual capacities of our community and a realisation of the potentialities of new technology is not really being tackled by the Government.

A notably biased omission from the Governor's Speech was any reference whatsoever to the mineral wealth of Victoria. The opportunities for redeveloping the goldmining potential of Victoria or the exploitation of other minerals are being hamstrung by inadequate mining legislation, complex planning legislation and a rigmarole of approvals and licences that go hand in hand with anybody wishing to develop a mine in this State. This area has been completely ignored.

If the Government were serious about tackling economic development in Victoria, surely there would be a greater prominence given to mining potential that is still ours for development.

The third aspiration is spelt out where the Governor said:

My Government will take further strides to reduce the burden of unnecessary Government regulation.

Again, they are grand words. "Further strides" suggests that some strides have been taken already. I challenge the Government to point out to the House, at some convenient time, what strides have been taken in the reduction of Government regulation. One needs only to examine the statutory regulations that are coming out week after week to see that there is no sign of a cut in them. It was curious that the Governor was asked to describe them as "unnecessary Government regulation". That is an admission on the part of the Government that our books are cluttered with unnecessary regulations and that the Government has undertaken to reduce them.

Any unnecessary regulations should be removed forthwith. It is not a question of reducing them. Let us remove all unnecessary regulations and do what we can to reduce and simplify the other regulations. Our society has become over-regulated and the cost of that regulation is in part contributing to the economic difficulties faced by anyone in business today.

A fourth aspiration reads:

The task of ensuring that the difficulties created by economic change are moderated for ordinary men and women.

The Government has taken on, as one of its tasks, that of ensuring that ordinary men and women are not suffering unduly through economic change—a worthy but meaningless statement in the Governor's Speech. What has the Government done to moderate the difficulties of economic change? It has legalised prostitution and it has created a situation where brothels are likely to appear as legal activities throughout the community. If one were to question the community, one would find that nobody wants the brothels at all.

Is this moderating the difficulties of economic change? Of course it is not. Only last week a spurious Bill was rushed through Parliament designed to control the prices of groceries for the ordinary shoppers in the supermarket. It is a price-fixing Bill rushed through without proper thought and guaranteed, if anything, to ensure that prices will increase by at least 6 per cent in the next twelve months and having very little show of moderating the real pressure on prices, which has not come from the greed or incompetence of our supermarket chains but rather from the increases in costs of production that appear to be a constant feature of the Victorian economy today.

The Government is making these claims to which it aspires while becoming the highest taxing State Government in all of Australia. The Australian Bureau of Statistics proves that straight taxation per head in Victoria is the highest in the Commonwealth of Australia. Every man, woman and child in Victoria will pay an average of \$931 in State taxes this year and that is excluding the bills they are paying for their gas, water and electricity.

Since 1982 Victoria's State taxation level has increased by \$369 a person. That is an increase of 66 per cent in the years since Labor came to office. The increase is much greater than the rate of inflation and the standard of living of all Victorians has been reduced. To

talk about the Government moderating the difficulties of economic change when that Government is contributing to the difficulties through its high taxation policy makes that aspiration a particularly hollow one to be coming from the Government.

The Governor went on to say:

To this end its economic strategy seeks the means of developing a modern and dynamic society capable of delivering prosperity to Victorians in the 1990s and beyond.

I do not know how embarrassed the Governor may have been to have those words put into his mouth but, being a religious man, he may have sent up a prayer that that aspiration be realised. To suggest that the Government's current economic strategy is achieving a modern and dynamic society capable of delivering prosperity to Victorians in the 1990s and beyond defies all logic.

The Governor went on to speak of the growth in employment, but ignored the growth in unemployment. He ignored the fact that Victoria is the inflation State of Australia with the highest rate of inflation of any State; he also ignored the high level of debt and the high level of taxes.

It is to be hoped that Victoria will become prosperous in the years beyond 1990 and, following a change of Government at the next State election, there may well be a chance for that to happen but it is certainly not happening at present.

The Governor continued:

My Government has taken steps to improve the efficiency of Government services, both in their dealings with the general public and with business.

This would certainly be an encouraging factor of modern life if the evidence were there to show that it had happened; but it is not. It is not there when one looks at the example of the new bus service that for the past two weeks has carried about one passenger, even though it is running a daily service. Is this a sign of improved efficiency of Government services?

Is the evidence there in the question asked by the Opposition in question time today concerning police inquiries into the Public Works Department, the Ministry of Transport and other departments?

Another example of the lack of Government efficiency is in the area of public housing. The occupiers of some granny flats have been advised that no rent will be collected for six months because the Government's rental collection system has not yet been properly established; therefore, in six months the occupier can expect an account for six months' back rent. Is this a sign of Government efficiency in the provision of services?

I should perhaps mention the people who are owners of strata title properties at a block of flats in St Kilda when a Ministry became one of the owners last November. Now the body corporate cannot find anyone in the respective Ministry who knows anything about it and the body corporate is not able to collect the quarterly maintenance fee from the Ministry because, so far as the Ministry is concerned, it does not own a flat. Yet, the flat has been extensively renovated at public expense. Is this the mark of efficiency to which the Government is aspiring? To say there is improved efficiency in the running of Government services, in their dealings with the general public and with business, is a farce indeed.

Finally, the Governor has pointed Victoria to the adoption, by the Government, of a social justice strategy. He said:

The decision to adopt a Social Justice Strategy arises from the Government's determination to harness the resources of the State in a systematic way, according to a planned schedule, and with all Government agencies working towards clearly specified objectives.

Grand words, but what has happened? The Governor continued:

My Government's first term of office saw work proceed on two fronts—a comprehensive review of social policies and community services was undertaken.

Between 1982 and 1985, we are told there has been a comprehensive review of social policies and community services. One would hope, following that comprehensive review, that the Government would be in a position to do something about it but we read on and what do we find? The Governor continued:

At present the most comprehensive review ever undertaken of Government activity in Victoria is underway.

Having had three years of a comprehensive review of social policies in community services we are now meant to be encouraged by the fact that the Government is currently undertaking a comprehensive review of Government activity in Victoria. The Governor continued:

All Government agencies are being required to pursue the goals of social justice.

All honourable members in this House want our community to do something about children in poverty; they want to see an end to long-term unemployment; they would like to think that our community was able to provide dignity and security for the aged.

We would like our community to uphold human rights as one of our fundamental principles of living; but as long as we have a Government which, year after year, is comprehensively reviewing through one departmental committee examining a report proposed by another departmental committee; so long as we have tucked away in the Department of Industry, Technology and Resources academics writing papers about this and that aspect of the economy, making recommendations to one another and, examining one another's reports; so long as the Government is collecting money from the people of Victoria in the way of higher taxes; so long as the situation in the marketplace is over-regulated so that people are not prepared to get up and have a go, take risks and achieve something in practice, this hollow rhetoric of the Government will be without purpose, and the Government will be ineffective in meeting the needs of the people of Victoria.

The Government is fiddling while the economy is burning. Inflation is not under control in Victoria. The high level of debt is becoming an increasing burden every day. The needs of families are not being met. In fact, the fragile situation with many families today is being aggravated by many of the Government's policies—I refer to the Government's efforts to regularise de facto relationships and to its efforts to do something about prostitution—the net effect of which is simply to make it legal and, therefore, to make it more likely to permeate the community.

Families, and those who treasure family life, who want the best for their children in the future, are not getting the support, help or encouragement from the Government to which they are entitled and which they need and deserve.

Actions speak louder than words. Commonsense solutions are needed for Victoria's problems. They should be applied in practice rather than simply talked about around Government departments and espoused day after day by the Government in this place.

There are commonsense solutions. Unfortunately, as the French would say, "*Le sens commun n'est pas si commun*"—common sense is not so common!

On the motion of Mr SPYKER (Minister for Consumer Affairs), the debate was adjourned.

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

SHOP TRADING BILL

The debate (adjourned from February 26) on the motion of Mr Fordham (Minister for Industry, Technology and Resources) for the second reading of this Bill was resumed.

Mr GUDE (Hawthorn)—This important Bill has been introduced by the Government in an attempt to improve shop trading matters in Victoria. It is important because it deals

with the lives of people who are involved in the workplace. It is important also because it provides the facilities for the community to obtain appropriate opportunity to trade in our society.

Shop trading has evolved over many years and I believe it is important to understand that a number of changes have been made to trading in Victoria by successive Governments, reflecting in many ways the wants and aspirations of the community. The Bill in many ways achieves that.

I thank the Minister for making available Mr Bob Miller, the Director of the Regulation Review Unit. He has had a major hand in researching the material that went into the detail of the Bill and I thank him for the way in which he has assisted the Opposition to understand the details contained in it.

The Opposition believes the change is long overdue. Its position on shop trading is well known. The Opposition believes in open trading; it believes the community ought to have the opportunity of purchasing goods seven days a week. People conducting businesses ought to have the opportunity of choosing freely whether or not they open their doors.

Centres in Victoria affected by tourism provide the opportunity for business people to open their doors and trade seven days a week. Some business proprietors have chosen to trade and others have preferred to remain closed. Those differing courses have been taken for obvious reasons.

Business proprietors who have opened their doors have believed the cost incurred in so doing would be recouped by the trade received, whether that cost was incurred in employing staff or utilising their own time. Other business proprietors have freely chosen to close their doors because they did not believe their efforts would be rewarded.

The Opposition does not resile from its commitment to the principle of the basic fundamental right of individuals to have freedom of choice—in this case, the choice of trading or purchasing goods seven days a week.

I express some concern that the Government is not implementing all of the recommendations of the Miller report. That was a detailed report that ran to many pages. It involved much hard work by the former member for Prahran, Mr Miller, a fine person who has done an outstanding job in reviewing the wants and needs of business proprietors and the community in general.

I wish Mr Miller every success should he seek preselection for the seat of Niddrie. I understand that the current member for Niddrie is retiring at the next election. I know of his interest in this subject and I trust that any difference of opinion that those two men may have will not affect Mr Miller's candidacy.

Some of the recommendations of the Miller report have been omitted from the Bill. The Minister, in his second-reading speech, alluded to those recommendations on the problems involved with hardware shops. One needs to do no more than mention the name of Penhalluriack to understand the problem that exists with the hardware trade. The Government should have bitten the bullet. It was an opportunity for the Government to recognise the need for an independent inquiry. Nobody could have in any way suggested that that inquiry would have been biased.

I have already indicated my feelings about the former member for Prahran and the way he has conducted himself. I am sure the Minister for Industry, Technology and Resources would agree with me. After all, Mr Miller works for him!

The Miller report recommended the raising of the permitted employment level of businesses conducting exempt shops able to trade all weekend from fewer than twenty employees to 30 employees. However, the Government has chosen to allow the limit of twenty to remain. I can understand the reasons for that and I shall mention that later.

The Minister, in his second-reading speech, referred to the decision made by the Government on shop trading hours. He said:

The Government accepts this view and will address this issue . . .

—that is, the issue of shop trading hours—

. . . in the context of Government policy on general trading hours. In this regard, during the course of this year, I will be seeking the views of the various groups concerned with the retail industry on the need for a re-examination of the adequacy of general weekend trading hours.

It is hard to believe a Labor Government could be reticent—almost conservative—but it chose not to bite the bullet and go ahead with a decision on weekend trading hours. I implore the Minister to ensure that the inquiry is concluded before the end of this year and that the commitment made in his second-reading speech is honoured.

Although he has not specifically mentioned 31 December, an expectation has been created in the minds of the business community that the Government is moving closer to coming to grips with the problem of shop trading hours.

The business community has been encouraged—as it should be—by some of the matters introduced in the Bill. They are good measures and I am not here to decry them. However, I encourage the Minister to take the next step and I take some heart from the words contained in the honourable gentleman's second-reading speech.

The Opposition does not have the reticence shown by the Government. It is strange that the Government has portrayed itself as a progressive, reformist Government. Yet in the area of shop trading hours it has shown a reluctance to get on with the job.

It is clear that the business community at large wants to go ahead with deregulated shop trading hours. Many small businesses in regional centres throughout the State have special privileges by being within tourist precincts. Only a handful of areas do not enjoy these special privileges. I am encouraged by some of the measures contained in the Bill because they will correct some of the wrongs that exist.

The Opposition unequivocally commits itself to and supports the prospect of open trading. One might ask why the Opposition is so disappointed that the Government has not taken the next step.

Mr Sidiropoulos interjected.

Mr GUDE—I shall not accept the interjections of the honourable member for Richmond because he is an absolute irrelevancy to Parliament. I know that if I do respond you, Mr Acting Speaker, will suggest that I should not take a lead from the honourable member for Richmond. In fact, one should never take notice of that honourable member.

The Opposition supports an extension of shop trading hours. This is the direction being taken by the Government in the Bill. An extension of shop trading hours will create more full-time and part-time jobs in the retail industry.

Mr Simpson interjected.

Mr GUDE—The honourable member for Niddrie has joined us at last.

Mr Simpson—I have been here all the time!

Mr GUDE—The honourable member for Niddrie is a former Minister. The Premier woke up to him and sacked him. He got the message; he will retire at the next election. One can only hope that the head of the Regulation Review Unit will be successful in the preselection process and that the honourable member for Niddrie will put aside his private biases and allow adequate and appropriate democratic preselection processes to occur.

Free competition will keep prices down. It is incredible that within the past couple of weeks this sick and sorry Government has wanted to introduce price control. I am embarrassed for the Government; it obviously did not intend the Bill to be passed. It was

probably hoping that the opposition parties—the two free enterprise parties—would not support the Bill. What a surprise for the Government when the National Party supported it! The Government is now stuck with its price control legislation.

The general community and the business community know they have been duped. Can anyone imagine a 6 per cent increase in the manufacture of goods resulting in only a 6 per cent increase in prices at the retail end? What a joke! Not a single person on any side of Parliament believes that that will be the result. Not one person in business believes that that will be the case. A real advantage of extended shop trading and free competition is the competitive arrangement that will result from the reduction of prices because people will choose what they want. People will go to various shops and obtain the best price for the product.

When I go shopping with my wife—which is something I try to avoid because it means spending more money—she is very discerning about the shops in which she spends our money. That is what competition is about.

Another obvious spin-off from free competition is an increase in demand for consumer goods. Is that not a good thing? Everyone will obtain some benefit from it.

An extension of trading hours will mean a more effective use of the investment dollar used to improve shopping facilities. Business assets will benefit because if a shop is open 24 hours a day, seven days a week, the percentage of cost against overhead is reduced.

The community will benefit because of a reduction in road accidents. Honourable members will remember the 6 o'clock crush in hotels. Car owners now use those facilities for a far longer period, which means a reduction in the requirement for community assets, road transport and so on.

Another benefit that directly results from an extension in shop trading hours, partly embodied in the proposed legislation, is a reduction in the Friday night–Saturday morning peak loading on trams and trains and on the employees who man those facilities.

I congratulate the Minister for Industry, Technology and Resources on giving local councils the opportunity of reflecting the wants and aspirations of businesses in their areas.

The extension of trading hours will stimulate business activity and improve productivity without having price increases. That is a necessary approach. No one would argue about the necessity for improving productivity. That issue is discussed at the Australian Conciliation and Arbitration Commission during national wage case hearings. All Australians are aware that, as a nation, we must improve our productivity and efficiency, and what better way of achieving that than extending trading hours but, unfortunately, the Government could have gone further if it had some imagination.

The Bill eliminates a number of anomalies in the existing legislation. I congratulated the Minister earlier and I am embarrassed about having to do it again. Many anomalies in existing legislation have caused difficulties for the business community over an extended period. The Bill addresses that matter in various ways and effectively reduces those anomalies. It is a first-class attempt to relieve that problem.

Another obvious advantage of an extension of trading hours is that it will remove discrimination against retailers that is penalising consumers. The increasing competitiveness will benefit the consumer through reduced prices for products and a more efficient service.

The Minister for Industry, Technology and Resources has visited Japan and other parts of the world, as I have. One cannot help but notice the competitiveness of those countries, the emphasis placed on service and the commitment of employees to serve the community. Nothing sharpens one's focus more than a gun placed at one's head, and a relaxation of trading regulations will sharpen that focus no end.

A further extension of trading hours will increase tourism and the tourism potential of the State. So often honourable members hear about the competitiveness existing between Sydney and Melbourne and the two States and the concern that many people have about making a stopover in Sydney. Tourists in Sydney can shop until 5 o'clock on Saturdays and yet when they arrive in Victoria the shops are closed. It is a sad indictment of a State that wants to develop tourism. A tremendous opportunity is being denied young people and others who want employment.

I am heartened that the Bill contains a provision that allows local councils to make application for an extension of trading hours. The Minister has a heavy onus on him and I am glad that he is the Deputy Premier, because if there is one person on the Government side who I believe should handle this matter, it is this Minister. He has proven in the past, and there is considerable expectation for the future, that he is the man who is even-handed, who has the common touch and commonsense. The community will rely heavily on this Minister and will watch him closely to ensure that the commonsense that the Minister has demonstrated over a period will continue into the future.

The objectives of the Bill are listed in clause 4 and are as follows:

- (a) To provide a simple and rational regulatory scheme for shops and retail trading;
- (b) To provide simple and effective measures for registration and classification of shops;

No honourable member would argue about those provisions; they have been a concern for a long time. The objectives continue:

- (c) In the interests of the public and of proprietors of and employees in shops, to regulate the trading hours of certain classes of shops;

There is now a slight parting of the ways between the Government and the Opposition. The concern about shop employees is a real concern. The Liberal Party is concerned about people who work in shops; that they receive a fair reward for their efforts. However, the Liberal Party has a concern about the effects of penalty rates on weekends. The solution is to address the spread of hours clause that exists in retail trading awards and allow it to apply Monday through to Sunday, so that when an employee has worked his 40 hours in a week or in excess of the ordinary hours in any one day, he will be paid at the appropriate overtime rate. Never let it be said that the Opposition wants to deny overtime to any employee. That is not the case and never has been. The spread of hours clause should be varied.

Clause 4 (d) states:

In the interest of the economic development of Victoria, to make provision for exemption from regulated trading hours in tourist and holiday areas or at markets or during festivals or events of special importance.

They are matters that the Liberal Party has considered and favoured for many years. I congratulate the Government on restating the obvious, but it could have gone further.

Clause 6 deals with exempt shops. It is not my intention to deal with the clause in detail because the honourable member for Frankston South intends to do that. However, I shall direct attention to clause 6 (1) (a) which states:

A shop is an exempt shop if no business is carried on in the shop other than—

- (a) a business that a reasonable person would expect to be carried on in a shop of a class or kind mentioned in Schedule 1;

I do not intend to deal with the question of what is a "reasonable person" in the undignified manner in which the Federal Parliament dealt with it. However, the use of the words "reasonable person" creates some problems in the terms of definition, and I am sure the Minister for Industry, Technology and Resources is aware of those.

I sympathise with the Minister in having to determine what would be more appropriate words. I indicate some concern about that, but the honourable member for Frankston

South, who has more direct knowledge of that area, will deal with that question in a specific manner.

Mr Maclellan—How about a very reasonable person?

Mr GUDE—A very reasonable person would have to be sitting on the Opposition side of the House. As the Liberal Party is not in government, that creates a problem. When the honourable member for Berwick was a Minister in a former Government, he would have qualified as a reasonable person, but I share his concern about those who may not qualify for that category.

Clause 6 (2) states:

A shop is not an exempt shop at a particular time if, at any time during the period of seven days immediately before that time, the sum of—

- (a) the sum of persons employed in the shop; and
- (b) the number of persons employed in shops of any kind in Victoria by the occupier or manager of the first-mentioned shop; and
- (c) if the occupier or manager of the shop is a body corporate, the sum of the number of persons employed in shops of any kind in Victoria by the body corporate and the number of persons so employed by a related body corporate—

was 20 or more.

The Opposition has some concern about that specific limitation. For reasons best known to itself, the Government is not prepared to accept Mr Miller's recommendations in that regard. Page 64 of Mr Miller's report indicates that to go from 20 employees in a shop to 30 employees would add only a miserable 216 shops. Why would the Government argue about that? Is that not incredible? There are 45 000 proprietors in Victoria and the Government is worried about 216. Some 98·4 per cent of all shops in Victoria will be covered by the twenty employee rule. Could we not go a further 1·6 per cent and bring in all shops? No, it appears that it is one of those areas where a problem exists.

The Opposition is not as reticent as the Government. It is quite prepared to accept Mr Miller's recommendation and believes the Government should go the extra step. Even in the context of the Government's limited proposed legislation, the Opposition is prepared to allow the additional 216 businesses to trade. I am extremely interested to hear the Minister's explanation of why that was not allowed.

I foreshadow that the Opposition will move a proposed amendment to accept the recommendations of the Miller inquiry and to increase the number to 30 employees.

Mr Simpson interjected.

Mr GUDE—I have noticed that the honourable member for Niddrie has been quiet but he is beginning to spark up. He is obviously feeling better in the dying moments of his time in Parliament and I encourage him to say everything he has under his belt. This is the day for the honourable member for Niddrie to get it all off his chest. I hope he will make a major contribution to the debate because during the past two years he has simply sniped from the side and got into gear his choirboys—the Simpsonettes. I hope for once he will put it on record; I hope he will have the courage to stand in Parliament and allow honourable members to have the benefit of the understanding he gained from his trips overseas on this matter. I cannot wait for that to happen!

Clause 7 refers to shop closing hours. Is it not a pity that it refers to "closing hours" rather than "opening hours"? The Government constantly refers to the negatives. Do we not want to see red tape cut and business flourish; do we not want to see people obtain gainful employment in Victoria?

The clause provides some light at the end of the tunnel because it indicates that the Government believes some people want to eat red meat notwithstanding the changes in dietary patterns and so on. The clause allows butchers to remain open until 1 p.m. on

Saturdays, 6 p.m. on Mondays, Tuesdays, Wednesdays and Thursdays and until 9 p.m. on Fridays. Subject to section 8 of the Act, the clause allows butchers to remain open until 9 p.m. on Tuesdays, Wednesdays, and Thursdays but they must close at the normal time on Fridays. That is a pity, but at least it is a small step in the right direction. I congratulate the Government for taking that ever so tiny step towards reality.

Clause 8 deals with orders and exemptions. This is the clause in the Bill that gives me the most heart as it gives the Government the opportunity of opening up in a progressive way trading hours throughout Victoria.

Clause 8 (2) states:

The council of a municipality may apply to the Minister for an order—

- (a) exempting shops in its municipal district; or
- (b) exempting shops on a market site or sites in its municipal district; or
- (c) exempting shops during the period of a festival in the municipal district—

from any part of the provisions of section 7, other than the requirement that shops be closed and kept closed at all times on Good Friday and Anzac Day.

That means that a community, such as in the Hawthorn electorate I represent, can apply for the traders of Glenferrie Road to remain open for 24 hours a day, seven days a week.

In all fairness to the majority of traders in the fine electorate of Hawthorn, it cannot be claimed that the Glenferrie shopping centre is a tourist precinct. However, the opportunity is available to the council and the local community. Throughout the proposed legislation the Minister has catered to community sensitivity. He has allowed for the factor of community support of shops in an area through the means of the local council. One should remember that local councils are elected by the populace of the area. If in a given area the community wants to support its shops in extended trading hours an application is able to be made to the Minister who, on the merits of the case, and this is how it should be, will determine whether those shops should remain open. It is a sensible clause and I congratulate the Minister for a progressive provision. It allows for development through evolution rather than devolution on the question of shop trading hours. I am not sure there is anything wrong with that.

Early in the 1980s when I was in Canada, I noted how Canadians implemented shop trading hours. I was impressed by the Canadian Government allowing local communities to have a very strong say on shop trading in their precincts. If there is one clause in the Bill that gives heart for the future it is clause 8, because it gives those opportunities. Clause 8 (8) states:

The Governor in Council may, by proclamation published in the *Government Gazette*, exempt shops from any part of the provisions of section 7 specified in the proclamation if the Governor in Council is satisfied that it is expedient to do so by reason of events or circumstances occurring at that time.

In the context of the Bill it is not a provision that would have been introduced by the Opposition but it contains a sensible reserve of power. It recognises important legislation that was introduced prior to Christmas to enable shop trading to take place over extended hours on the two Saturdays preceding Christmas. The reserve power enables the Government to use discretion. As I mentioned earlier, if discretion has to be in the hands of any Minister, I am pleased it is in the hands of the Minister for Industry, Technology and Resources. The Opposition supports that reference.

In his second-reading speech the Minister mentioned that guidelines would be drawn up for the application of this provision. I have not had the opportunity of seeing the guidelines. That is in no way a criticism of the Minister. However, I suggest to the Minister that the sooner those guidelines are made publicly available for municipal councils the better it will be. I suggest also that, if it is humanly possible for those guidelines to be made available while the Bill is between here and another place, that would be of great assistance to the Opposition in its dealing with the measure in the other House.

Clause 9 deals with applications for registration of shops. Clauses 9 (1) and (2) state:

- (1) A person who occupies or manages, or proposes to occupy or manage, a shop may apply to the relevant officer in the prescribed form for the registration, or renewal of the registration, of the shop.
- (2) The application must be accompanied by the prescribed fee.

Reading that quickly, it does not sound too bad, but one of the concerns of the Opposition is the penultimate word "prescribed". The implication is that shop registration fees will cease to be set by an Act of Parliament where they have been prescribed and amended annually under the scrutiny of Parliament and will be dealt with by regulation. Without making a major issue of it, the business community is heartily sick and tired of the sorts of maximum increases to which businesses have been subjected.

Businesses have been regarded as a milch-cow. Over a period, they have been taxing benefactors of the Government. The only comfort that businesses have had is that some of the fees that they pay have been scrutinised by Parliament. This Bill puts fees into the category of regulation so that the Parliament of Victoria will no longer have the opportunity of scrutinising them.

The new Grocery Prices Act is intended to ensure that the prices of certain items increase by no more than 6 per cent. However, the Opposition must express concern about future increases of these fees. Although the Grocery Prices Act has a twelve month sunset clause the reality is that the business community of Victoria has learned from bitter experience that it has been stuck with increases in Government charges over the past four years of 66 per cent, which is far above increases in the consumer price index and far above the Government's ceiling of 6 per cent increases on certain items.

The Opposition is concerned to ensure that this Bill does not result in increasing hardship to the business community. The Opposition encourages the Minister for Industry, Technology and Resources to reconsider clause 9 (2) and to keep to the undertaking that was mentioned, albeit as an aside, in this place late last year when the registration fees were being debated. The passage of a Bill amending the Labour and Industry Act to deal with shop registration fees has been the custom and practice each year. If there is nothing to hide, there is no problem—after all, everyone knows that Parliament sits in that period and that the annual Bill provides the community with an opportunity of scrutinising the fees.

Clause 10 refers to the registration of a shop. I note that there is no provision for the revocation of registration of a shop under the normal circumstances of clause 10, yet under clause 11, which deals with registration of a exempt shop, the Minister has quite properly included a provision for revocation.

I note also that clause 12 (4) provides yet another new function for the Administrative Appeals Tribunal. I highlight for the benefit of all members of Parliament—it is a subject of which members of the Opposition are well aware—that the Administrative Appeals Tribunal is gaining many powers and responsibilities. I am not in any way critical of the tribunal. I have had dealings with the tribunal relating to freedom of information. I have been extremely frustrated by Government agencies, particularly some Ministers. It takes an average of two years for a matter involving the Ministry of Transport to be finalised through the Administrative Appeals Tribunal and I can say from experience that in that regard "something is rotten in the State of Denmark"—or in this case, Victoria.

I can only suggest that matters relating to the Flinders Street station scandal will one day see the light of day and there will be some very red faces among Government members. I value the role that the tribunal has played in bringing that matter to some fruition; and I do no more than raise the matter today to point out the extension of the responsibilities of the tribunal.

Clause 13 relates to the registration of a market site and needs to be read in association with clause 17, which provides:

A person who occupies or manages a shop at a market site must cause a notice of the name and address of the occupier or manager of the shop to be publicly displayed at the shop at all times while the shop is open for business.

The Opposition has raised this matter with Mr Miller and with the Minister, and I know that the Minister has been examining the issue. I hope that in response to the second-reading debate he will comment on clause 13 as it relates to clause 17. It needs to be considered. The matter could be covered by regulation, and I think I have mentioned that to the Minister. The Opposition is not hung up on whether the issue is covered by legislation or by regulation but, consistent with the remarks I made earlier in respect of another clause relating to fees, has a preference for legislation. The Minister has given an assurance that he will examine the matter and I appreciate his comments in that respect.

I have already read clause 17 to the House. It should be the market site that is registered; not each and every stallholder and person who trades at the site. Over a period the situation has been that the market site has been registered and recognised by the Department of Labour, as it is now called, and each stallholder has been protected by that registration.

The Opposition is concerned about individual stallholders who may be there on a casual basis, perhaps groups such as the boy scouts or other community groups. I know that they are protected by another provision, and I do not suggest that that is not the case; but the fact remains that that issue needs to be addressed. I thank the Minister for his assurance in that respect.

Clause 20 deals with the appointment of inspectors and provides:

The Minister may appoint an officer of the public service employed in an administrative unit for which the Minister has responsibility as an inspector for the purposes of this Act.

I ask the Minister why it is necessary for that clause to be included. It presupposes that the inspectorate is inadequate. If concern arises about an activity that is occurring, the Minister will be required to authorise any officer of the Public Service employed in an administrative unit to become an *ex officio* policeman. That matter is of considerable concern. The provision does not even refer to an officer of the Public Service employed under the direct jurisdiction of the Minister; it is open-ended, and we all know how many people are employed in the Victorian Public Service.

Increasing concern is being expressed in the business community about the way in which officers of some agencies are presenting themselves. This is in no way a criticism of the Government but rather of matters that are occurring in the marketplace. I may raise that matter later this week, or certainly at some future time to give some evidence of that situation, totally removed from the question of shop trading hours. Genuine concern has been expressed in writing to the Opposition, concern which the Opposition is prepared to enunciate in due course, about the activities of some public servants and the way in which they are carrying out their activities. My comments do not apply by any means to all public servants; most of them are fine people.

Even today at question time honourable members heard part of an answer to a question with respect to the Public Works Department. The part honourable members did not hear concerns the prosecutions that will take place of officers of the Public Works Department. I mention that as an aside because it relates directly to clause 20, which speaks about the employment of officers of the Public Service. I can understand why the Minister would be embarrassed. He is certainly embarrassed by the activities by some people in Government agencies.

The Opposition asks why is it necessary to introduce this provision. Can the Minister assure the business community, because they are the people who will be most affected by the Bill, that there will not be a parade of public servants added to the inspectors who will deal with this area? The Opposition is concerned to obtain from the Minister an assurance that that will not be the case.

Clause 22 deals with offences, and I should like the Minister to explain why this clause is included. Clause 22 (1) provides:

An occupier of a shop or a person acting or apparently acting in the management of a shop or any other person must not—

(a) fail or neglect to close the shop and keep it closed in accordance with this Act; or

(b) after having been warned by an inspector of the obligation to close the shop and keep it closed, fail to close the shop within one hour after that warning, or such longer period as the inspector may direct, and keep it closed in accordance with this Act.

If a shop had conducted an activity that was contrary to the Act and an inspector had found that breach, I should have thought it would be competent for the inspector to require the shop to be closed forthwith; not an hour later or when he chooses. I love that piece of discretion! Frequently Acts of Parliament do not allow a discretion; but here an inspector, a public servant, is to have the opportunity for corruption, as the honourable member for Berwick interjects.

I mentioned a moment ago, purely by way of example, the situation within the Public Works Department. A similar situation could apply here. At this very time the Victoria Police are investigating within the Department of Labour, which will be carrying out this function, issues of corruption; and the Government is introducing further discretion for the very people who are being investigated! What an incredible situation! That is the way the Government wishes to play the game and who are we, mere mortals, to interfere?

Mr Fordham—Hear, hear!

Mr GUDE—The Minister interjects. Clause 22 is a good example of Big Brother telling Victorians and Parliament that the Government knows better. The shop should be closed forthwith if there were a breach of the provisions contained in clause 22. People purchasing at the time an offence was committed could at least be invited to leave after their purchases had been completed. Any prospective purchasers should be kept out of the shop if the proprietor had broken the law.

Clause 22 (4) significantly reduces the quantum of penalty. The paragraph should be dedicated to Frank Penhalluriack; it is not a Jack Simpson provision. This paragraph recognises that in the past the Government came down too hard on Frank Penhalluriack.

The Government acknowledges that he has been locked up for offences against the Act but it still does not repent its action. In my view, the Government was vindictive in its treatment of Frank Penhalluriack. Clause 22 says it all. Few Victorians and even the draftsman of this Bill will disagree with my comments. I congratulate the Minister for Industry, Technology and Resources for allowing for a reduction in the penalties and for bringing them into line with reality.

Paragraphs (d), (e) and (f) of clause 24 relate to the onus of proof. They have been lifted directly from the Labour and Industry Act and read as follows:

(d) The onus of proof that a person named in a summons is not an occupier of the premises is on the defendant;

(e) The onus of proof that the requirements of this Act with regard to the registration of shops have been complied with as to any particular shop is on the defendant;

(f) The onus of proof that a shop is not within a particular municipal district or locality mentioned in the summons is on the defendant;

These provisions represent a good case of guilty before being proven innocent. They are incredible!

I do not criticise the Government for reintroducing the provisions but in instances like this we should hang our heads in shame because these provisions embody the principle that one is guilty until proven innocent. I am not aware of the origin of the paragraphs; they could have been introduced by a Liberal or a Labor Government. I shall not apportion

blame on this Government alone because that would not be fair. Some provisions still need updating.

Clause 28 deals with transitional exemptions. The Minister has already recognised the existence of market sites and tourist precincts, which are covered under the Labour and Industry Act, and he has said that the existing exemptions will be reaffirmed. Can the Minister assure Parliament that the existing provisions contained in the Labour and Industry Act will be carried forward? Some people have sought that assurance, which, no doubt, will be forthcoming.

Clause 31 relates to the five-year limitation. The clause is a perfect addendum to the Frank Penhalluriack-Jack Simpson clause because it provides for the five-year limitation on any conviction for an offence against the proposed legislation, when it is enacted. The clause states:

After section 104 of the *Penalties and Sentences Act* 1985 insert—

Conviction against *Shop Trading Act* 1987 may be disregarded after 5 years.

“104A. A conviction for an offence against the *Shop Trading Act* 1987 or Part VI of the *Labour and Industry Act* 1958 is not to be taken to be a conviction for any purpose (including the purposes of any enactment imposing or authorising or requiring the imposition of any disqualification of disability on convicted persons) after the expiration of five years after the conviction was made.”.

The amendment is important because it recognises that, in the past, shameful mistakes have been made by the Government. I am sure the five-year limitation will eventually exonerate Mr Penhalluriack, as it should.

Will he forgive and forget? He is capable of forgiveness and, I believe, he will forgive the Government but I doubt whether he will ever forget the injustices that he has suffered at the hands of the Government simply because he wanted to make certain goods available to the public.

Clause 33 deals with an amendment to the Liquor Control Act 1968. Subsections (12) and (13) of section 32 will be amended to allow liquor to be sold on Christmas Eve this year between the hours of 6.30 p.m. and 9 p.m. The amendment is necessary because this year Christmas Day falls on a Friday. The Opposition does not oppose the amendment because of its principle on shop trading hours but it wonders how it sits with the Government when one considers the Government's expressed concern about under-age drinking.

I am not suggesting that the provision is a prostitution of the Government's commitment to try to overcome the problem of under-age drinking because both the Minister for Industry, Technology and Resources and the Minister for Police and Emergency Services have worked extremely hard to overcome this problem, as have the Opposition and the National Party, but clause 33 will give young people greater access to alcohol.

I refer now to Schedule 1 which is the very schedule that extends the list of shops that are exempt under the Act. The Government, as I said earlier, is to be congratulated for extending the list, but it did not go far enough. However, the Government has extended the number of businesses that may trade.

Mr Sheehan interjected.

Mr GUDE—If the honourable member for Ballarat South does not get his act together and start supporting the extension of shop trading hours he will soon be the former member for Ballarat South. He is totally out of step with what the community wants.

Mr Sheehan interjected.

Mr GUDE—There is one poll that counts; it is called the next State election. If there is any need to check on recent occurrences, I ask the honourable member for Ballarat South to look no further than the result in the Central Highlands Province by-election.

The DEPUTY SPEAKER (Mr Fogarty)—Order! The honourable members for Ballarat South and Hawthorn are both out of order. I ask the honourable member for Hawthorn to return to the subject of the Bill.

Mr GUDE—I am grateful that you bring me back to the issue before the House, Mr Deputy Speaker, before I really do lose the seat for the honourable member for Ballarat South, although I believe the Government is doing a good enough job of that!

I notice that petrol shops and souvenir shops are listed as exempt shops under Schedule 1 of the Bill. However, no definition of those shops is provided. I wonder whether one could souvenir a chisel, a saw or a nail. It could be an antique nail or an important historic saw. The fact remains that the Government has provided an open-ended definition of souvenir shops. Because of the vindictiveness of the commitment of this Government to grind into the dirt a person whom it sought to prosecute in the State of Victoria—he happened to be a hardware merchant and had a few friends, including Mr Wolstenholme—

Mr Simpson—He certainly has.

Mr GUDE—The honourable member for Niddrie has finally admitted that he, as a former Minister and as a member, wants to persecute these people. Let the record show that clearly.

The DEPUTY SPEAKER (Mr Fogarty)—Order! The honourable member for Niddrie is out of order. He will have every opportunity in future of taking part in the debate.

Mr GUDE—The denial of these people in the area of selling hardware under this proposed legislation or any other proposed legislation is incredible. The honourable member for Niddrie was proud of the fact that these people have been kept out, proud of the fact that they have been denied and proud of the fact that they have been persecuted. That was the interjection the honourable member made.

The fact is that the Government's record and the record of the honourable member for Niddrie shows this quite clearly. The Opposition is not prepared to stand by and see that sort of miserable exclusion and persecution take place. I foreshadow that the Opposition will be moving an amendment to provide that hardware shops are added to Schedule 1, as they should be. It is a humbug, a disgrace and an absolute indictment of the Government that hardware shops have been left out of the proposed legislation.

I refer to a letter sent to all members of Parliament by the Weekend Trading Party. The letter has a fairly novel heading. I do not believe the Weekend Trading Party seriously intends to win seats in the forthcoming election, with the possible exception of the seat of Niddrie. If there were ever an area where the Weekend Trading Party would have a good chance of winning a seat, it would be in the electorate of Niddrie. Perhaps the Weekend Trading Party might also have a chance of winning the seat of Ballarat South. The open letter of the Weekend Trading Party dated 16 March 1987 was circulated to all members of Parliament and stated:

What is an anomaly?

The Regulation Review Committee reported to Parliament three types of shops which were "anomalies". . .

The committee strongly recommended their deregulation.

These three shops are:

1. Souvenir shops;
2. Record and cassette shops;

—those shops are both included in Schedule 1—

3. Hardware shops

The Government has determined that the first and second are anomalous, and should be deregulated. Why not hardware?

I'll tell you why not.

Souvenir, record and cassette shops are owned and operated by the Government—hardware shops are not.

Perhaps there is a commercial opportunity for the Government. The Premier and the Treasurer are always parading around the State trying to wear the acceptable cloak of socialism and indicate that they have a new comprehensive understanding of private enterprise. The truth is that they do not. The open letter further states:

An imbroglio, where the legislative arm of Government protects its commercial arm!!

Amend the Bill and legalise hardware.

I have another open letter from the same source which again is irrefutable. It is not a fictitious thing dreamt up by a clandestine group; it is a pure, simple statement of fact—nothing more and nothing less. The letter is also an open letter to all members of Parliament. I hope it was printed in capitals and double spaced for the honourable member for Niddrie, but, for the rest of us, it is all right as it is. The letter states:

For years various shops have opened illegally at Sovereign Hill.

Mr Sheehan interjected.

Mr GUDE—The honourable member for Ballarat South cannot help himself. It is incredible that before I speak the word “Ballarat” the honourable member for Ballarat South has his mouth open interjecting again. The letter states:

Ballarat's Sovereign Hill is not exempt. It has no special exemption under the Labour and Industry Act.

The honourable member for Ballarat South interjects to say that it is doing all right now. Of course Sovereign Hill is doing all right now; it trades seven days a week. That is the very point the Opposition has been trying to make. Members of the Government party do not seem to understand. Are any items of hardware sold? I am embarrassed for the honourable member for Ballarat South. The open letter further states:

Ballarat's Sovereign Hill is not exempt.

It is not a tourist resort. It has no special exemption under the Labour and Industry Act.

And not only souvenirs are sold. The Government also permits shops selling clothing and furniture to open and trade all weekend.

Why does the Government discriminate? Why does it prosecute some shops and not others?

I would like to have the answer to that. The letter continues:

Ballarat is remembered for Eureka Stockade. Australians are proud of their heritage of freedom and equality.

There is only one party in this Parliament that reflects freedom and equality and that is the Liberal Party. The Government gave that away years ago. If one needed any example, the proposed legislation reinforces it.

The honourable member for Richmond is leaving the Chamber, as he should. I hope he will retire in due course. The letter further states:

When one person is seen to break the law openly, and with impunity, others are tempted to follow, and to break other laws.

The letter continues:

So begins the first cracks that, if allowed to grow, will eventually destroy the sound foundation of law upon which our free and democratic society is based.

Please . . . repeal all . . .

—the word “all” is not underlined in the letter, but I believe it ought to be—

. . . anomalous shop trading hours restrictions now. It works elsewhere in the world. It has worked here on numerous occasions . . . as recently as last December.

The letter contains an interesting postscript, which I just cannot resist reading into the record. It reads as follows:

P.S. Have you checked out the National Gallery, the Arts Centre, the Zoo, all public hospitals, Captain Cook's and the Latrobe cottages, most National Trust properties, etc. etc.? The list goes on . . . and on . . . and on . . .

So many anomalies exist. The Bill corrects many of them, but creates others. They are important anomalies, and I implore the Minister for Industry, Technology and Resources to use that commonsense and discretion to which I referred earlier——

Mr Cooper—You are making an assumption.

Mr GUDE—It is an assumption that I am confident about, because the Minister has demonstrated that very amply in the past. I call on the honourable gentleman to use that commonsense, particularly with respect to clause 8, which gives him special authorities.

I shall conclude my remarks by reading from a letter from the State Chamber of Commerce and Industry (Victoria), formerly the Melbourne Chamber of Commerce. The Minister for Industry, Technology and Resources smiles, and even laughs a fraction. I should like to express my observation that, when it is not in favour of the Government, the laughter of derision is evident; but when, at any time, anything is indicated by the State Chamber of Commerce and Industry (Victoria), the Premier is the very first to introduce that material in support of the activities that the Government undertakes in this State.

The second paragraph of the letter addressed to me and dated 11 February 1987 from the State Chamber of Commerce and Industry (Victoria) states:

While the State Chamber of Commerce and Industry (Victoria) welcomes this Bill which removes some restrictions on shop trading hours, the Chamber is extremely disappointed the Government did not take the opportunity to remove all restrictions on shop trading hours.

I conclude by saying that the Opposition is also disappointed, as are the majority of Victorians and businesses in this State.

Mr JASPER (Murray Valley)—Honourable members have heard an eloquent and light-hearted speech, with sometimes emotional outbursts, from the honourable member for Hawthorn about the Shop Trading Bill. However, I believe he has made his speech without real conviction. I wonder whether he had his heart in what he was saying about the Bill!

In fact, he presented to the House many views, which gave me the impression that he lacked some understanding of people's reactions to and attitudes towards shop trading hours. For instance, I wonder how many true small businessmen the honourable member has spoken with to get clear some of the views that he put forward to the House.

The honourable member spoke about longer trading hours creating more jobs, but he really did not detail to the House how longer trading hours at weekends would result in more jobs. When he was partly through his speech, he mentioned the critical point for the Liberal Party—penalty rates. That is the key, and only in passing did he mention the fact that the Liberal Party Opposition was concerned about the imposition of penalty rates during weekend trading. I wonder whether the honourable member really had his heart in what he was saying.

The honourable member for Hawthorn also spoke about and quoted a letter from the Weekend Trading Party as one of the authorities for some of the comments that he made. Perhaps the honourable member for Hawthorn should consider standing at the next election as a candidate representing the Weekend Trading Party for the seat of Hawthorn; perhaps he may be able to become its leader! I wonder also how much experience the honourable member has had in business to enable him to understand what really occurs in that area!

One of the great problems that exists in Parliament today is that there are insufficient people in Parliament who understand business, who have grown up in business and know what occurs. I suggest to the honourable member for Hawthorn that he should cast his eyes around the Chamber—particularly when most of its members are present—and

examine the types of occupations in which members of Parliament have been involved prior to coming to Parliament. If he does so, I am sure he will agree with me that there are insufficient people in Parliament who really understand what business is all about, who understand that the strength of the economy is being created by business, particularly small business, and that it has great relevance to the sort of proposed legislation that is debated in Parliament, such as the Shop Trading Bill.

The current Labour and Industry Act is involved, often confusingly and—as with some of the other Acts of Parliament, such as the Liquor Control Act—it has been regularly amended by past Governments on many occasions to meet the ever-changing times and demands of business and industry in providing a service to the people of Victoria.

Some changes to the Labour and Industry Act have been made to extend the hours of business and, in certain areas, particularly in the Fifth Schedule, it has been extended to list the types of businesses from which goods can be sold after hours, at weekends; the types of goods that can be sold are listed in the Sixth Schedule to the Act. Many of those measures have been put in place to protect small business. Many of them have been set up to protect what the National Party considers should be the typical Victorian lifestyle.

There are certainly many areas of concern. Section 80 of the Labour and Industry Act, which deals with tourist shops and areas, needs to be examined and reviewed. Over the past ten years, many investigations into the Labour and Industry Act have been undertaken. Not all of the reports that have been prepared by various committees that have examined the Act have been made available. I ask the Minister for Industry, Technology and Resources why many of them have not been made available to Parliament and to honourable members representing various constituencies.

Three reports have been presented to the Minister for Labour, prior to the present Minister for Industry, Technology and Resources taking over the responsibility for shop trading matters. Those reports address anomalies. The advisory committee on the shops provisions of the Labour and Industry Act, for instance, which had on it representatives of union groups, employers and business organisations, produced a report; yet, despite representations to the various Ministers responsible, such reports have not been made available to honourable members so that they could review them and examine their recommendations about changes to the Labour and Industry Act which, as I said, have developed over the years to the extent that it is in urgent need of review and change.

The Miller report was a comprehensive report on the industry, which encompassed particular terms of reference—and it is important to examine them as they were detailed—that is, to investigate the anomalies of the Labour and Industry Act and to review the form and level of penalties in the Act. However, the Miller inquiry really did not and was not asked to address shop trading hours, as such, but rather, to examine the anomalies and ascertain where changes could be made.

The National Party agrees that the Labour and Industry Act needs simplifying. There is no doubt that the Miller report addresses the huge number of anomalies that exist in it. It is obvious that, to assist its investigation, the inquiry used the contents of the reports, which I believe the Minister should make available to all honourable members, that have been prepared for the department by advisory and investigatory committees.

The National Party in general supports the Shop Trading Bill. One can understand why the Government would want to produce a new Act to deal specifically with shop trading, and remove the shop trading provisions from the Labour and Industry Act. In that way it can be looked at in its entirety, addressed as an Act and reviewed on future occasions. The National Party supports the thrust of the proposed legislation. There have been recommendations for changes to the Labour and Industry Act since the mid-1970s, and some minor changes have been made to that Act over that period of time.

I want to make sure that Parliament is well aware of the National Party policy on shop trading hours. With the indulgence of the House I shall read a few paragraphs of the

National Party's policy for the 1985 State election detailing shop trading hours. The policy reads as follows:

At present, there is no restriction on the opening times for Victorian retailers between the hours of 12.00 midnight Sunday and 1.00 p.m. the following Saturday.

It has been indicated on many occasions by the Government and the National Party that 133 hours of trading are available if a business wants to open for the maximum hours which are provided in the Act.

It also states:

There is no firm evidence that extending these trading hours provides any real benefit to business, especially small businesses or the consumers.

The policy of the National Party goes on to say:

Extended weekend trading would increase the costs for all business, lead to higher retail prices and sound the death-knell for many small businesses already battling for profitability.

6.1 The National Party therefore:

- (i) does not support any extension of the existing trading hours.
- (ii) will conduct a full enquiry into current anomalies within the Labour and Industry Act.

The National Party strongly supports the view that there should be an Act which provides restrictions on weekend trading on Saturday afternoons and Sundays.

On reading the Bill and looking at the second-reading speech by the Minister, one sees that there has been a weakening of the stand by the Labor Government on shop trading hours. If one analyses it in depth, one will understand—and I am sure the Minister at the table will understand—that there are implicit changes in the Bill that will enable the Government to allow extension of trading hours, particularly on Saturday afternoon and Sunday.

I reiterate that the National Party is totally opposed to the general extension of shop trading hours into Saturday afternoon and Sunday. The Bill needs to be looked at on the basis of the Governments objectives in bringing forward the proposed legislation. It is the thin edge of the wedge. That is the question I put to the Minister about extending trading hours into weekends and breaking down many of the reasons put forward in the past by the Labor Party in government for not providing a general extension to shop trading hours into Saturday afternoon and Sunday.

The National Party believes that the shop trading hours as they stand at present, with shops able to open from 12 midnight on Sunday through to 1.00 p.m. on Saturday, provides the basis for trading hours for all businesses operating within Victoria to operate effectively and profitably and to continue to do so.

I hope the House will indulge the National Party in detailing some areas of the Bill because the Opposition spokesman, the honourable member for Hawthorn, went through the various areas of the Bill at some length and brought forward concerns of the Opposition about it, related in general terms to how the Bill deals with shop trading hours within the State of Victoria.

Clause 7 relates to shop closing hours. The National Party has in the past consistently opposed the extension of trading hours for butcher shops from the normal hours of closing for five-day trading until 5.30 p.m., and on Saturday until 12 noon.

The National Party investigated trading hours for butcher shops because of representations made by primary producers, many shopkeepers and supermarkets, and indicated that there should be similar hours for the selling of red meat within Victoria.

Last year the National Party reviewed its policy and agreed that there should be some extension to the trading hours for the sale of red meats. The National Party accepts the recommendations which are included in the proposed legislation to extend weekday

trading hours to 6.00 p.m., to 9.00 p.m. on Friday evenings, and from 12 noon to 1 p.m. on Saturdays.

I am concerned about extended trading hours because of what the Government has allowed to happen.

Honourable members interjecting.

Mr JASPER—So far as the honourable member for Malvern is concerned, rather than having him chirping and chipping in all the time, perhaps we can get him to speak at length about what he thinks. I will be happy to hear what he has to say after I have put the National Party's contribution but, of course, he really has not enough sense to sit and listen because he does not have the understanding.

Mr Leigh interjected.

Mr JASPER—The National Party will be prepared to hear everything the honourable member has to say after it has put its views, but he should have the decency to sit and listen to somebody else's contribution and to take note of it. If he is prepared to do that he will find that many of the views he has are wrong and that they do not fall into place. The honourable member for Malvern may think he has some understanding of business, but I think he has none. I hope he goes out and talks to small businessmen in the electorate of Malvern. If he does that he will get a different point of view and will learn something, for a change.

Trading hours for butcher shops provide for red meats to be sold at similar times in supermarkets to those which apply for white and cooked meats.

The National Party supports that move, but it is concerned about how it will be achieved. The submission on shop trading hours by the Meat and Allied Trades Federation of Australia is excellent. That submission, which was presented to all parties for their consideration, states:

If the Government believes that broad agreement is the Australasian Meat Industry Employees Union and supermarket deal . . . then small business has been dealt a cruel blow.

Honourable members should understand that the arrangement made between the meatworkers union and the large supermarkets is a trade-off for extended trading hours. The hours and conditions of work of people operating as butchers in supermarkets have been changed by reducing the hours worked from 40 to 38. A nineteen-day month has been achieved, which allows employees twelve additional holidays a year.

Small butcher shops will be put under great pressure to provide the same conditions of work that have been agreed to by supermarkets and the union. I have enormous sympathy for the people who have operated small butcher shops over many years and who provide an excellent service to their customers. They will be put under additional pressure because of the acceptance by the Government of the agreement. The Government will allow extended trading hours to be introduced by this measure as a trade-off for union members who have obtained a shorter working week, reducing the number of hours from 40 to 38, and being provided with an additional twelve holidays a year through a nineteen-day month.

Honourable members should understand the changes that have been made and what the union has claimed to be a supermarket victory. Not only has the union won shorter working hours and a nineteen-day month, but also its members have been provided with small increments in salaries and other benefits as a trade-off for extended trading hours.

I wonder why the honourable member for Hawthorn did not mention that. He purports to be a strong advocate for the rights of business people and often refers to the pressure being imposed on them by unions, particularly militant unions, in Victoria. The Government has created enormous problems by accepting extended trading hours for butcher shops within supermarkets and a change in the general hours of meat trading in Victoria.

I raise the genuine concern with the Minister for Industry, Technology and Resources because not only will butcher shops come under pressure to join with supermarkets in providing additional benefits but also they will have to provide a shorter working week and improved conditions of pay to which they have not been subjected in the past.

I express my concern to Parliament and indicate that, although the National Party supports the extended trading hours for meat sold in butcher shops in supermarkets, many small businessmen will be adversely affected. I am surprised that the honourable member for Hawthorn did not recognise that fact.

Clause 8 refers to orders and exemptions from trading hours and that provision should be considered in the light of what it will do. The National Party believes clause 8 is the thin end of the wedge because it will provide the Minister with a discretion to approve extended shop trading hours if an application is made by a municipality. Clause 8 (2) does not provide any guidelines for extended trading hours if the application is accepted by the Minister. There is no reference to tourist or holiday areas, which were included in section 80 of the Labour and Industry Act.

Clause 4 sets out the objectives of the Bill, and paragraph (d) states:

. . . make provision for exemption from regulated trading hours in tourist and holiday areas or at markets or during festivals or events of special importance.

The objectives specifically provide for an exemption from normal trading hours for specific shops or within a specific municipality if they meet certain criteria. The Minister would accept those under clause 8 but the National Party is concerned about tourist and holiday areas. Clause 8 needs to be tightened up if it is not to refer to an extension of trading hours. The clause contains many anomalies.

Clause 8 (4) states that "The Minister may" and then refers to paragraphs (a) and (b), and in paragraph (b) it repeats the word "may". That may be a printing error or terminology that will be changed in the Committee stage. I refer the House to clause 8 (6), which states, "The Minister may" and paragraph (b), which repeats the word "may".

Perhaps the terminology needs correcting or the paragraphs must be read in conjunction with sub-clauses (4) and (6). Clauses 8 (8) and (9) also refer to the Governor in Council and the word "may". The National Party is totally opposed to the inclusion of those sub-clauses. Clause 8 (9) states:

The Governor in Council may not, under subsection (8), make proclamations in respect of more than four days in any year.

The sub-clause does not say whether it is a Saturday afternoon or a Sunday. It does not say what days are applicable. Honourable members will recall that last year special legislation was passed by Parliament to include trading on two Saturday afternoons leading up to Christmas. There has been no indication from the Minister whether that is the intention of the Government this year.

Mr Fordham interjected.

Mr JASPER—I accept what the Minister says, but that does not mean the Government will not specify other days of the year, perhaps Easter Saturday or Easter Sunday. It is open-ended to allow those four additional trading days with no stipulation about whether they will be a Saturday afternoon, a Sunday or any other time. The National Party will oppose clauses 8 (8) and (9) because they are associated with a specific intention but are not specific about the four trading days the Government will allow at weekends.

I wonder what inducement may have been provided to the Government in order that those provisions be included in the Bill.

Mr Fordham interjected.

Mr JASPER—I can understand the Minister being concerned, but it appears that some special incentive may have been provided to the Government to ensure that those four

trading days are included. Perhaps the dates of those trading days may be at the discretion of the larger supermarkets.

Clause 8 concerns the National Party greatly. It is the thin edge of the wedge and leaves too much power to the Minister to be able to approve or refuse applications from municipalities—whether for exemptions for shops or for shops in a municipality to be able to trade on Saturday afternoons and Sundays at any time throughout the year.

I should like the clause amended to ensure that the Minister takes note of the objective set out in clause 4 (*d*) relating to tourist and holiday areas, that is not mentioned in clause 8.

The SPEAKER—Order! The honourable member for Murray Valley is well aware that during the second-reading debate he should not deal in detail with the clauses of the Bill. If he wishes to make a passing reference to the clauses in the Bill, he is in order, but if he wishes to deal in detail with the clauses he should do so during the Committee stage.

Mr JASPER—Mr Speaker, I seek your indulgence and your guidance on this point.

The SPEAKER—Order! I am quite prepared to acquiesce to the honourable member's request for guidance but I am not prepared to acquiesce to his request for indulgence.

Mr JASPER—I require, then, Sir, your guidance in this area. In his address to the House, the honourable member for Hawthorn specifically covered many of the clauses and went through the Bill clause by clause.

The SPEAKER—Order! Even though I was not in the Chair at the time, I heard most of that address to the House by the honourable member for Hawthorn and I believe he was out of order in dealing in detail with the clauses. However, I ask the honourable member for Murray Valley to respect the wishes of the Chair and come back to the substance of the Bill.

Mr McNAMARA (Benalla)—I raise a point of order, Mr Speaker. The honourable member for Murray Valley was merely making a passing reference to a particular clause.

The SPEAKER—Order! I do not intend to indulge the honourable member for Benalla on a facetious point of order and I have already made a ruling in respect of the honourable member for Murray Valley's comments on the Bill. I ask him to confine himself to a second-reading speech on the Bill.

Mr JASPER (Murray Valley)—Obviously, Mr Speaker, I need to refer to some of the clauses because the principles of the Bill are contained in some of those clauses and it is the principles about which I am speaking.

In the earlier part of my address, I spoke about clause 8, which is of concern because of the changes it makes to the principles of the Bill. I said that it was the thin edge of the wedge. Clause 4 refers to tourist and resort areas and the principles covering those areas are embodied in section 80 of the Labour and Industry Act.

The SPEAKER—Order! The honourable member is now suggesting that we have an autopsy of the clauses of the Bill. I suggest to him that, with the skill for which he is well known, he stay within the well-known parameters of a second-reading speech.

Mr JASPER—The Fifth Schedule of the Labour and Industry Act lists the types of shops that can sell goods and the types of goods that can be sold are listed in the Sixth Schedule to that Act. The Bill removes the fifth and sixth schedules of that Act and the clauses refer to what may be reasonable items for a business to sell. There needs to be some further clarification of the word "reasonable".

Schedule 1 of the Bill lists the shops that are classed as exempt shops, which can sell the goods that are "reasonable" goods to sell. The National Party believes this will allow a huge amount of discretion for the Government to veto the types of goods that can be sold. The Government has transposed the types of shops that are included in the Fifth Schedule

of the Labour and Industry Act into Schedule 1 of the Bill and has added a number of businesses, with the exception of hardware shops, which were recommended in the Miller report to be included. The goods that were listed in the Sixth Schedule of the Labour and Industry Act are not listed but the Minister has included the types of business a "reasonable person" would expect to be carried on and the types of goods sold.

The anomalies referred to in the Miller report and in the Minister's second-reading speech may cause concern when dealing with the types of goods to be sold from the various shops.

The Bill encompasses a large area in relation to the registration of exempt shops. It also contains an amendment that removes from the Fourth Schedule of the Labour and Industry Act the annual registration fees. In the Act, registration fees are required for factories, shops or market sites. I agree with the honourable member for Hawthorn that it has been the prerogative of Parliament to debate any increases in registration fees for shops. The Government is proposing to change that system so that registration fees for shops can be set by regulation.

Over many years the National Party has expressed its concern about the power to change fees and charges set by legislation being given to regulation making bodies. The fees are then set by the Government through the Governor in Council with the only scrutiny being through the Subordinate Legislation Act and the regulation review sub-committee of the Parliamentary committee that deals with those matters.

I am concerned about changes to the Fourth Schedule of the Act which will mean that shop and market site registration fees will no longer be within the Act and will be set by regulation.

I am concerned that the Bill details the removal of the words "shop or market site" from the Fourth Schedule of the Act, because this means that fees for factories will be retained in the Act but registration fees for shops or market sites will be removed.

I refer the Minister also to a further clause, which indicates that the Fourth Schedule of the Labour and Industry Act will be repealed. It appears that there is an anomaly when one looks at what is contained in the Fourth Schedule. One part removes that shop or market site so far as registration fees and charges are concerned, leaving the factory charges intact, but the Bill indicates that the Fourth Schedule will be repealed.

Clause 11 indicates that there will be registration for exempt shops. I ask the Minister whether there will be a separate registration fee for shops or market sites to be paid according to the number of employees and whether another fee will have to be paid if the shop is registered as exempt. I ask him to obtain some clarification on that for the National Party.

The National Party supports the proposed legislation in its present form. However, the Liberal Party has foreshadowed two amendments to the Bill to include two parts of the summary of recommendations made in the Miller report which are not included in the proposed legislation; firstly, the inclusion of hardware shops in the list of exempt shops in Schedule 1 and, secondly, increase the number of employees which an exempt shop may have from twenty employees to 30 employees

The National Party is not prepared to support the amendments foreshadowed by the Liberal Party.

We have had extensive discussions with regard to those two foreshadowed amendments—and I thank the honourable member for indicating to the National Party those amendments so that it could make a judgment on them—that relate to extending the trading hours of hardware shops to Saturday afternoon and Sunday. On balance, the National Party cannot accept an extension in that area at present.

With regard to increasing the number of employees in an exempt shop from twenty to 30 employees, the National Party is not prepared to accept that amendment. When the

proposed legislation, which provides exemption levels for a number of employees within an exempt shop, was debated earlier, the National Party was not prepared to agree to that number being increased to more than ten employees. In fact, I foreshadow an amendment which I will be moving to reduce the number of employees that an exempt shop may have from twenty to ten employees.

The Miller report indicated that shops with one to four employees number 39 265, which is 86.6 per cent of the total number of shops. If one adds to that number of shops employing from five to ten employees, that figure is another 4480, which is 9.9 per cent, and so, by adding that figure, over 97 per cent of shops are included under the provisions of having ten employees.

The number of shops with twenty employees adds another 873 shops or 1.9 per cent, which takes the figure to over 98 per cent of shops, and they are included in the category of shops with fewer than twenty employees.

As I said the National Party foreshadows that it will be moving an amendment in the Committee stage to reduce the number of employees from twenty to ten employees. Other areas need to be examined and I shall be proposing a number of amendments on behalf of the National Party in the Committee stage.

The National Party believes there should be a tightening up of clause 8 which relates to the tourist areas. The Minister should include in the Bill changes in that area to provide that tourist and holiday areas are considered and put forward by the Minister.

Under clause 8, the City of Melbourne could request the Minister to consider declaring the city an exempt area so that all shops within the metropolitan area could open at any hour that they desire. There needs to be stronger restrictions on the Minister in the use of that power under clause 8.

The National Party will move an amendment which will provide a similar provision to that contained in section 80 of the Labour and Industry Act. That section refers to trading hours for special shops in tourist and holiday areas which are more than 32 kilometres from the General Post Office, Melbourne. Also, so far as clause 8 is concerned, the National Party will seek to remove those areas which give the Government the power to declare four days in any year, which can be gazetted by the Governor in Council—in fact the Minister's at the Governor's discretion—and on which trading hours can be extended to Saturday afternoon and Sunday.

The National Party supports the proposed legislation; it supports the fact that the Government has introduced a Bill which provides specifically for shop trading hours covering businesses operating within Victoria, particularly small businesses. The Bill removes the shop trading hours issue from the Labour and Industry Act so that it can be considered in better perspective.

The National Party will be considering what the Government proposes in the future so far as changes to the Bill are concerned. The Bill does some refining and revision and I have indicated the areas where the National Party will be looking to revise the Bill as it passes through Parliament.

I trust the Minister will take note of the recommendations that have been made by the National Party. Its policy on this issue was detailed at the State elections in 1985, and that policy still stands. My party opposes the general extension of shop trading hours into Saturday afternoon and Sunday.

The provisions contained in the Bill for the exempt shops and the extension of sale for red meat we support, but there is a need in Victoria for a restriction on the operation of shops on Saturday afternoon and Sunday for many reasons which have been canvassed in the past.

I am sure that the Labor Government will ensure there is no change to its policy on shop trading hours unless there are major changes or major reasons for a reconsideration

of this matter, such as the removal of penalty rates, a huge increase in the population or some other reason that may be put forward.

The National Party is not opposed to reviewing the Act in the future.

In accordance with Sessional Orders, the debate was interrupted.

ADJOURNMENT

Police investigations in Public Works Department—Brierley Hospital, Warrnambool—Lilydale—Ringwood bus service—Lease of Windermere property, Yarra Glen—Municipalities Assistance Fund—Agistment charges on Board of Works land—Grain freight charges

The SPEAKER—Order! The time appointed by Sessional Orders for me to interrupt the business of the House has now arrived. The honourable member for Murray Valley may continue his speech when the matter is again before the House. The question is that the House do now adjourn.

Mr COOPER (Mornington)—I raise a matter for the attention of the Minister for Public Works or, in his absence, the Minister for the Arts who is at the table. I refer to the answer to the question without notice relating to police investigations into his department given by the Minister for Public Works. The answer was selective. I now wish to raise the matters that the Minister so carefully avoided which have been the subject of investigation because of Opposition pressure.

I ask the Minister to confirm or deny the following information, explain why he failed to give that information and also give further information: Public Works Department Inspector Pattison has been on 44 charges including 15 counts of obtaining property by deception and other charges including furnishing false information. Is it true that he has been before a Public Service tribunal? Is it also true that he was involved in a false works order scam with two companies, RNT Builders, run by Mr Mikel Trkulja, and S.A. Hadzic, run by Mr Slavo Hadzic? The managers of those two companies have each been charged with six offences of obtaining property by deception.

Mr FORDHAM (Minister for Industry, Technology and Resources)—On a point of order, Mr Speaker, it is not possible to tell from the way the honourable member is couching the issue whether the charges to which he refers are within the court system. If, in fact, charges have been laid in the manner in which the honourable member is using the term, the matter may be sub judice. I seek a clarification from the honourable member as to whether these charges are currently before a court in this State.

The SPEAKER—Order! Before ruling on the point of order, I ask the honourable member for Mornington whether a listing has been made for the hearing of these charges. If so, I advise the honourable member that he is out of order on the rule of sub judice. If these charges have not been listed, the honourable member may amplify his request to the Minister for Public Works to investigate the matter but he needs to be careful about the grey area into which he is entering.

Mr COOPER (Mornington)—I understand that one case involving the people I have mentioned is before the Court.

The SPEAKER—Order! I advise the honourable member that if he amplifies his request and it impinges on a listed case, he is infringing the rule of sub judice. He needs to be especially careful, otherwise I shall rule him out of order and uphold the point of order.

Mr COOPER—I accept your ruling, Mr Speaker. However I shall refer to a matter involving Public Works Department Inspector Starkey who has taken early retirement. I understand it is proposed that some charges will be laid against him and at least fifteen contractors on another phoney works order scam.

I also understand that one of the gentlemen I have already mentioned, Mr Mikel Trkulja, again applied to the Public Works Department after he had been exposed as trading under a different name. That was picked up by the Public Works Department internal audit system.

Dr COGHILL (Werribee)—On a point of order, Mr Speaker, my understanding of the debate on the adjournment of the sitting is that it gives an opportunity for honourable members to ask Ministers to take action on particular matters. The debate is not intended to be a substitute for question time. The honourable member can present a case about action that should be taken by a Minister and request the Minister to take action in accordance with the case made by the honourable member. The honourable member is out of order in making those allegations and in asking the Minister to do no more than provide information.

The SPEAKER—Order! I uphold the point of order and advise the honourable member for Mornington that matters raised during the motion for the adjournment of the sitting cannot be rehearsed questions without notice. The honourable member must ask for some Ministerial action to be taken about the matter with which he is concerned. The honourable member's time has expired.

Mr J. F. McGRATH (Warrnambool)—I raise a matter for the attention of the Minister representing the Minister for Health in this Chamber, and in his absence, the Minister for the Arts.

It concerns the Brierley Hospital at Warrnambool and the ongoing saga of the psychiatrist superintendent at that hospital. Since 1981 Brierley Hospital has suffered consistently because it has not had the services of a full-time psychiatrist superintendent.

I refer the Minister to the most recent correspondence from the Minister for Health. In a letter dated 28 July 1986, the honourable gentleman advised me that the Office of Psychiatric Services has commenced negotiations with a senior psychiatrist in Singapore who was to be appointed as the full-time superintendent of Brierley Hospital once medical board registration and immigration procedures had been finalised.

The Minister, in a further letter to me on 18 September, went on to say that Dr Christopher will arrive later this year to take up the full-time psychiatric position at Brierley Hospital. The Minister went on to say that it was expected that Dr Robert Walter, a psychiatrist from the Phillipines, will join the medical staff of the hospital as an able and experienced medical officer in the next few months.

A Dr Lam, who was at the hospital, was allowed to transfer to Melbourne shortly after arriving in Warrnambool. Dr Lam has been attending at the hospital as a part-time psychiatrist superintendent approximately two days a week, taking out his travel time. Dr Lam has given notice, has gone on leave and will not be returning. Prior to going on leave and giving notice, Dr Lam allowed one of the medical officers to take leave. At this time the hospital has one medical officer on duty and one on leave.

I am amazed to learn that at another hospital of twenty beds there are three doctors and that a newly-appointed doctor has taken up practice as a resident. Brierley Hospital has in excess of 160 patients, but no psychiatrist.

Obviously the Minister for Health is not aware of the current circumstances of the hospital or he would have taken steps to correct it. I have learnt that Dr Christopher is embroiled with visa problems, which could mean some intervention by the Federal Government so that Dr Christopher can come to Australia and relieve the situation. Dr Hannam, a man in his late retiring years, has come out of retirement to assist the hospital over this difficult period.

Psychiatric services provide important and valuable assistance for those in our community who suffer from mental illness. It is not good enough for hospitals of this kind to have no direct supervision or reference to a psychiatrist superintendent.

The situation is totally unsatisfactory and I call on the Minister for the Arts to refer my concerns to the Minister for Health along with my request that he immediately intervene to expedite the migration of Dr Christopher to Australia and his appointment at Brierley Hospital or, alternatively, transfer a suitably qualified psychiatrist from another Victorian hospital to Brierley Hospital until Dr Christopher arrives. It is unsatisfactory that a hospital with 160 or 170 patients has no direct reference to a psychiatrist.

Mrs SETCHES (Ringwood)—I direct the attention of the Minister for Transport to bus route No. 680, which runs between Lilydale, Montrose and Ringwood. In April last year I made representations to the Minister about a short deviation to the route of the service so that it would go through the Canterbury Gardens estate in Bayswater North, which comprises approximately 1000 houses. A bus service was needed for students attending the Ringwood Technical School, Ringwood High School, Aquinas College, Our Lady of Perpetual Succour Primary School and Ringwood Primary School.

On first examination, it was found that at least fifteen students from the estate would use the service, and the Minister gave the assurance that a detour to the route would be made. It was announced on 13 May 1986 and it commenced in the second school term that year. The Minister would be aware that the service has been successful and that the 8.00 a.m., 8.10 a.m. and 8.30 a.m. buses take that route. Those buses are constantly crowded with students who attend the schools to which I referred.

The buses do not run on time and students are crowding on to the first two buses because they are worried that the third bus will not get them to their destinations on time. Therefore, the first two buses are overcrowded and they have the additional problem of occasionally running a little early.

A problem has also arisen through the overcrowding of the buses where students have been unable to get off at their desired destinations and they have been carried on to the next bus stop. That is worrying, especially for Year 7 high school students who are not as used to travelling on public transport as are their older companions.

A range of concerns has been expressed by residents about the buses not running on time. I have approached the Metropolitan Transit Authority and asked it to investigate the timetable of the buses so that the maximum efficiency is achieved from this necessary service. When the buses are running on time and the students use all three buses, it will then be possible to determine whether additional services are necessary.

The school crossing supervisor in the area and a number of parents have telephoned me expressing their concerns about the overcrowding on the buses and the fact that they do not run on time. I ask the Minister for Transport to investigate the efficiency of bus route No. 680.

Mr PLOWMAN (Evelyn)—I wish to raise a matter with the Minister for Water Resources but in his absence from the Chamber I direct it to the Minister for the Arts and request that he refers the matter to his colleague. I refer to the leasing of Melbourne and Metropolitan Board of Works properties, particularly to the lease of the Windermere property in Skyline Road, Yarra Glen, which is a property of 4.7 hectares. The board has indicated its intention of leasing the property on a ten-year basis to a resident in the area despite considerable concern expressed by other local residents about the suitability of the proposed lessee and the fact that the board at no time advertised for any expression of interest by any other person or persons in the area.

Windermere forms part of the reserve purchased by the board for the proposed Watsonia Creek water storage to be built at some future date. I believe where the board leases any property it should optimise the return on the property to ensure that the best dollar return is available to the ratepayers of the board within the metropolitan area.

In this instance, I asked the board whether it had advertised the property in the local papers or in any form to seek an expression of interest from other persons. In reply to my letter, the board stated:

The board is committed to obtaining proper market rentals for those of its properties which are not immediately required for the purpose for which they were purchased, and are available or suitable for some acceptable private use. Such rentals are assessed by estate agents familiar with rentals prevailing in the particular area, by a registered valuer or by the board's own property officers who are qualified in that area. In line with this long established procedure, the board applied to the Valuer-General's office for a rental valuation on 12 December 1986 and that opinion was received last week.

In reply to my question about whether the lease was advertised to call for tenders and an expression of interest, the board stated:

No. Being a property with limited potential (and therefore limited rental value) for grazing purposes, the expenditure for advertising for leasing by tender could not be justified on commercial grounds.

An advertisement in the local paper to seek expression of interest from other parties would have cost approximately \$30. That is a very small investment for the board to make to ensure that a property of 4.7 hectares, which it intends to lease for ten years, provides the board with a maximum return. The board should ensure that an opportunity is provided for the maximum expression of interest by the public before a lease is granted.

As this procedure was not followed in this instance, I ask the Minister for Water Resources, firstly, to ensure that the board is receiving the optimum return on any property that it leases and, secondly, that advertisements calling for expressions of interest are placed in local papers before a property is leased. In this instance, I ask that the board review the lease with a view to offering it to all interested parties to ensure that an optimum return is available to the ratepayers of the board in the metropolitan area.

Miss CALLISTER (Morwell)—My remarks to the Minister for Local Government pertain to the Municipalities Assistance Fund and its distribution. I was pleased to be present recently when the Minister visited my electorate and indicated to the Shire of Morwell that he had approved its submission for assistance under the fund to enable it to improve flooring at the Morwell basketball and volleyball stadium so that increased and more effective use could be made of that facility. It had suffered from underuse in one part, because of inappropriate floor covering. The Minister's announcement was received enthusiastically, and he was treated to a warm reception.

The City of Traralgon was also pleased that its application for a pool solar blanket had been approved—again to increase the use to which that public facility is put. That assistance was also granted under the umbrella of the fund.

In our visits to the municipalities concerned, it was clear that there was wide acceptance of the way in which these funds are distributed. While in Gippsland the Minister also announced projects within Narracan and Warragul; and, glancing through local newspapers in the Parliamentary Library, I noted the wide distribution throughout the State of funds to communities in isolated areas as well as to communities in much more urban context. I understand that the distribution has meant that projects in a number of Government seats have received assistance as well as projects in some 24 Liberal or National Party seats—projects of a type similar to those that were approved in my electorate.

I woke yesterday morning to the local news, which reported allegations by the honourable member for Gippsland South that the Minister had exhibited bias in applying the available funds and that funds had been diverted from electorates represented by members of the opposition parties. As indicated by my preliminary remarks, that sort of claim would appear to be arrant nonsense.

I seek from the Minister this evening details outlining the overall distribution of funds and the administration of that scheme in Victoria.

Mr E. R. SMITH (Glen Waverley)—I raise with the Minister for Water Resources a matter concerning an outrageous increase in Government taxes and charges. I refer to the 50 per cent increase in agistment charges in respect of the Melbourne and Metropolitan Board of Works land. I have received a complaint from Mr K. A. Maloney of 24 St Georges Court, Glen Waverley, who is the President of the Waverley Pony Club.

I have been informed by Mr Maloney that the Board of Works agistment charges on the Bushy Park Lane reserve, Wantirna, at the intersection of Dandenong Creek and High Street Road, have increased from \$10 to \$15 a week. The fees, which are payable in advance, have been increased by 50 per cent and not the 6 per cent demanded by the Government on the basket of groceries sold in supermarkets.

In only 1984 the fees were increased from \$7 to \$10. Since then no significant improvement has been made to the land except the electrification of a couple of fences. This improvement has been used to justify the latest 50 per cent increase in the fees.

The increase cannot be justified. Some 50 horses are agisted on the land and 12 of them are owned by pony club members. The Minister should note that the latest billing method adopted by the Board of Works is ruthless. The owners of ponies agisted on the reserve land were not formally advised of the proposed increase. They received a renewal bill on 7 March which dictatorially announced the decision to increase the fees by 50 per cent.

Only after complaints were received from the parents did the board decide to write a letter of explanation to the owners of the horses. The letter, which was dated 10 March, tersely announced much the same information. It did not justify its reasons for the 50 per cent increase and the board adopted a "pay up or else" attitude.

The land cannot be used for any other purpose because it is in the green belt area. No other agistment land is available nearby to the young riders. The board has the young people at its mercy. It could be suffering from the usual socialist ideology of envy that pony clubs are elitist.

The parents of the children who attend the pony club include electricians, landscape gardeners, boat builders, salesmen and butchers. One could hardly call them elitist! Before the increase of 50 per cent in the fee a month ago, the young people had to find \$10 to pay the agistment fees. In addition to that fee, the children must pay another \$10 for feed, equipment, rugs, shoeing and other incidentals. Some children cannot raise the money.

Mr Maloney informed me that the children's:

... own individual efforts, under strict pony club supervision, provide for the remaining maintenance and training necessary to attain the sporting skills, expertise and enjoyment required . . .

Pony clubs provide the future riders for our State and Commonwealth equestrian teams. They also promote the highest ideals of sportsmanship, citizenship and loyalty, as well as cultivating strength of character and self discipline in their members.

It is outrageous that the Government is interfering in this area and depriving young people of one of the best community activities, which is so beneficial in character moulding.

The Minister should take on board the fact that many of the children must somehow find the money to pay the agistment fees so that they can continue to partake in this activity. I urge the Minister to review the increase in the agistment fees with a view to giving the children a fair go.

Mr W. D. McGRATH (Lowan)—I direct the attention of the Minister for Transport to the movement of grain across the border from Victoria to South Australia. The figures I obtained show that in 1985-86, 43 000 tonnes of grain was transported over the border to South Australia; this year the figure has nearly doubled to almost 85 000 tonnes, 99 per cent of which is wheat.

That represents a loss of around \$2 million in freight revenue to V/Line and about \$1 million in grain handling charges usually received by the Grain Elevators Board. I should have liked to have given the House more detail to demonstrate how bad judgments by the Government on grain freight and handling have caused the State to lose revenue.

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

Mr McCUTCHEON (Minister for Water Resources)—The honourable member for Evelyn referred to the Melbourne and Metropolitan Board of Works leasing land in the Yarra Valley and asked me to examine the process the board used in making a 4.7 hectare piece of land available without advertising locally. I shall speak with the board about that to ascertain what process it used, review it with the board and let the honourable member know the outcome.

The honourable member for Glen Waverley referred to agistment charges and, once again, it is a matter about which I am not specifically aware. I have discussed agistment with the board and asked it to keep increases within the consumer price index. The cost of agistment was not raised for some years. I think it was in 1984 when it was last raised. Therefore, at least three years have elapsed during which agistment costs have not been raised.

Additionally, the board offers agistment at a much lower occupation rate for horses per hectare than is commercially available. The board has tended to offer better quality agistment with less eating down of paddocks than other commercial operators. I shall raise the matter with the board and report back to the honourable member.

Mr WALSH (Minister for Public Works)—In answer to the matter raised by the honourable member for Mornington, I cannot mention the names he mentioned because the honourable member ought to get a few facts right. One of the persons is not facing 44 charges. These matters are old hat. The matter was reported to the House on a couple of occasions when allegations were made by the honourable member for Hawthorn during the autumn sessional period last year.

The matters raised were already under investigation and the honourable member for Hawthorn was told about that. One person who has not been charged yet is Mr Starkey. The investigation was started after an internal audit examination within the department. That matter was reported to the House on an occasion once before, so honourable members were aware of it.

If I am correct, the honourable member for Mornington said that the Opposition had raised some of these matters. These matters were not raised by the Opposition.

Mr Cooper interjected.

Mr WALSH—The honourable member for Mornington interjects to say that plenty of them were. Not one of the matters that has been under investigation was brought forward by the Opposition. The honourable member for Hawthorn knows it is true because we sent the police out to interview him and he could not produce one bit of evidence on any new case about which the department was not aware. I suggest that the Opposition gets its facts right and makes sure that it does its homework properly. The Opposition did not raise any matters of substance for any inquiries to occur in my department where there was alleged fraud and corruption taking place.

Mr SIMMONDS (Minister for Local Government)—The honourable member for Morwell raised a matter on the distribution of the Municipal Assistance Fund allocations in Victoria this year. Among the matters she raised was a public comment made by the honourable member for Gippsland South to the effect—

Mr W. D. McGrath—And he was pretty correct, too!

Mr SIMMONDS—The honourable member for Lowan was present when I visited Horsham and Jeparit. Some of the facilities were in need of funding. One of the things I ascertained from my tour of Victoria was that the general level of application was exceedingly good and well justified. For instance, I am sure the honourable member for Mildura was gratified to receive a grant of \$40 000 for the City of Mildura to provide lighting for a women's netball facility so that they could enjoy their sport in the evenings.

The honourable member for Mornington—who is making noisy interjections—was not interested enough, despite prior information, to attend the ceremony for the handing over

of the funds for the Briars project in the electorate of Mornington. Therefore, the suggestion that funds were not distributed fairly and equitably is not substantiated when one examines the way in which they have been distributed.

Some 90 per cent of the funds have now been distributed; 66 per cent of the funds allocated went to non-metropolitan councils and, of the successful applications, 71 per cent of councils that were successful applicants came from the non-metropolitan area. That hardly demonstrates a bias in favour of the metropolitan area.

If there were anybody who could justifiably raise some question about the distribution of those funds, it certainly would not be an honourable member who represents the National Party in this Chamber. Of course, the question should be asked in the context of the statements made by the Leader of the National Party who, according to the transcript prepared by Current Affairs Monitoring on 9 February this year relating to the 3LO news program of that date, said that:

... a coalition Government would exercise severe economic restraint in order to restore the State's financial position ...

We'll have to be looking for ways of cutting back on expenditure rather than increasing it.

The applications under the Municipalities Assistance Fund totalled \$9 million. A substantial number of those projects were worthy of funding. However, the Budget provided \$1 million to meet that requirement.

In that climate and in those circumstances, it is hardly a reasonable proposition to listen to members of the National Party supporting individual claims when the regions that they represent have received substantial grants. I have referred to the Latrobe Valley region, the grants provided at Tambo and Warragul for a facility for the handicapped, in Gippsland and also at Thalloo estate, Narracan—which is an isolated area that had no facilities—where a tennis court was constructed to meet the needs of the community. Tennis courts were also constructed at Jeparit in the Shire of Dimboola. Therefore, there was a spread across various needs.

The letter I received from the honourable member for Gippsland South alleged:

Although you state that funds must be distributed on an equitable basis it seems that the larger individual grants now being handed out from the Municipalities Assistance Fund have gone to Labor areas and Melbourne.

The facts are borne out by the figures I have disclosed. The honourable member for Malvern, who interjects, was so obsessed with Oakleigh that he did not make any submissions in support of any project anywhere, but members of the National Party—and I commend them—have been coming forward to support the submissions from their electorates.

However, I make the point to them that there is a conflict between their support of three proposals. In the instance of the City of Sale, the proposal amounted to \$115 000—more than 10 per cent of available funds. In the circumstances of distribution, it appeared not to be qualified to expect approval for the proposal this year.

The fact that a municipality has not received an allocation for one year is no reason to assume that it should not warrant consideration for the following year. Local government has been made aware that the approach to the department is to be fair and equitable.

Honourable members should take note of the attempt by the National Party, in particular, to allege that there has been discrimination against National Party electorates. I reiterate that, of those funds that have been allocated to date, the electorates represented by the opposition parties have received a greater number of allocations than those represented by the Government Party; the electorates represented by Assembly members of the National Party have received almost 50 per cent more, in terms of the number of applications, than those represented by Liberal Party members of the Legislative Assembly.

Mr ROPER (Minister for Transport)—The honourable member for Warrnambool raised the question of psychiatric staffing at the Brierley Psychiatric Hospital, Warrnambool.

As the honourable member and other members would be aware, it has been a problem for a long time to ensure that psychiatric services can be provided at the hospital. I shall refer that matter to my colleague in another place, the Minister for Health, but I must say to the honourable member that it is a long-term problem; not something that has arisen in the last few months or years.

The honourable member for Ringwood raised the problem of bus services and the success of bus service expansions that occurred in her electorate in April and May of last year. One of the results of that expansion has been the production of further passenger numbers and the potential need for additional services. I shall raise the matter with officers of my department. I have to advise the honourable member that there is not necessarily automatic funding for those kinds of expansions, but the Government will certainly look sympathetically at the matter, and particularly at the need for additional school bus services.

The honourable member for Lowan raised the question of wheat sent to South Australia. I advise him that the Australian National Railways submitted a special bargain rate from near the Victorian border during the last harvest season, which appeared to have drawn Victorian wheat from near the border. How the railways did that, given their current level of running costs, without increasing its deficits is beyond the Government's understanding, but it is clear that it is making non-marketing decisions in an attempt to take wheat away from the Victorian system. When I say "non-marketing decisions", I mean decisions that are not based on commercial criteria but on a further subsidy from the Australian Government.

The Government's correspondence with the Australian Government trying to ascertain the real level of costs of grain carriage has not proved very effective, whereas this Government has indicated to the Victorian farmers its costs of carrying grain. I do not think railways in other States have been prepared to indicate those costs either to grain growers or to anyone else, but a Royal Commission is currently looking at those questions. The Government is certainly concerned about any change in grain arrangements.

I have received the figures in relation to Portland and Geelong for which the honourable member asked, and I shall provide them to him. The chief change in grain arrangements this year was as a result of damaged wheat that was sold into the private system. Some of those growers, I suspect, subsequently regretted selling privately when the Australian Wheat Board increased the amount it was prepared to pay for such wheat, but the growers made a commercial decision at the time.

That was the main change that occurred in terms of the Grain Elevators Board's receipts for this year, and I shall be happy to discuss the overall problem with the honourable member.

The House adjourned at 11.44 p.m.

Wednesday, 25 March 1987

The **SPEAKER** (the Hon. C. T. Edmunds) took the chair at 2.5 p.m. and read the prayer.

ABSENCE OF MINISTER

The **SPEAKER**—Order! I advise the House that the Minister for Consumer Affairs will be absent from the House on Ministerial business today and tomorrow.

QUESTIONS WITHOUT NOTICE

TRANSPORT UNIONS

Mr **BROWN** (Gippsland West)—I ask the Minister for Transport whether it is a fact that the transport unions have such power over the Minister that he cannot act without their approval.

The **SPEAKER**—Order! I do not uphold that as a question about which the Minister has responsibility. Therefore, I disallow the question.

Mr **KENNETT** (Leader of the Opposition)—On a point of order, Mr Speaker, this question relates to the influences which may affect the way the Minister carries out his duties. It is part of Government administration. It is a simple question and is owed an answer.

Mr **RICHARDSON** (Forest Hill)—On the same point of order, Mr Speaker, the question relates directly to Government administration and the way the Minister is able to carry out his responsibility as a Minister of the Crown. I ask you, Sir, to reconsider your ruling in that light. I repeat that the question relates directly to Government administration and the way in which the Minister administers his department.

The **SPEAKER**—Order! I do not uphold the point of order. I ask the honourable member for Gippsland West to rephrase the question rather than asking the Minister for an opinion about the influences that may affect him. If the honourable member does that, I shall allow the question.

Mr **BROWN** (Gippsland West)—I ask the Minister for Transport whether there has been any recent proposal of his that he has been unable to implement because of union insistence that the proposal does not proceed.

The **SPEAKER**—Order! The question is in order.

Mr **ROPER** (Minister for Transport)—In the course of the activities of the Ministry of Transport, many groups are consulted on the operations of the Ministry. The Ministry consults with railway unions, tram unions, unions engaged in the trucking and road transport industries, unions concerned in the maritime industry and, to a lesser extent, unions concerned in the air industry. In that consultation process, naturally, the effort is—as with other community groups—to seek agreement to specific propositions.

Honourable members would be aware that in many instances that consultation does not end with agreement and action must then be taken. Honourable members who believe the Government can do nothing without the approval of the unions might note the significant changes that have occurred in staffing levels and Budget arrangements in the Ministry of Transport in recent times.

It would be unfair to the Australian Railways Union to suggest that it had approved those propositions. However, the Ministry has a series of agreements, many of which date

back a long time. For instance, an agreement was made many years ago about the way in which the suburban driver arrangements operate.

The Ministry naturally considers that to be one of the potential projects with which it may become involved with the relevant unions. The Ministry will be consulting with those unions about that matter, as well as about the industry plans that were released yesterday.

I make it clear that, in the end, the Government makes the decision and puts that decision into effect, with agreement if possible.

SMOKING AT YOUTH TRAINING AND RECEPTION CENTRES

Mr HANN (Rodney)—Is the Premier aware of reports that clients as young as twelve years of age in youth training and reception centres are being issued with a daily ration of cigarettes? If the reports are accurate, how does the Premier equate that practice with the Government's recently announced anti-smoking initiatives?

Mr CAIN (Premier)—I am not aware of the reports to which the honourable member for Rodney refers. I should have thought that he would have been the least perturbed about the Government making its intentions clear. If the honourable member has a concern about a specific institution, he should take it up with the person in charge of the institution.

I know the feelings of the honourable member for Rodney about a number of matters, from smoking to bad language, which is something he should take up with the Leader of the Opposition. I hope the concern of the honourable member about a specific institution will not diminish the support that all members of Parliament should give to the Government's Quit program and all the Government is doing to discourage children from smoking.

I should have hoped there would have been genuine support for what the Government is doing. It diminishes the honourable member for Rodney to refer to a specific situation when the Government is pursuing a policy that should be supported by everyone. As I stated previously, if the honourable member wants to take up the issue of what is occurring in a specific institution, I invite him to do so, but he should not try to undermine a worthwhile program that should have support from all sides of the House.

PEGGING OF PRICES

Mr STIRLING (Williamstown)—I ask the Premier whether he can outline to the House the steps the Government is taking to ensure that the increases in the Government's prices peg basket do not exceed 6 per cent.

Mr CAIN (Premier)—I hope it has been made clear to all honourable members what the Government's commitment is in regard to preventing the total price of the basket of State charges from increasing by more than 6 per cent. I regret that the Leader of the Opposition is running around and sounding off, as usual, without any authority and seeking to divert attention from another issue by attempting to undermine the prices peg program.

The Government has included in the basket State charges that are of most importance to household budgets: public transport fares, water, gas, electricity, third-party insurance premiums, motor registration fees and drivers' licence fees. The Opposition still does not understand the fundamentals. I was interested and surprised to hear yet again the nonsense about abalone licences. What do they have to do with household budgets?

Honourable members interjecting.

Mr CAIN—This just goes to show that members of the Opposition do not want to understand. If there were any doubt about how serious the Government is in its commitment to pegging the prices of the contents of the Government basket, I dispel that

doubt by again directing the attention of honourable members to the decision announced by the Minister for Transport concerning increases in drivers' licence fees. Those fees were determined by regulation to increase from \$54 to \$60, an increase of some 11 per cent, to restore the former position. The Government decided to repeal that regulation and to introduce a fresh regulation that demonstrated the Government's firm commitment to pegging average increases to no more than 6 per cent. That has been made abundantly clear. The fee increase will be limited to 6 per cent, and drivers will pay \$57 for licences.

People will not be diverted from the real purpose of this strategy by the loose talk of the Leader of the Opposition who is trying to talk up the proposition that the prices peg will not work. I am well aware of those who do not want it to work, and I am aware of the reasons why they do not want it to work; but that will not deter the Government from endeavouring to assist people who are in need of assistance. Those people in the community who, for a variety of reasons, are finding it difficult to make ends meet are entitled to expect that assistance. They know they will get it from this Government in respect of the 170 supermarket items in the basket. That is the best possible evidence of the Government's determination to help.

A number of telephone lines are now available and operators are there to provide information on the contents of the basket of goods and Government service charges, so that people can be properly informed. I hope people will see that they are properly informed and will not listen to the announcements that the Leader of the Opposition is peddling to try to undermine a significant and worthwhile Government initiative.

I repeat: the interesting point is that this initiative is supported by the great mass of people in our society. It is supported by people on the retail and manufacturing sides who, I believe, want it to work. The Leader of the Opposition remains the one person who seemingly is trying to direct attention away from matters that are of some concern and embarrassment to him; and he is trying to start another hare running. I deplore that attempt to undermine an initiative that is important to the people of this State.

PUBLIC TRANSPORT SERVICES

Mr BROWN (Gippsland West)—In view of the answer given by the Minister for Transport to my previous question, that the Government makes decisions and implements them, why did he write to the honourable member for Derrimut on 2 February 1987 stating:

I personally wish to see these buses go into your area and all possible steps——

The SPEAKER—Order! The honourable member debases question time by using a quotation. He should ask the question without referring to notes or quoting from a document or letter.

Mr BROWN—In view of the fact that the Minister stated that he wished bus services to be extended into the area represented by the honourable member for Derrimut and that it was unfortunate that the Trades Hall Council and the unions would not permit him to do so, I ask: who is running the transport portfolio, the Minister or the unions?

Mr ROPER (Minister for Transport)—I remind the honourable member of what I said before: in many instances, detailed consultation is undertaken with unions, and sometimes one cannot do things in the way one wishes. However, one gets them done.

The example provided by the honourable member for Gippsland West is a very good example of the fact that we were not able to proceed in one way but were able to proceed in another. Indeed, as the honourable member for Derrimut knows, the recent announcements concerning extra public transport services will have a significant effect in that area.

That particular case involved very significant changes in the way trains and bus services would operate. We currently have those changes under review in the Metplan and the

State transport industry plan arrangements. It was certainly in the end better to get all those issues examined, as they are being examined.

I remind the honourable member of what he said yesterday: that in fact many of the changes in the approved plans or strategy plans were already being put into effect. He was not in any way suggesting that they were being put into effect with union approval.

Many of the changes proposed, as the honourable member is aware, are being made despite considerable opposition from individual unions. No doubt that will continue. The honourable member might have noticed that the Australian Railways Union has major opposition to a whole range of changes, but those changes are going ahead because the Government, in constraining its Budget, determined that that was the case and that that would occur. We are involving ourselves in discussions and proceeding to provide additional services.

RURAL WATER COMMISSION

Mr STEGGALL (Swan Hill)—I direct the attention of the Minister for Water Resources to the financial strategy package which calls for the Rural Water Commission to hold its costs at the 1984–85 dollar levels. Will the Minister inform the House whether the commission is achieving the productivity targets for the financial strategy package for the year 1986–87.

Mr McCUTCHEON (Minister for Water Resources)—The honourable member has asked a very difficult question on which to provide an answer at this stage of the financial year. He will receive a proper answer when the financial year is closed. The performance of the Rural Water Commission in terms of the financial management strategy has been on target.

This year we are seeing the planning and introduction of regionalisation, and the financial changes that that will mean in the structure of the commission are being examined by both officers of the commission and the board, and it is the subject of close study by me as well. The attention being given to the changes in the operations of the commission will mean that it will come in on target.

PEGGING OF PRICES

Dr VAUGHAN (Clayton)—Will the Minister for Labour give details to the House of the steps he has taken to ensure that the benchmark price is set for those grocery items covered by the price pegging scheme?

Mr CRABB (Minister for Labour)—As honourable members will be aware, the supermarkets in Victoria have given an undertaking that they will not increase the prices, in aggregate, of the basket—the 170-item basket—by more than 6 per cent over the next twelve months and, further, that they will not change the discount policies that they have had in the past.

That recognises that there will be differences in prices charged between one supermarket and another for varying reasons. Some supermarkets provide a lower level of service and others provide a higher level of service and, therefore, there is a difference in price. Other supermarkets discount prices in order to meet competition in the neighbourhood. On other occasions items are discounted, specially for promotion reasons.

We will establish a benchmark price as at Friday, 6 March—that is a fortnight before the Friday when the price pegging program was announced. The supermarkets, through the Retail Traders Association, will be providing us with a benchmark price for the basket as at that date—6 March. They will provide the figures by the end of the week and we will publish it to the community probably early next week.

However, we conducted our own surveys on Friday, 6 March to establish a range of prices charged in supermarkets from the lowest to the highest prices at that date and we will equally be publishing those at the same time.

It is our intention to regularly conduct surveys to ensure that the parameter of prices being charged for items remains the same, which means that supermarkets will continue current discount policies. It is ridiculous for anyone to suggest, as the Leader of the Opposition did yesterday, that some items have risen by as much as 22 per cent; that was the figure he quoted.

Heaven knows what items he bought from his grocery list! I suggest that, after his telephone conversation, he may have bought a lot of mouthwash, the cost of which may well go up by 22 per cent—from being a special a week ago, it may suddenly be in great demand.

The total price increase of that basket of items will be held to 6 per cent this year.

REPLACEMENT OF FLASHING LIGHTS WITH BOOM BARRIERS

Dr WELLS (Dromana)—Is the Minister for Transport aware that he is unable to proceed with important safety projects, such as the replacement of flashing lights with boom barriers, because the unions will not agree to them?

Mr ROPER (Minister for Transport)—I shall be very interested to see whether the honourable member will still be in Parliament after the next election, or whether he will even stand again, according to what I hear in his area.

The honourable member raises what has been a long-term industrial dispute between V/Line and the Electrical Trades Union of Australia about the use of contract or other labour. Those discussions have not moved ahead with the speed that I would have wished.

I understand that an agreement was reached which allowed work on a number of projects to proceed. I am keeping a close eye on what is occurring in that area because I know a number of honourable members and local communities are concerned about the progress of that program.

The honourable member for Gippsland West talks about this program because, like so many other programs, it virtually did not exist until my colleague, the Minister for Labour, made available additional funds when the Government took office. Those discussions with the Electrical Trades Union have been prolonged and they have been satisfactorily concluded. I am hopeful that the works that were delayed will now proceed rapidly.

This is part of a suggestion that nothing occurs in the Ministry of Transport without union approval, and I again remind the honourable member for Dromana that if he believes that, he should have a consultative session with the Secretary of the Australian Railways Union, who probably would not agree with him.

CONSTRUCTION OF NEW SCHOOLS

Mrs TONER (Greensborough)—I ask the Minister for Education to indicate what progress is being made in the involvement of school councils in the construction of new school facilities.

Mr CATHIE (Minister for Education)—The Government has been actively encouraging the devolution of powers to school communities and school councils, and among those powers perhaps the most important is the encouragement given to school councils that wish to be more intimately involved in major construction projects.

One major project now reaching completion—and one which I know the honourable member for Greensborough has been actively supporting and assisting—is the St Helena

Post-Primary School which is now nearing completion. It is the largest school council contract that has yet been undertaken within the Ministry of Education. The total cost of the project is in excess of \$9 million. It comprises a full post-primary school with all the facilities for Years 7 to 12.

In view of the growth within that area—and very rapid growth—it is a problem that the Government is facing in other outer metropolitan areas. The Government felt it necessary to provide a total school facility in one construction stage. That was done and the facility was built on time. The managing process enabled very early construction to take place on that site. It has been completed to the satisfaction of all parties, and particularly to the satisfaction of the school council.

The Premier will be opening that post-primary school early next month and I should like to congratulate everyone involved in the project, particularly the members of the school council who carried through some great responsibilities in a most efficient manner.

METRAIL DEPOTS

Mr LIEBERMAN (Benambra)—I ask the Minister for Transport whether it is a fact that small brick depots for MetRail maintenance workers each cost between \$217 000 and \$254 000 and take between 41 and 81 weeks to construct when a competent contractor could have constructed a similar building in sixteen weeks at a cost of approximately \$100 000?

Mr ROPER (Minister for Transport)—The honourable member reads well from a draft report that the Government commissioned because of its concern about a practice developed over the years that has not produced the most effective system of construction in the public transport area.

The problem is hardly new. What is new is the fact that the Government has identified it as a significant problem and sought advice from expert consultants to examine a number of jobs to ascertain what, in their view, is the best possible way to proceed.

For years in the railways industry—and it certainly occurred when the honourable member for Berwick was the Minister of Transport—virtually all work was carried out by the railways own work force and the draft report makes it clear that that practice may well have suited an earlier period but certainly does not suit the present period. That is why, after considering the matter, independent consultants have been called in and asked to examine a number of projects and provide advice.

I am pleased to have that advice because it becomes a major vehicle to achieve long overdue change in the way public transport authorities operate.

Does the honourable member believe we should just let things continue in the way that they have traditionally been done in the railways?

Mr LIEBERMAN (Benambra)—On a point of order, Mr Speaker, the last statement by the Minister attempts to debate the question. It is a most important issue and question time should be used to benefit Parliament and not to mislead the people or divert attention from the issues; so I ask that the Minister cease debating the question.

The SPEAKER—Order! I do not uphold the point of order; I do not believe the Minister was debating the question but I ask the Minister to conclude his response to the question.

Mr ROPER (Minister for Transport)—It is clear that Opposition members do not like the fact that these hard decisions and changes are being made.

The Government has also been looking at many other areas where productivity improvements can be made both to V/Line and to the Metropolitan Transit Authority.

If these initiatives had not been undertaken in the past five years but had occurred progressively over the past 32 years, the Government would be in a much better position now to operate its public transport services in a cost effective manner; but those work practices were not examined. Transport management was allowed to run down and that is why severe corrective action has now been taken.

INCREASED PETROL PRICES IN RURAL AREAS

Mr B. J. EVANS (Gippsland East)—I refer to the Premier's frequent comments with regard to his concern for families in Victoria. I ask the Premier whether, in view of the fact that currently the price of petrol in rural areas is up to in excess of 10 cents a litre more than in the metropolitan area, he will take action to protect the standard of living of families in rural areas and do something about the price of petrol in rural Victoria? Perhaps the Premier's concern for the families of this State evaporates at the end of the tram track!

The SPEAKER—Order! The latter part of the question is out of order.

Mr CAIN (Premier)—The honourable member for Gippsland East is well aware of the circumstances concerning the fixing of petrol prices across this country and the role played by the oil companies in their determination to compete with one another in a way that bewilders the consumer. It is not very different now from what it was ten years ago so far as the oil companies and the market leader fixing a price from time to time. Out they go and determine upon a price that they believe they can hold for a time; it comes down gradually and up it goes again in six weeks' time. There is nothing new in that.

If the honourable member for Gippsland East is really concerned about the equalisation policies that prevail so far as freight assistance is concerned, I suggest what he should do is talk to his Federal colleagues and try to get them to decide whether they are a party that is behind their present Leader, Mr Sinclair, or whether they are a party that is behind Sir Joh Bjelke-Petersen. Members of the National Party have to make up their minds whether they are two parties or one and they have to make up their minds about what are their policies and whether they want to be in a coalition or not. When they do that, they might have some influence in Opposition policies in Canberra. They might not, I do not know, but they should not come in here and whinge about a set of policies that were put in place by the Fraser Government when the National Party was in coalition with the Liberals and ran with them as hard as they could; and the National Party in Canberra made all the decisions about freight equalisation.

Members of the National Party should not come in here and plead their ignorance about it; they should not come in there and express mock concern about what the people in the country are paying for petrol. They know what has been going on for years; Mr McEwen fixed it up years ago and the National Party supported him.

Mr B. J. EVANS (Gippsland East)—I raise a point of order, Mr Speaker. It is out of order for a member to impute improper motives against another member—and I ask the Premier to withdraw his remark that I have a mock concern for people in rural areas.

The SPEAKER—Order! I uphold the point of order and I call the Premier—time for questions without notice has expired.

LEGAL AND CONSTITUTIONAL COMMITTEE

Subordinate legislation

Mr WHITING (Mildura) presented the eighth report from the Legal and Constitutional Committee on subordinate legislation recommending the disallowance of regulation 5 of the Metropolitan Fire Brigades Superannuation (Board Scheme) (Further Amendment) Regulations 1986 (Statutory Rule 284 of 1986).

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

AUDITOR-GENERAL'S REPORT

The **SPEAKER** presented the second report of the Auditor-General for the year 1985–86. It was ordered that the report be laid on the table, and be printed.

PAPERS

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

Statutory Rule under the Fisheries Act 1968—No. 50.

Town and Country Planning Act 1961:

Hamilton—City of Hamilton Planning Scheme, Amendment No. 25.

Morwell—Shire of Morwell Planning Scheme 1977, Amendment No. 42.

Rochester—Shire of Rochester (Rochester Township) Planning Scheme, Amendment No. 22.

Shepparton—City of Shepparton Planning Scheme 1953, Amendment No. 102.

Sherbrooke—Shire of Sherbrooke Planning Scheme 1979, (Urban Areas), Amendment No. 46.

South Gippsland—Shire of South Gippsland Planning Scheme, Amendment No. 73.

EDUCATION ACTS (AMENDMENT) BILL

Mr CATHIE (Minister for Education) moved for leave to bring in a Bill to amend the Education Act 1958 and the Teaching Service Act 1981 and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

LAND (MISCELLANEOUS MATTERS) BILL

Mr CATHIE (Minister for Education) moved for leave to bring in a Bill to revoke the permanent reservations of certain land, to repeal the Port Fairy Land Act 1981 and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

POST-SECONDARY EDUCATION (AMENDMENT) BILL

Mr CATHIE (Minister for Education) moved for leave to bring in a Bill to amend the Post-Secondary Education Act 1978 to constitute the Victorian Post-Secondary Education Accreditation Board and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

INDUSTRIAL RELATIONS (MISCELLANEOUS AMENDMENTS) BILL

Mr CRABB (Minister for Labour)—I move:

That I have leave to bring in a Bill to amend the Industrial Relations Act 1979 and for other purposes.

Mr McNAMARA (Benalla)—I ask that the Minister give a brief description of what he proposes to introduce in the Bill and indicate the various other purposes he proposes.

Mr CRABB (Minister for Labour) (*By leave*)—The Bill provides a series of miscellaneous amendments to the Act, which are of a general nature in the operation of industrial situations, which employers, unions and others agree to.

The motion was agreed to.

The Bill was brought in and read a first time.

AGRICULTURAL ACT (AMENDMENT) BILL

Mr JOLLY (Treasurer) moved for leave to bring in a Bill to amend the Marketing of Primary Products Act 1958, the Tobacco Leaf Industry Stabilization Act 1966, the Wheat Marketing Act 1984, the Swine Compensation Act 1967 and the Broiler Chicken Industry Act 1978 and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

ANIMAL PREPARATIONS BILL

Mr JOLLY (Treasurer) moved for leave to bring in a Bill to re-enact, with amendments, the law relating to the registration of animal preparations and the regulation of their sale and use, to repeal the Stock Foods Act 1958, the Stock Medicines Act 1958 and the Sheep Branding Fluids Act 1963, to amend the Agricultural Chemicals Act 1958 and certain other Acts and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

STATE TRUST CORPORATION OF VICTORIA BILL

Mr MATHEWS (Minister for the Arts) moved for leave to bring in a Bill to establish the State Trust Corporation of Victoria, to repeal the Public Trustee Act 1958 and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

MELBOURNE AND METROPOLITAN BOARD OF WORKS (AMENDMENT) BILL

Mr McCUTCHEON (Minister for Water Resources) moved for leave to bring in a Bill to make miscellaneous amendments to the Melbourne and Metropolitan Board of Works Act 1958 and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

COMMUNITY SERVICES BILL

For **Mr SPYKER** (Minister for Consumer Affairs), **Mr Fordham** (Minister for Industry, Technology and Resources), moved for leave to bring in a Bill to amend the Community Welfare Services Act 1970, to make consequential amendments to various Acts and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

HOUSE CONTRACTS GUARANTEE BILL

For Mr SPYKER (Minister for Consumer Affairs), Mr Fordham (Minister for Industry, Technology and Resources), moved for leave to bring in a Bill to make fresh provision concerning the guarantees required to be given in relation to domestic building work, to specify requirements to be complied with in relation to domestic building work contracts, to repeal Division 1A Part XLIX of the Local Government Act 1958 and the Building Contracts (Deposits) Act 1962, to amend the Sale of Land Act 1962 and the Building Control Act 1981 and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

ANZAC DAY (AMENDMENT) BILL

The debate (adjourned from March 18) on the motion of Mr Trezise (Minister for Sport and Recreation) for the second reading of this Bill was resumed.

Mr REYNOLDS (Gisborne)—This is a small but a sensible piece of proposed legislation. It is known as a privilege Bill and is brought in following the Governor's Speech and prior to it being accepted; therefore, it is short and not contentious.

The Bill amends the Anzac Day Act 1958 and the Theatre Act 1958. Originally on Anzac Day there was no entertainment other than the observance of Anzac proceedings. Shops were not open and petrol was not available at service stations.

Recently, petrol stations have been allowed to open at 2 p.m., and now they are open all day. It is a sensible approach given the needs of modern society.

Organised entertainment used not to be allowed on Anzac Day. The provisions in the Act were slowly changed so that organised entertainment commenced at 1 p.m., 1.30 p.m. or 2 p.m. That was thought to be acceptable because those forms of entertainment were raising funds to be used for charity. The Anzac Day Procedures Fund was the principal charity to benefit from these forms of entertainment. That fund was administered by the Patriotic Funds Council of Victoria and the proceeds were directed to members of the armed forces, past members and their dependants.

Last year Parliament amended the Racing Act to allow city races to commence at 1 p.m., which was in line with the provisions covering country racing. Previously, city racing was not allowed to commence before 1.30 p.m. The amendments to the principal Act also allowed sporting entertainment that was previously precluded from beginning before 2 p.m. to commence at 1 p.m. The Bill amends the provision in the Act governing the time of commencement of films at cinemas. They will now be able to commence at 1 p.m. instead of 1.30 p.m.

Amendments to the Theatres Act will allow for concerts, stage performances and musical entertainment to begin at 1 p.m. instead of 1.30 p.m.

The measure is welcomed and has the support of the Returned Services League of Australia. I thank the league for being so prompt in responding to my request for advice on this matter. The league performs a necessary and worthwhile service in the community. The organisation has great compassion and concern for its members, especially for their dependants. I have considerable admiration for its efforts, in particular the efforts of the State President, Mr Bruce Ruxton, who often receives considerable publicity for his opinions, but they are always firmly held.

The Returned Services League of Australia vehemently opposes amendments to the Act which would allow a public holiday to be held on a Monday if Anzac Day falls on a Saturday or Sunday. I believe Anzac Day is similar to Australia Day or Christmas Day. It

occurs on 25 April and should always be celebrated on that day. It may be a Federal matter, but I believe Australians should observe Australia Day on 26 January.

I deplore the habit in recent times of some minor groups in our community, who appear to receive considerable publicity, disturbing Anzac Day marches. Australia is a great country and was made so through the efforts of our armed forces. Those people who have had the privilege of visiting other countries will agree that Australia is a lucky country and no small credit for that must go to those people who fought overseas. These minority groups who receive this publicity denigrate Anzac Day and should protest on other days.

The Opposition supports the minor amendments to the Anzac Day Act and the Theatres Act and I am sure that the people who are in charge of the various entertainments and who benefit from them will be grateful when these amendments come into effect this year.

Mr W. D. McGRATH (Lowan)—The National Party supports the amendments to the Anzac Day Act and the Theatres Act. The amendments allow functions being conducted on Anzac Day to begin earlier than previously was the case. Last year, city racing commenced at 1 p.m., league football at 2 p.m. and cinemas opened at 1.30 p.m. The amendments to the Acts bring these events into line so that they all can commence at 1 p.m.

Most members of Parliament regard Anzac Day as an important day in the history of Australia and the majority of Australians observe it with considerable reverence. I have had the privilege of attending the dawn services and other services that commence at various times on Anzac Day. One of the most significant and stirring part of those services is the playing of the last post. That bugle call sends a chill down one's spine and one readily understands the relevance and importance of commemorating the memory of those who have died during the first world war and each subsequent war.

A number of members of this Chamber served with great distinction in the second world war and I note the contributions of the honourable members for Gippsland East, Mildura and Shepparton, who helped keep Australia a free and democratic country. The National Party respects the contributions that those people and their brothers and sisters have made in representing Australia.

I hope these are the last amendments to the Anzac Day Act. It is reasonable that, after the commemorative services, other activities and sporting events can occur and it has been demonstrated that, on Anzac Day, many sporting events are able to raise money that is utilised by the Returned Services League of Australia for the benefit of the less fortunate members in our community.

The National Party does not want to see any lessening of importance of Anzac Day or any further encroachment into the commemorative nature of that day. The community should continue to honour Anzac Day and the flag that stands so proudly over this great country.

Mr Speaker, you would agree with me that it is most important that those traditions that have been established in this country are maintained. It has been often said in the record books of history that Australia arrived as a nation through the courage of the soldiers who died and fought in the first world war, particularly those who served at Gallipoli.

The National Party supports the measure and endorses the Government's intention to allow activities such as racing, football and the cinema to be conducted in the afternoon of Anzac Day. The National Party hopes the tradition of Anzac Day in Australia as a tribute to those who served in the two world wars and other wars is continued.

Mr E. R. SMITH (Glen Waverley)—I endorse the remarks of the two previous speakers. I pay tribute to the spirit of the Anzacs. I commend the Minister for Sport and Recreation on the sensitive way in which the Government has treated the observance of Anzac Day in this Bill and on the sensible amendments to the principal Act that will allow sports, race

meetings and films to be conducted after 1 p.m. on Anzac Day. The Government has shown a great respect for the observance of Anzac Day and has consulted fully with the Returned Services League of Australia.

The observance of Anzac Day means a great deal to Australians, particularly ex-servicemen and servicewomen, irrespective of their religious or patriotic views. I reiterate the view of the honourable member for Lowan that no-one would want any further whittling away of the special privileges that are associated with the observance of this very significant day in the Australian way of life. It is a day that the grateful citizens of Australia allocated to commemorate the service of Australian men and women to their country, and the service of their allies. These men and women fought to save the Free World from the tyranny of the forces of imperialist Germany in the first world war, imperialist Japan, fascist Italy and Nazi Germany in the second world war and the many insurgencies preceding and following the two world wars which threatened our way of life.

The SPEAKER—Order! The honourable member for Glen Waverley may not be familiar with the procedures of the House. The lead speakers from the Opposition and the corner party are given some opportunity of amplifying their remarks on the Bill but I do not intend to hear a whole resume of the activities of soldiers when the Bill is very narrow and quite simple in its application.

Mr E. R. SMITH—I stress that the observance of Anzac Day should not be diminished by any further whittling away of the traditions of Anzac Day. It is a day of extreme importance to members of the RSL in particular. They do not wish sporting events on this day to occur before the 1 p.m. time that has been stipulated in the Bill. I am certain that that is not the Government's intention but I offer a warning to any future Government that any attempt to whittle away this tradition will be resisted strongly by the RSL.

The Government should ensure that Anzac Day holds the true spirit of its traditional observance. The rules governing the Anzac Day march must be strengthened. Unfortunately, some rabblers have sought to disrupt the march. I refer to organisations such as Women Against Rape in War and others about which in normal circumstances nothing is heard but they come out on Anzac Day and cause a great deal of trouble to those marching. The activities of these organisations should be restrained. Any assistance that the Government can give to future Anzac Day marches will be appreciated. Further, the Government could well direct teachers to highlight the full significance of Anzac Day in the schools. All Governments have a duty in this regard. In many instances, I am not sure that the message is being given strongly enough to young people.

There has been an awareness among those who are involved in Anzac Day celebrations that certain sporting organisations have been charging fees and commencing events before 1 p.m. The RSL has received many complaints about this. I ask the Minister for Sport and Recreation to deal speedily with those infringements. Again, I thank the Minister and the Government for their sensitivity in this regard and I warn future Governments against tampering further with the traditions of Anzac Day.

The motion was agreed to.

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

GOVERNOR'S SPEECH Address-in-Reply

The debate (adjourned from the previous day) on the motion of Mr Pope (Monbulk) for the adoption of an Address-in-Reply to the Governor's Speech was resumed.

Mr WALLACE (Gippsland South)—I pledge my support to Her Majesty the Queen and to the country. I congratulate His Excellency Dr Davis McCaughey on the excellent way he delivered his Speech at the opening of Parliament, which is an important ceremony. It was a wonderful occasion. Honourable members were able to invite visitors to attend

the ceremony and our visitors enjoyed the opportunity of meeting various members of Parliament and observing how this place operates. All in all it was a pleasant day.

I am greatly concerned about the issue of education, which is vital for young people. I refer particularly to the Leongatha Technical School. Originally, through the region, the Ministry of Education provided \$2.5 million for the Leongatha area, \$300 000 of which has been spent on preparation of roadworks and surrounds at the Leongatha Technical School. At present the school is using eighteen-year-old portable classrooms. It was anticipated that bricks and mortar would replace the portable buildings and that the school would be enormously improved. The region was very sincere and concerned and the proposals for the school were one of its major recommendations.

I am disappointed that the Minister for Education, perhaps through no fault of his own but through decisions in the Office of Management and Budget, has not allowed these proposals to proceed. I hope eventually the technical school and the region will obtain the facility that they so very much need. The technical school and the high school are close geographically and it is possible to amalgamate them. They are working closely together, especially in their facilities for art and crafts, graphics and so on. I am sure they will continue to work in harmony and cooperation.

A few days ago I received a letter from the Treasurer informing me that a committee had been formed to consider a number of projects proposed for Victoria. I should like to know whether the technical school at Leongatha was one of the projects that received the go ahead. I doubt it!

Country areas have problems attracting teachers from the metropolitan area; this is made more difficult if teacher housing is not provided for them. In the past, subsidised teacher housing has been an incentive to teachers who live in the metropolitan area to come to the country. Unfortunately, times have changed and not for the good of country schools and the students concerned, because a number of available school houses have had their rents increased to market prices.

The teacher housing at Gormandale is a typical example. The school house is vacant because the rent on it is higher than that for a house in Traralgon. That situation is disgraceful! Originally, the idea was to increase the rental on teacher housing to compete with market rentals but it has gone beyond that.

General concern has been expressed about integration in schools. Many parents and students have been heartbroken by integration in some schools in rural Victoria. In Gippsland 28 full-time integration aides have been appointed to cater for the needs of 117 students. That situation is not acceptable because enormous pressure is placed on the aides.

The Education Department's Regional Integration Committee is also pressured into making the difficult decisions of which students will receive the help of integration aides and which will not. The committee has already met four times to discuss matters of this nature and on one occasion it sat for 12 hours trying to decide which pupils should be allowed to continue at school. The committee members were extremely distressed by the situation.

The Premier announced that more trainees and integration aides would be appointed and he hailed the integration program as a success story. That is not the case in Gippsland where 66 families have been told by the regional committee that their children will not be able to attend school. The Minister for Education is extremely concerned about this problem.

Recently I detailed the cases of parents who needed the specialist help of integration aides for their children. The Minister responded to their call for help, and the children are now attending school. They have been unfairly treated because for two years the children went to school with the help of integration aides and all of a sudden they were told they could do so no longer. The Minister gave the claims a sympathetic hearing.

I am also concerned about the Thomson River dam, which is one of the biggest swindles in Gippsland and perhaps in Victoria. The Government promised that when the dam was completed half the water would be allocated to Gippsland and the other half would be held in reserve and used as a back-up for the metropolitan water supply.

The Minister for Water Resources, who is at the table, should take note of my comments because on numerous occasions he has claimed that there are no problems associated with the allocation of water from the Thomson River dam. Originally, half the water allocation was to go towards irrigation and domestic use in the Gippsland area; now the area is to have a reduced allocation.

The original decision on how the water from the Thomson River dam was to be allocated was made by the former Liberal Government and was supported by the Labor Government when it came to power. Country people will fight to ensure that they receive the original allocation of water.

If the Government continues down this path with its water policy, it will not be long before the Aberfeldy River water supply will be directed to other areas. The honourable member for Gippsland East must also be concerned about the future of the Mitchell River dam. If the Government does not carefully reconsider the diversion of water from the Thomson River dam to the metropolitan area, the Latrobe Valley and surrounding areas will have water diverted to them from the Mitchell River.

I am also concerned about the Blue Rock dam. It is scandalous that people who have farmed in the area have been cheated. I refer specifically to three landowners who were cheated of \$212 000. They took their case to the Ombudsman who believed that there has been a sad miscarriage of justice.

Mr Gude—Nothing will be done about it!

Mr WALLACE—That is true. The Government has also admitted that an injustice has been perpetrated. I am sure the Minister does not think the matter is funny; it is extremely serious. He should do everything possible to ensure that the landowners involved are not deprived of the money that is due to them.

All Victorians will benefit from the Blue Rock dam and, until these people receive proper justice, I shall not rest. One can understand why landowners are losing faith in the Government, which should address this financial hardship immediately.

The situation regarding the Melrossa estate, Traralgon, is an unhappy one at present. There are people living on the estate who have built their lives around the area after moving there in good faith. It is an area where the State Electricity Commission has a buffer zone around the Loy Yang power station. Much encouragement had previously been given to people to move to that nice area, which I believe could be developed extensively.

Unfortunately, after the land had been subdivided and people had moved into the area, the State Electricity Commission issued an interim development order which affected approximately 65 blocks of land. I understand that that sort of action needs to be taken at times, but I cannot understand how the Government can address the problem in one way and then suddenly do a complete flip in the opposite direction.

A media release has been issued containing the State Government's announcement of more sales of State Electricity Commission land at Traralgon. It is of some concern that the press release states quite clearly:

Following the lifting of prohibitions on housing development on the estate which have operated since 1978, these properties are now available for sale by public auction.

I have been unable to find out from two Crown Ministers what is the present situation; they have shown quite clearly that they do not know what the situation is. They are unable to tell me what controls still apply to that area.

Something had better be done about the matter by Saturday because, if nothing is done, the situation will become extremely serious. People will go to the auction on Saturday with an understanding that they would be buying land that was clear of any controls and, judging from some of the ordinances that exist in the Shire of Traralgon, that is not right. I, therefore, suggest that the honourable member for Morwell, who is present in the Chamber, undertake a thorough examination of the situation before Saturday.

Auctions have already occurred at the Melrossa estate. Two people are being pensioned off because of injuries that they have received. The value of the land that was originally available for sale was approximately \$180 000; however, when it was put up for public auction, it attracted only \$130 000 because of the concerns of potential purchasers who have lost faith in that area.

Something must be done to assist the people affected, whether it be by way of an ex gratia payment or something else. A commitment has been made, and something must be done very quickly because Saturday is D-day, when many things will happen.

Many other factors, such as the diversion of the highway and so on, must also be taken into consideration. I do not believe we should rush into selling off the land at present because many more matters should be taken care of first.

The public libraries situation is in the worst mess that I have seen in my life. Country libraries are deteriorating to a great extent. Councils have increased their finances to the libraries by 92 per cent over the past five years, which they have had to do to maintain them. However, the Government has increased its funding to libraries by only 31 per cent. Local government has had to contribute to the operation of libraries so as to assist people in the country who do not have access to the sorts of facilities that exist in city areas and must rely on the support of libraries and other people.

Mr W. D. McGrath—It was supposed to be Labor Party policy that library funding would be on a 50-50 basis.

The DEPUTY SPEAKER (Mr Fogarty)—Order! The honourable member should continue his speech, without assistance.

Mr WALLACE—Thank you, Mr Deputy Speaker. I am sure my colleagues mean very well.

The DEPUTY SPEAKER—Order! They might mean well, but they are not doing you any good.

Mr WALLACE—Councils have contributed \$35 million each year for libraries. However, the Government has contributed only \$17 million. That is a disgrace, and it is about time the Government examined thoroughly the situation of country libraries and other libraries throughout Victoria and did something about it. Libraries are extremely important for country people because that is where young people are able to study and obtain information. If libraries are not funded, those people will be deprived of those facilities.

The Premier has said a thousand times that all he is concerned about is the young people of this State. An opportunity now exists for him to come forward and present a good case on behalf of the libraries. I am sure the local councils cannot continue indefinitely to support them.

I turn now to the situation of public hospitals, many of which did not receive their grants on time. The grants were considerably late in coming forward, sometimes by two weeks and sometimes by a month or so; therefore, hospitals had to borrow money from the commercial banks at high interest rates to cover them for that period.

I made representation to the Minister for Health at the time, when he assured me that that was not the case. However, after some examination of the funding program, it was found to be true. I do not know of any business where one is not allowed to include one's

interest rate costs as part of one's running costs; yet, that has been happening in the hospitals.

In one case, a hospital had to borrow in the vicinity of \$1.5 million to enable it to continue operating, and yet the Government will not allow the cost of borrowing that money to be included as part of that hospital's operating costs. That is wrong. The Treasurer must consider this matter and readjust the situation so as to redress the injustice that is being suffered by hospitals as a result of what has been occurring.

Some hospitals have had to use the money that they would normally use for capital expenses to cover the costs of recurrent expenditure, because the interest on their borrowings has not been allowed to be included as a running cost.

The Minister has said that that will not happen, that I was wrong. However, I believe he has realised, on reflection, that that is wrong. I hope, in the future, that adjustments will be made so that hospitals will be able to include in their running costs the amount of interest they have incurred when borrowing funds.

Tourism is something of greatest potential and importance in this State. We must take every advantage of all the tourism opportunities that are available. As the National Party spokesman on tourism, I have travelled throughout the State, particularly within my electorate of Gippsland South, in fact, all Gippsland, and have become well aware of the importance to tourism of a good road network. There has been a deterioration of the road system, particularly in my electorate.

For a number of years I was a member of the Rosedale Shire Council, which continually fought with the State Government about funding for roads. We made representations to the Federal Government for additional money because of the importance of roads for the State, particularly for Gippsland, which is an extremely wet area compared with the north of the State where road construction is much cheaper and can be carried out much more easily.

Mr W. D. McGrath—Oops!

Mr WALLACE—The honourable member for Lowan is "oopsing" but he would be aware—

The DEPUTY SPEAKER (Mr Fogarty)—Order! The honourable member for Lowan is out of order and is out of his place.

Mr WALLACE—When the Premier visited Gippsland, I was delighted to hear him say how important tourism was to Gippsland and how important Gippsland was to Victoria. I immediately sent him a telegram congratulating him on that comment. The honourable member for Gippsland East and I have been telling him for years what a wonderful area Gippsland is and how important it is for tourism in Victoria but, until something is done about the road system, it will not reach its potential.

We told the Premier that it is no good putting money into tourism if decent facilities and roads are not available for people to use. The Premier told us that it was nothing to do with him but was the responsibility of the Minister for Transport.

I have requested deputations with the Minister for Transport on a number of occasions but he has refused me. That is sad because there is no way Victoria can continue to make headway unless its road network is good. The Minister should carefully examine the condition of roads in tourist areas.

Many people hire cabins from the Cabin Holiday Horse Ranch at Briagolong. Melbourneans travel to that area on weekends to take advantage of the magnificent country. Recently two accidents occurred on the section of road to Briagolong because of the inadequate maintenance of roads in the area. The livelihood of many country people depends on tourism. It is unfortunate that inadequate roads are responsible for many

people, who have worked and struggled to provide facilities for tourists, losing their dreams.

I am concerned about the economic downturn in farming industries over the past few years. I recognise that some improvements have occurred in specific farm industries but an important facet of farming must not be overlooked—the future of Victoria and Australia revolves around its young farmers.

If the current trend continues, young people will not stay on the land or return to it. I hope the next State Budget brought down by the Government will recognise the importance of the farming community and will assist young farmers to work the land. Last year the Government allocated \$1.6 million in assistance to young farmers, which helped only 32 young farmers across Victoria. Young farmers will not stay on the land if Government allocations are insufficient.

I refer the House to the depleted police strength in country Victoria. I ask the Minister for Police and Emergency Services, who is at the table, seriously to consider the position at Mirboo North. I have written to the Minister about the Mirboo North police station and I hope he will examine the matter carefully because that police station is important to the community. Mirboo North is in hilly country and is a long way from Morwell, Korumburra or any other town.

Mr Maclellan—It is bushranger territory!

Mr WALLACE—Some twenty years ago a policeman could have arrived at a disturbance in Mirboo North quicker on a pushbike than under blue light conditions today. It takes at least an hour for a policeman to arrive in Mirboo North because of the hills. There is no way that a policeman can quickly get to that town in an emergency or disaster.

The debate on the adoption of an Address-in-Reply to the Governor's Speech gives me the opportunity of bringing to the notice of the House some of the concerns of my electorate. I hope the matters I have raised will be examined seriously by the Government because, if they are addressed, my constituents and all Victorians will benefit.

Mr GUDE (Hawthorn)—It is my pleasure to join in the debate in response to the address by His Excellency Dr Davis McCaughey on the opening of the second session of the Fiftieth Parliament.

I bring to His Excellency and the Crown the greetings and salutations of the constituents of the electorate of Hawthorn. I congratulate the Governor on his appointment and the amiable way in which he presented his Speech on behalf of the Government of Victoria.

I raise a number of matters relating to the Government's administration. The first is to put the lie to the proposition that has been espoused by the Minister for Labour, that there has been a dramatic increase in the intake of apprentices in this State. Honourable members have come to expect that the Minister is full of joviality and fantasy, but they also have a right to expect that, when he represents a situation to the community, he will do so with accuracy and propriety.

If one examines the 1985–86 annual report of the Industrial Training Commission of Victoria, which is a source document that even the Minister would not challenge, one discovers that the number of young people who have taken up indentures since the Government came to office in 1982 has not matched the number of newly indentured apprentices in the two preceding years of the former Liberal Government. The Government has not matched those figures in any single year.

I shall read those figures into the record so that Victorians can ascertain the truth. In 1980–81, 10 366 apprentices commenced training; in 1981–82, 10 863; in 1982–83, under the Cain Government 9811, in 1983–84, 8491; in 1984–85, 10 156. Despite what the Minister said in this House yesterday—that there had been an increase in apprentices this year—in 1985–86 the number of apprentices dropped to 9693. Once and for all, the record is there for all to see.

The reason for the reduction in apprentices was covered in a proposition I put to the Minister at that time. Some 150 printing apprentices are unable to commence their first year of school at the Melbourne College of Printing and Graphic Arts because the school does not have the capacity—and has not had it for a couple of years—to house the equipment that is necessary to train them.

That sounds bad enough. However, if one adds to that the fact that some considerable time ago the Government paid thousands of dollars of taxpayers' money to leave that equipment sitting on the floor of the supplier, then it becomes an absolute scandal. It reveals the scurrilous way the Minister responded the other day to the question that was asked of him.

I refer also to WorkCare. Honourable members heard much in the Governor's Speech about the so called social justice program of the Victorian Government. Included in that program is WorkCare, the name given to workers compensation for people who find themselves injured in the workplace.

The WorkCare program is in shambles. It is riddled with faults and failings and reflects the fantasies of the Government towards trade union officialdom. We should not forget that it is the unions that dominate the decision-making processes of the Government.

WorkCare has destroyed the work ethic and made it easy for people to get time off on full pay; in some cases, on higher pay than they receive when at work.

The Australian Chamber of Manufactures *File* article of 13 February 1987 highlights the way workers can obtain a greater remuneration through WorkCare than through their normal daily work. The article provides an example of one of the ways that can be done:

... both spouses claiming, with each claiming the other and their children as dependants; or the indexation of benefits.

I am sure the Government did not intend this kind of situation to occur. That is a simple example of a hole in the Act that needs to be corrected.

It is clearly evident that employers will be faced with increases in WorkCare premiums. The so called five year guarantee applies only to rates, not to classifications. The General Manager of the Victorian Accident Compensation Commission is reported in an *Age* article as stating:

Some employers with relatively bad industrial accident records will pay more in WorkCare levies from July, when the Accident Compensation Commission boosts its rates to cover a revenue shortfall of more than \$50 million.

The Government has mucked it up! It did not get its calculations right. The Opposition knew that that would occur and pointed it out to the Government. The National Party also pointed it out. Every speaker from this side of the House pointed it out. Blind Freddie could see it. However, the Minister could not see it and he rushed the legislation through with indecent haste. The result is that innocent employers will be required to bear the burden imposed by his inefficiency.

A change in classifications will cause a problem. A telling article in the *Age* of 18 March relates to Worsky Nominees, a company that assembles electronic appliances, principally lights. That company was classified for WorkCare purposes as being an electrical component manufacturer.

I have visited that company's premises and viewed the work being carried out. I assure the House and the people of this State that that company is anything but a manufacturer. A WorkCare case involving that company has come before the Accident Compensation Tribunal and a decision in that case has been reserved until 3 April. It is highly likely that in that case the Government will be required to change the basis of its classification. That will throw the entire WorkCare scheme into disarray.

An article in the *Age* of 19 March under the heading "New Schedule" states:

The director of the ACM, Mr Ken Crompton, who argued the case before the arbitrator and the tribunal, said he often used the analogy that it would be cheaper to manufacture gelignite to get rid of mice than to make mouse traps. Based on the manual's classification . . .

—the Government's manual, the Government's classification—

. . . the levy for the makers of gelignite is only 2.09 per cent, while the makers of mouse traps must pay the highest rate of 3.8 per cent.

That is an absolute disgrace but it is a result of the scheme that the Government has introduced. That situation has occurred because the Bill was introduced with indecent haste.

Another aspect of concern to employers is that they have no role and no control. They pay the levy imposed, they pay compensation to the injured employee for the first five days and they carry the administrative costs. I shall give some examples of that later. Despite being responsible for all those financial obligations, the tribunal comes down heavily on employers.

The medical profession also has something to answer for, although, in some ways, it is also the victim of the Government's WorkCare scheme. The criticism I have of the medical profession is that it is far too easy for an employee to obtain a WorkCare certificate. The scheme discriminates against an employee returning to work. That does not do the employee any favour either.

Employers have complained to the Opposition that WorkCare has become a medical rort, and that no ethics or morality is expressed by the medical profession when it comes to money that can be made by the WorkCare process introduced by the Government.

It seems that all one needs to do these days is press a button and out comes a WorkCare certificate. Medical rates for WorkCare cases are above the Medicare rates. Why should those rates be higher when all the medical profession is doing is churning out certificates for people to remain away from work.

The Cooney inquiry recommended that WorkCare rates be the same as Medicare rates and the Government indicated that rates would be consistent. However, 22 months later, that is not the case.

A *Sun* article of 9 May under the heading "Some money" reports Mr Watchorn of the Australian Chamber of Manufactures as stating:

Mr Watchorn said employers had to pay the first \$259 of medical bills plus the first five days of compensation to the employee without reimbursement.

The problem then arose of when payments should be terminated.

Mr Watchorn said many workers who could return to work didn't because they could "shop around" for a doctor who would give them a medical certificate. He described some doctors as "a WorkCare medical certificate machine".

Those words have rung clearly in the minds of Opposition members, and especially mine as I have taken over the Opposition responsibility for WorkCare in this State. Another aspect of this legislation that is an indictment on the Government is that the so called rehabilitation process is not working. The average time of referrals is now five months. Some of the problems being experienced by business proprietors and their managers is that they cannot get staff back to work because of the WorkCare scheme. Incentive is simply not there. Soft tissue claims relating to repetitive strain injury and back and shoulder injuries have become common-or-garden occurrences. Employers cannot enforce light duty work and many employees regard WorkCare as their escape into early retirement. In fact, making a workers compensation claim seems to be an alternative to retirement.

This has caused a significant drop in morale of owners and management in industry because they are unable to control the problem and, more particularly, to plan production. That is a major concern for the business community.

While all that goes on, there is still accident compensation make up pay. Is it any wonder that Victoria's bankruptcy record has increased significantly? It is no wonder that businesses are constantly crying out for the Government to show compassion and concern.

Earlier today during question time, a matter regarding abalone licences was raised and the Premier cast derision on the honourable member who asked the question. That shows that the Premier does not understand the matter; he does not understand the imposts on business. The Premier does not understand that, due to oncosts, for every \$1 received, businesses must pay an additional 55 cents. The Premier does not understand that increases in business charges will be reflected in the price of goods and services. What a sorry day for Victoria when the Premier confesses that he does not understand that fundamental, basic, simple principle. If he does understand it, he hides it well.

While I am on the issue of rehabilitation, I shall make the point that it is proving to be an absolute failure because it is not compulsory. If one does not want to be rehabilitated one does not have to be; one can stay at home and pick up WorkCare payments. I know of instances where the claims made to companies have increased incredibly. Only recently a metal trades employer from Footscray came to Parliament House and asked to see me. He was totally frustrated about what was going on. Immediately preceding the introduction of the WorkCare legislation and for the year prior to that, his workers compensation claims numbered eleven from a total of 600 employees. The number of claims has now increased to 150.

There are examples in many areas of what is going on. I have been told of instances in many companies where female production workers, finding themselves to be pregnant, suddenly get a WorkCare problem and are off work for twelve months while being paid workers compensation. It is absolutely disgraceful that that can happen.

If the Government believes that is a fly-by-night example, I shall quote a letter I received from Doncaster Toyota dated 17 March addressed to me, and which states:

Enclosed you will find some of the paperwork relative to a WorkCare claim which I believe is a total abuse of the WorkCare system. This type of abuse needs to be exposed so that the public who is also the taxpayer has some idea of where their taxes are going.

Originally, as you will see, when the claim was called before a conciliator of the Accident Compensation Tribunal (letter dated 22 October 1986), it was ordered at the conclusion of that hearing that no payments of compensation be made to the worker in respect of the claim, as it was not a work related illness which in my opinion was undoubtedly the correct decision. How could anyone have the audacity to submit a claim on an employer giving all the reasons which were related in the employees letter to WorkCare? They are definitely not work related but since, at a re-hearing, a conciliator has made an order that the claim should be accepted and payments commence.

On obtaining this information I telephoned the WorkCare agent telling them that as late as 26 February 1987, I had asked them about the claim and they advised that the 60 day appeal time had expired and the claim finalised. I vigorously disputed this, but they said I the employer had no right at all. The only obligation I had was to pay the (now) ex-employee. Their answer as to why I was not contacted about the re-hearing was that the Accident Compensation Commission does not have to invite me to the hearing to hear my evidence, they will hear the workers evidence and then make an order.

He is only the poor guy who pays the bill! He was not even invited to the hearing. The letter further states:

It now seems that not only my company but any company has a possible WorkCare liability problem with the mere fact that their staff sit in showrooms or offices and may be exposed to the winter sun on the window . . .

At the outset I should have indicated that the claim was made because an employee claimed he was sitting too close to a window and got headaches as a consequence.

The letter continues:

. . . which in turn can cause them to feel unwell and weakened, which in turn causes complications, periods of dizziness and fainting! The end result for my ex-employee was he had an x-ray of the spine and a CAT scan of the brain causing him to obtain a doctors certificate giving him six months off on WorkCare payments.

I ask you where does it end? Just think what the rest of the working people could do to the industry.

That is not an isolated example.

What about the case of Egan's laundry in Colac, which was owed \$3000. For many months Mr Egan constantly contacted the Accident Compensation Tribunal and, eventually, he received payment. How did he receive payment? It was delivered to Colac from Melbourne by taxi. Was that not a generous gesture of the tribunal? If the tribunal had been more efficient and effective, it would have responded to the first, second, third, fourth or even tenth telephone call from Mr Egan and it would have made the payment through the mail rather than wasting taxpayers' money by sending the payment by taxi.

What about the farmer at Chatsworth who had to wait for nine months before he received reimbursement? He was battling to scratch out a living and for nine months he was paying the wages of the injured employee because he cared about him. Why should a farmer have to wait nine months to receive payment just because the Government is incompetent?

The Premier has paraded in the media, Parliament and around the State claiming that he will fix up the slow payment of Government accounts and ensure that they are paid within 30 days. The example I just referred to is not unusual.

What about the Brunswick fur manufacturer who sent me a letter dated 17 March? I will not mention the name of the company or the employee concerned, but the letter states:

On WorkCare with RSI from 23.7.86—employed by us for 9 months. Previously an outdoor worker and has been a machinist for at least 20 years.

For the period of her employment with us she has been responsible for causing continuous unrest and trouble in the factory, resulting in one long standing employee leaving on the spot after working for us for many years. When it appeared to us she was obviously not intending to return to work, we consulted with Ron Mann at WorkCare and sent her a letter terminating her employment. She immediately phoned our factory foreman (12.9.86) to advise she was now fit and well and able to return to work. She was advised her position had been filled. She then visited a doctor and sent in another certificate. WorkCare insist it is still our responsibility and we must keep paying her. It is impossible to receive any information from WorkCare regarding her rehabilitation as they appear to have an enormous turnover in staff and it is difficult to find anyone with any knowledge of the situation. To compound the problem, in this case we have to wait up to 7 weeks to receive cheques from WorkCare but, on the other hand, we have Mrs — phoning us screaming abuse at our staff and threatening them if her cheque is not delivered by taxi at a time convenient to her.

I wonder whether she heard about the taxi trip to deliver a cheque to Colac! The Government has created a precedent for taxis to deliver cheques, and here is another person ripping off the system and demanding to be paid by taxi under WorkCare.

This letter gives about five examples, another of which relates to a person who was employed by the company for nine months before being dismissed on 12 March 1987 due to constant negligence and unreliability. The letter says—wait for this:

During the course of the conversation he informed us of the debilitating asthma he has contracted since working in our factory for the nine months, has been to doctors and intends to sue us due to the mental stress we have caused him as a result and will also claim WorkCare unless we agree to pay him all the expenses he feels justified in incurring and send him on a two week fully paid holiday in Queensland. If we were to do this, he would not take the matter any further. Prior to his employment with us he worked at home for approximately 25 years.

As I said earlier, some people are using WorkCare as an early retirement scheme. If this is not ample evidence of it, what is?

The letter goes on:

To summarise, I find it very difficult to justify employing people today with the constant threat of having these people on your payroll forever even when they decide they no longer need to work, as every claim made seems to be accepted by WorkCare. However if WorkCare decides to pay them, I would almost find that acceptable if they were to leave me out of the system and make payments directly.

I have so many examples but time is getting by. I shall give just two more brief case histories, if I may.

The first relates to Sportscraft Consolidated Pty Ltd, a company that is well known for its good treatment of its employees and for the care it takes with respect to their rehabilitation. This matter relates to an accident where a worker claimed that a rack was dislodged off the conveyor rail and hit her on the left shoulder, causing bruising. The letter says:

Three witnesses saw the rack fall to the floor but did not see the rack hit the worker.

—an attached document supports that—

Accordingly, the claim was disputed and subsequently referred to the Accident Compensation Tribunal (attachments B and C).

We also advised the Accident Compensation Commission of the doubtful nature of the claim (attachment D) was responded to (attachment D/1).

Under date of 1 August 1986, the claims agent advised that liability had been denied and a notice of dispute lodged with the tribunal (attachment E).

On 26 August 1986, the claims agent advised that liability had been accepted (attachment F).

A telephone inquiry to them revealed that the tribunal had ruled in the worker's favour on a technicality, as the witnesses' statement did not clearly state that the worker was not hit by the rack.

—but they all say they saw that it did not—

A request to the claims agent to produce written advice as to the tribunal's reasoning for its decision, was made and responded to . . .

The fact remains that this claim has cost this company in the order of \$2000. This is another example of the sort of sham that is going on.

I shall now refer to a case concerning a municipality in this State. It relates to people involved as employees under the WorkCare scheme for a period of ten months. The letter says:

As the council has been advised that the CEP Secretariat is now responsible for WorkCare for CEP employees, the council proceeded to terminate the services in accordance with the CEP scheme financial allocations expecting that any liabilities under WorkCare would continue under the control of the CEP secretariat. The council has now been informed by the State Insurance Office acting on account of the Accident Compensation Commission, that it is the responsibility of the city to continue the WorkCare payments indefinitely to the CEP employee.

Not even a normal, fully-fledged employee of that municipality! It is another example of the incompetency of the commission.

Another example concerns a company called Prideaux of Blackburn Road, Burwood East, which received a WorkCare registration and then, without any request by the company, received an alteration to that registration. A new number was given without being sought. I have here the new WorkCare book and number and the next letter. Yesterday—and this is the second such case I have had in the past two days—the company received not 1; not 2; not 3; not 4; not 5; not 6, but 7 separate notices in respect of exactly the same thing. Is that an example of the efficiency of this Government? Is that why it costs employers more to employ labour in this State? Of course, it is. The charade and the nonsense of the so-called social justice WorkCare program ought to be open for all to see.

The Government promised some seven or eight months ago to conduct a review and change the Act. It was supposed to be a tripartite review, but the parties still have not been called together. The Government still has not gathered the information or brought in a Bill to amend the Act.

I could say many more things, but there will be a debate on this subject in this House tomorrow, and I look forward to continuing my contribution at that time.

Mr ROWE (Essendon)—I wish to comment in the Address-in-Reply debate on the issue of security—specifically, on personal security and security in the community. I shall focus on the Police Force and the Cain Government's record in the provision of facilities and services for the Victoria Police. For too long the conservatives in this community

have been saying that the Government does not support the police. This is a blatant untruth, and an examination of the record reveals that the reverse is the fact.

The Leader of the Opposition recently saw fit to contact a newspaper circulating in the Essendon electorate, the *Community News*, to make an attack on the Government's record and actions in relation to the Ministry for Police and Emergency Services. The headline of the article was "Kennett slams cut to police". The genesis of the article was an internal document examining the question of small police stations and their rationalisation.

Some rationalisation of police operations out of Mount Alexander Road, Essendon, has already occurred with the combination of those operations and the operations of the Moonee Ponds police station. In consequence, over the past twelve months, a saving of resources has resulted because of the removal of the duplication of administrative services so that more police are in cars out in the community.

Mr Gude interjected.

Mr ROWE—The honourable member for Hawthorn can take up the issues in his own electorate.

The DEPUTY SPEAKER (Mr Fogarty)—Order! The honourable member for Hawthorn has already made his contribution and I ask him to cease interjecting.

Mr ROWE—I am talking about changes occurring in Essendon. The Leader of the Opposition slams the Government in respect of those changes when logically they mean efficiency; lower costs associated with administrative overheads, and more police in cars out in the community. That is what the community generally wants and is demanding.

It is the old story: tell a lie often enough and people will believe it, but it is time the record in respect of the Victoria Police was put straight. The fact is that the current Government has done more than any other Government concerning the operation of police in this State. The current Minister has the score on the board. The Cain Government will take no action to jeopardise the good standing and integrity of the Victoria Police.

All honourable members know that the Victoria Police Force is one of the most respected and efficient police forces in the world. One has only to read about the activities in some police forces overseas to realise that that is so. The Government will not take any action to jeopardise the good standing of the Police Force. The force is an organisation of which I am proud and of which this Government is proud.

I turn now to the record of the Government in this area. With respect to capital expenditure, over the first four years of the Cain Labor Government capital expenditure for the Police Force amounted to \$102 million. That represented an increase in expenditure of 150 per cent over the past four years and reversed the situation left by the previous Liberal Government.

In the last Budget the capital works budget was some \$46 million and included the provision of new police stations at Werribee, Rosebud, Corio and a new forensic science laboratory at Macleod at a cost of \$14 million.

Total expenditure for the first four years of the Cain Labor Government amounted to \$1.3 billion, an increase of 64 per cent on the total of the previous four years of \$836 million. The total expenditure for 1986–87 will be \$436 million, an increase of 9 per cent over the previous year.

Most importantly, the effective strength of the Police Force has increased by 1038. Prior to coming into Government, the Labor Party made a commitment that it would increase the effective strength of the Police Force by 1000. That commitment has been honoured by the appointment of an additional 760 police officers and the release of 278 officers by the employment of additional public servants to undertake the work that police officers were previously required to do. The Government is proud that it has honoured that important commitment.

If one compares the ratio of police to population in this State with other States, one can see that the record of the Cain Labor Government is excellent. Additionally, under the policies of the Cain Labor Government the Victoria Police Force has been the first in Australia to gain the benefit of a 38-hour week. In January last year an optional early retirement scheme was introduced.

In respect of police equipment, one finds that in 1982 when the Labor Government came to power, there were 1670 police vehicles. In 1986 there were 1860 vehicles in operation, an increase of 190 vehicles. That is a significant increase.

In 1985–86 all police stations, including one-man police stations, in some cases for the first time, received a police vehicle. The incoming Labor Government inherited the incredible situation of one-man police stations not being provided with a police vehicle. It took action by the Labor Government to rectify that.

Now all operational police vehicles have, or are soon to be equipped with air-conditioning. Since 1982, 1156 police vehicles have been fitted with air-conditioners and an additional 363 vehicles will soon be fitted with that equipment.

While on the topic of air-conditioning, already ten police stations in the metropolitan area have been air-conditioned. Some 81 police stations have yet to be fitted with air-conditioning but that will be phased in over a period of five years.

All but ten country police stations have been air-conditioned. In 1983, 130 country police stations were air-conditioned and, in 1986, 253 country police stations had been fitted with air-conditioning.

Some \$25 million has been spent by this Government on upgrading police communications. By June this year \$19.4 million will have been spent. In 1982 there were 597 police portable radios in operation and, as at January this year, there were 1197. A total expenditure of \$19.3 million has been allocated for the purchase of a mainframe computer for the Police Department. That equipment will be leased and the annual cost will be \$1.2 million. In the current financial year the sum of \$1.5 million has been allocated for software for computer facilities.

In 1986 the Police Force took delivery of two new boats—a 23-foot boat and a 42-foot boat—at a cost of \$400 000. This will enable the force to better undertake activities along the coast and bay areas during the summer period.

Last year saw the delivery of two new helicopters for the Police Force at a cost of \$4.4 million. In both cases the helicopters have been fitted out for use as ambulances. It is worth pointing out that Victoria is the only State in Australia to have twin-engined aircraft in operation.

The crucial point in terms of the Labor Government's record in the police Ministry is the effective strength of the Police Force. As I said earlier, the Government has honoured its commitment to provide an additional 1000 police officers. I challenge the Opposition to reveal in this House its policies and commitments with respect to the Police Force. What commitment is the Opposition prepared to make about police numbers.

The position of the Government is on the line; the Cain Government has increased the effective strength of the Police Force by 1000 since assuming office in 1982. It has appointed an additional 760 police officers and released additional officers to make up the numbers by employing public servants. What commitments are the Opposition prepared to make in this area? Honourable members have not heard any policy statements made in this House. The community deserves an answer because this issue cuts across all electorates throughout the metropolitan and rural areas.

The issue of personal security and safety and protection of people's property is fundamental in a democratic society. The Government has taken the initiative and taken action in successive Budgets to ensure that it maintains the Police Force at its maximum

standard, as one of which we can all be proud. What is important is that the Opposition declare its stance about police numbers and its policy in this area.

In terms of operational police in country areas, as at 30 June 1982 police numbers in country Victoria amounted to 1749 and as at 1 December 1986 there were 1831 police—an increase of 82. The ratio of police numbers per head of population is 1:461. In New South Wales it is 1:517, and in Queensland it is 1:538. Again, Victoria is performing well in terms of its ratio compared with those of other States. These are important issues and they put to rest the view portrayed from time to time by our political opponents that the Government is not supportive of the Police Force. There is no statement by any Minister or any member of the Government—and certainly not by me—that could be interpreted to mean anything else but support, encouragement and praise for the magnificent job done by the Victoria Police Force. When one looks at the record and at the provision of manpower and capital equipment across the State over successive years, one sees that it puts that lie to rest.

I turn now to the committee of inquiry into the Victoria Police Force, the Neesham inquiry. I point out that of the 220 recommendations—and this was a most comprehensive inquiry and report—the situation as at March 1987 indicates that 127 of the recommendations have been accepted either outright or in some modified form for implementation by the steering committee. There are eight recommendations that represent the status quo in existing police procedures; nineteen recommendations are regarded as not desirable or impractical of implementation, and some 66 recommendations are pending further investigation or report by project groups. The Government has moved towards the implementation and conclusion of that large area of reform.

In terms of new police stations—and I will not go through every police station that has been built under the Cain Government, but the list is long—the number constructed is large, including those at Yarrowonga, Sunbury, Sea Lake, and so on. Major renovations and extensions have been completed at many more stations, and a number of police stations are under construction at Corio, Rosebud, Werribee and Winchelsea. Major renovations are under way at Portland and Cheltenham. The record is available for the public to see that the Government has done more than any other Government in the provision of new police stations throughout Victoria.

I make those comments because the Leader of the Opposition, as quoted in a newspaper circulating in my area, attacked the Government for closing police stations when the reverse is the case. The Government is opening police stations throughout the State and has been doing so for four years. That is not to say that the Government cannot make the system more efficient. That is why the Chief Commissioner of Police is studying the current report. That report canvasses the option of shopfront police stations in Essendon. I support the view that a service should be provided in a more efficient and effective way.

The police station at Ascot Vale was burnt down last year and the decision has been taken not to rebuild it, but to look at the upgrading of the Moonee Ponds police station. As I indicated earlier, if that means that the electorate of Essendon will be better serviced by police in cars and on foot, I am happy with that. I know the community is happy with it and it probably does not make any sense to have—in an area like Essendon with a tightly knit community and a compact geographic area—three police stations, one at Ascot Vale, one at Moonee Ponds and one at Essendon North.

I congratulate the Minister for Police and Emergency Services for tackling these difficult issues. The community does not want change and does not want a diminution of services, but for the Leader of the Opposition to come in heavy-handedly and suggest that the Minister review the closing of police stations does not give the full picture. It is typical of the comments he makes, and he never enters into the debate in a meaningful way.

People in the community want to see their taxes being used sensibly; they want to have a police presence and security, but they want it done at the least cost. That is what the Government is on about. I place my views on public record and reject the conservative

argument that is portrayed by some elements—not all—of the Victoria Police Association and by the Opposition who put the view that the Government does not support the Police Force. That is not true, and it does not stand up to scrutiny.

Mr MACLELLAN (Berwick)—I am delighted to have the opportunity of joining in the Address-in-Reply debate. I wish to express the loyalty of the electors of Berwick to Her Majesty the Queen, and I welcome the opportunity to congratulate His Excellency the Governor, the Reverend Dr Davis McCaughey, for the work he does as Her Majesty's representative in Victoria.

Like other honourable members, having listened to His Excellency's Speech which was recommended to him by the Government, I was, first of all, impressed by the fact that the author of it—and I understand the author would have been one Neil Mooney, who works for the Government—has perhaps pirated some sections of earlier Governors' Speeches or perhaps had discovered in an unopened drawer a Governor's Speech, or a draft of one that might have been prepared for some former Government.

That impression was strengthened by a reference at page 9 of the printed copy of His Excellency's Speech to a two-line paragraph which states:

With this strategy the Government seeks to enhance the quality of life in Victoria by providing a better environment in which to live.

When I heard those words, I suddenly thought that perhaps the Honourable Dick Hamer had left an old copy of a Governor's Speech in a drawer and that Neil Mooney had pirated it and it had gone through the Governmental process and been presented to His Excellency for the opening of Parliament. However, when one examines the Speech and seeks to make a critique of it, it becomes a rather strange and at times cross-purpose effort.

On page 2 the Speech says that Victorians are now enjoying the benefits of increased investment, industrial expansion and diversification and overall economic growth. That is one of the opening remarks of His Excellency to the Parliament and one with which I take issue because I do not believe we have increased investment, I do not believe we have sufficient industrial expansion and diversification and I do not believe overall economic growth is, at present, one of the benefits of our society.

When one turns to page 5 of the same printed copy of the Speech, one sees that His Excellency has said:

My Government is aware that current restraints imposed on the community by our changed position in the world economy have frequently been borne by those least able to pay. It is aware for many prices have increased more rapidly than disposable income.

To put that a different way, the poor are getting poorer. If one could step back and have a look at our society under Federal and State Labor Governments, one would have to say that the rich and perhaps the super rich are getting richer and the poor are getting poorer and it is happening for all to see.

Mr Sidiropoulos interjected.

Mr MACLELLAN—If the honourable member for Richmond is inspired to criticise that interpretation—and, naturally, such a criticism interjected as he walked through the Chamber would be out of order—I should like to quote for him from an authoritative source and one that will, I am sure, impress the honourable member for Richmond, along with the honourable members for Springvale and Melbourne and the Minister for Housing—the only Government members present in the Chamber at the moment.

The authoritative source is the honourable member for Melbourne in the Federal Parliament, Mr Gerry Hand, MP, who I understand is the President of the Victorian Branch of the Australian Labor Party and also the Labor spokesman for the left wing or the left whatever it is of the Labor Party—the withered left wing of the Labor Party—as well as somebody of great significance in the political processes of our nation at this stage.

The speech to which I refer was made by Mr Hand at the launching of a book entitled *Winners and Losers—The pursuit of social justice in Australian history*. The book is by Dr Stuart Macintyre and was published for the Social Justice Unit of the Australian National University. On page 7 of the speech made by Mr Hand, a copy of which was kindly made available to me by his office, he said:

Thus far, in the terms of this Government I do not believe that we have adequately addressed the claims of those demanding increased social justice.

The reasons are complex but relate primarily to the decision to make economic recovery the number one priority of the Government.

Therefore, he identifies the fact that increased social justice has been put aside because the Federal Government acknowledges that the demands of the economy have to be given top priority.

On page 8 of the speech, Mr Hand continues:

However, the consequences of putting economics first and, in the process, having to take some tough economic decisions is that social welfare expenditure has suffered.

In reality, this has meant a continuing erosion in the real value of many social welfare provisions.

Then comes the critical phrase where he says:

While I do not like having to admit it, since Labor has been in office, poverty and homelessness have continued to increase.

I emphasise that point. The leader of a significant faction within the Federal Labor Party, the President of the State Branch of the Australian Labor Party, a member of the Federal Parliament and one who, we were told, was on the brink of joining the Ministry if only one of the other slugs could have been pushed out—but apparently Mr Scholes was not willing to surrender his position so that Mr Hand could take up his appointment—

Mr MICALLEF (Springvale)—On a point of order, Mr Acting Speaker, I find the word “slug” used by the honourable member offensive and I ask that he withdraw it.

The ACTING SPEAKER (Mr Stirling)—Order! The honourable member finds the word offensive.

Mr MACLELLAN (Berwick)—I have no hesitation in withdrawing. I do not and never have regarded the honourable member for Springvale as a slug nor any other member of the Parliament.

Mr MICALLEF (Springvale)—On the same point of order, Mr Acting Speaker, I take offence to the word used by the honourable member for Berwick. It is unparliamentary and I ask that he withdraw the use of the word itself.

The ACTING SPEAKER—Order! The honourable member has withdrawn the word.

Mr MICALLEF—He used the word again after he withdrew it. My point of order is that I am quite offended to the actual word, which he used again after he withdrew it.

The ACTING SPEAKER—Order! The honourable member has withdrawn the word to my satisfaction. I asked him to withdraw and he withdrew it.

Mr MACLELLAN (Berwick)—I withdraw again, just to satisfy you, Mr Acting Speaker, and the honourable member for Springvale.

I wish to draw a comparison between the intention of the Federal Government to make this economy its No. 1 priority and, therefore, to defer elements of social justice and to increase homelessness and increase poverty and the words used on page 5 of the Governor's Speech to Parliament, which states:

My Government believes that the surest guarantee of social well being is economic health.

In other words, the Government adopts the sort of trickle-down theory by which, if one gets the economy right, eventually something will trickle down to the poor and homeless and they, too, will be better off in our community.

In America they have a better description for it. They describe it as trying to feed sparrows through horses. It is an effective social commentary when one thinks about it: if one is intending to feed the sparrows, why feed the horses as a means of doing so? However, the Government has set about dealing with the economy rather than giving priority to social justice. I might add that this occurs during the International Year of Shelter for the Homeless and the Government and its Federal counterpart have decided that they ought to defer the needs of the homeless and of the poor to spend their time preparing, apparently, for some economic Nirvana that is about to open up before us. Although, on page 2 of the Speech, there was that totally inconsistent statement that we are now getting the benefits of economic activity and investment, apparently all the benefits of that page 2 stuff have not yet come to anybody, let alone trickled down to the poor and the homeless.

Therefore, on page 4, the Government espouses a policy subscribed to by both the Federal and State Labor Governments—of income restraint. The wages of workers are to be restrained while the cost of living has increased by a greater margin than the amount of wages and this is one of the reasons why people have become poorer and why those who have no homes are less likely to have homes under this Government than they were under previous Governments.

The Minister for Housing is in the Chamber and I point out that, on examining the figures relevant to this situation, one finds that the waiting list for public housing in Victoria was at an all-time record high of 32 644 as of June 1986. The beginning of the International Year of Shelter for the Homeless is being celebrated in Victoria with the largest waiting list ever for public housing!

The Minister says that this is because the public sector houses are so much better and because they now have three bedrooms and a games room—not that they do. That is the Marie Antoinette answer that he gives because people put their names on the list, but in the next breath he says that 50 per cent of those on the list do not want public housing.

One can grow old waiting for public housing in my area. The minimum waiting time is six years. Members of the National Party can tell the House of the delays in their areas. On the fringe of Melbourne, if one has two young children, they would be at secondary school or even undertaking tertiary education while one waited on the list. One's eldest daughter might be able to put her name on the list in anticipation that her family would be able to get a house if either one was successful.

The "good night Irene" factor is responsible for the hospital waiting list. Did we have to go through the agony of the nurses strike to work out that the nurses were underpaid? Was it not accepted by the community, the Government, the Opposition, and the National Party that there had to be wage adjustments? Apparently the Government, the Minister and the nurses were unable to get together and sort things out. The Industrial Relations Commission was unable to sort it out and now there are 34 000 people on the hospital waiting lists.

In my electorate there are no public hospitals. There are publicly owned hospitals but they are classified as private hospitals. The waiting lists and waiting times are now at a stage where it is necessary to transport people in the back of station wagons in the direction of country hospitals many miles away for surgery because there is no chance of them gaining admission to the Dandenong and District Hospital, which has perhaps the greatest pressure applied on it.

In economic terms, the Government has borrowed more, taxed more and spent more and to less effect than any other Government before it. One can legitimately ask His Excellency the Governor and the Government what the Government has done with the

funds that it has spent over and above the increased taxes and charges since it came to office.

In areas such as electricity, gas, the Board of Works, the Grain Elevators Board and subsequently the humble loaf of bread, we realise that every step of the way the Government intervenes. Is it to give greater opportunity to those who are in the least successful places in our society? No, but to get additional money to spend in a sort of warm glow of socialism in the hope it will produce some trickle down effect to others.

What is one of the significant areas of expenditure of this Government as opposed to the previous Government? The 27 000 extra public sector employees that have been employed under this Government would make up a significant proportion of that. In other words, 27 000 additional public sector employees have been enjoying substantial salaries, good conditions and so forth. They are not the homeless; they are not the people without skills or jobs; they are the people who enjoy the public sector and who have become the chosen of our society. They are safe and secure and, hopefully, from the Government's point of view will help to re-elect the Government rather than embark on a course of seeking social justice.

One does not get social justice by employing 27 000 more people in the public sector; one does not get social justice through a trickle down process. One gets social justice when one is intent upon and sincere about it. It is doubtful whether the Government is intent or sincere about social justice.

Why do we say that? Because at the same time as the Government has taken on board and provided comfortable public sector jobs for 27 000 extra people, unemployment in this State has increased to 42 000. They are the poor; they are likely to be the homeless; they are the losers under the Government and they are the ones for whom the Government shows little interest.

Charges for electricity, gas, Board of Works rates, Grain Elevators Board rates and hospital insurance—for those who can still afford to have hospital insurance—have been inflated. Melbourne has become the inflation capital of the world.

Mr Kennett—Of Australia!

Mr MACLELLAN—Perhaps not of the world, but at least of Australia. Probably Ecuador, Peru or similar countries have a higher inflation rate but not Japan or any country in Western Europe. The Italians and similar people might well give Australia a lesson in economic management in relation to our inflation rates.

Does that help the poor and the homeless? Is the sermon of Neil Mooney real or is it a front? We must ask ourselves that question. At the same time that we ask that question we could also ask some quality questions. For instance: between 1984 and 1986 why did the enrolments in Government schools fall by 26 477? Why did the parents of 26 477 students decide not to enrol their children in the Government school system in this State?

One may be tempted to say, "Well, it is because there are fewer children around". We have heard the honourable member for Essendon say, "We have got to show both sides of the picture; it is cheating if you just put up the one side of the argument".

Although the Government school system under the Government has lost 26 477 students, the non-Government system in Victoria has gained approximately 8000. This is the stupidity of the situation. It is not that there are fewer children, it is because confidence in the Government school system is collapsing and parents are voting with their feet by taking their children out of Government schools and putting them in the non-Government school system.

The rich and those who can afford it are following that course, giving their children more opportunities, but the poor, the disadvantaged and the homeless are left lamenting in a system which is degraded year by year under the Labor Government.

If we want to know what the Government has been spending its money on, it can be said with some confidence that the deficit in the operation of the public transport system under "Tom Terrific", the Minister for Transport, will top \$1000 million a year. We can be confident that that \$1000 million is taxpayers' money which will be spent in propping up a system that is not delivering better service to the people.

Occasionally a few buses are put on for a by-election, but visibly the system is not better for the people and it is not providing better opportunities for people; it is providing fewer opportunities for the poor, the homeless and those in greatest need.

With \$1000 million one could buy a brand new car for every unemployed person in Victoria. That is the situation in the State and yet millions of dollars are being borrowed and spent. Taxation has been increased by millions of dollars.

The hospital waiting lists are at an all-time record; the public housing waiting lists are at an all-time record; and Government schools are being vacated at a rate which no other Government system could possibly tolerate. That is the sort of quality Government that we have.

Although all the words were in the right place in the Governor's Speech, a speech for which the Governor should not be blamed——

Mr Micallef—We are following tradition.

Mr MACLELLAN—The honourable member for Springvale should be the last person to talk about tradition. I can think of a few traditional methods that would have been used in the past on the honourable member.

Mr Micallef—You're funny, really funny!

Mr MACLELLAN—The honourable member needs his ethnic background to understand the reference. The Government produces all the right buzz words about social justice in the community, but it has policies that are directly opposite to that, and which are destructive of the intentions of the Government.

The Opposition should be grateful to Mr Gerry Hand for having made it clear that under the Hawke Labor Government—although he does not like admitting it—poverty and homelessness in Australia have continued to increase. The Governor's Speech has little to recommend itself in answering those two problems. What is missing from the Speech, of course, is any reference to the endemic urban crime rates which are a public scandal. No reference is made of drugs or the drug problem. Apparently Victoria does not have a drug problem. It is all right; it probably occurs in certain suburbs so we do not have to worry about it! The honourable members who represent those suburbs are probably members of the Cabinet and do not want too much said about that in Parliament. Perhaps that is the answer, smother it, keep it quiet, but if Victoria does have a problem and the community is serious about it, something must be done for those people who are exposed to it and to the problems of being poor and homeless.

The Governor's Speech has not one word to say on the subject. For those who say "Where does the money come from?", if one wants to do anything different, I make one final reference to where the money is being wasted and where the money might come from. Under the former Minister of Transport, the current Minister for Labour, the Government finally decided to carry out its policy of restoring country train services where buses had been installed. I refer honourable members to a V/Line business strategy until June 1990 document which suggests that the Government is about to go into reverse after five years of wasting money and proposing to implement the very policies that I had when I was the Minister of Transport. The Labor Party is restoring the train service to Leongatha. I need not bother the House with the amount of money spent on upgrading the railway line, made necessary by the decision to restore the train service. I shall just concentrate on what is said on page 63 of the strategy document. It states:

However, in the case of the Leongatha service, cost recovery and capacity utilisation levels are extremely low. Accordingly, the strategy is developed on the basis that buses will replace all rail services on this line, although such a move may present Government with difficult policy problems.

Indeed it might, because the Government was elected on the promise to restore this train service. The document then goes on to state:

Should this preferred strategy be unacceptable to Government and trains retained on the Leongatha service, the additional direct cost would be \$1.3 million a year (\$16.08 per passenger journey) and may generate the need to purchase additional carriage sets.

That says it all. The Government has no comprehension of the need to get effective control of the expenditure of public money. It has appointed 27 000 additional public sector employees. Millions of dollars have been lost here, there and everywhere. I simply illustrate that by one idiotic decision to restore a train line service to Leongatha, where the passengers were being carried in air-conditioned buses by a contractor, that after a delay of five long years the Government has wasted money like water which could have been used to help the disadvantaged, the poor, provide shelter in the fullest sense to the people in our community who are in most desperate need. Yet the Government and its Ministers, day after day, and week after week, have neglected to control their responsibilities sufficiently to get the things in order which ought to be put in order.

Some members of the Government may think that \$1.3 million a year is nothing in total Government revenue because they have become so arrogant with power and so disdainful of their elected responsibilities and so, I suppose, so far as they are concerned \$1.3 million a year is a drop in the ocean. It is a drop in the ocean in the total expenditure of the Government, but passengers from those South Gippsland towns who were in air-conditioned buses were asked which mode of transport they would prefer. They had trains and they had experience of buses and were asked what they would like. They answered overwhelmingly that they wanted the buses but the Government imposed its decision, because of its trade union masters, and restored the train service, upgrading the line and wasting \$1.3 million a year to provide a service that was better provided by buses. I can give example after example of such waste.

I want to say one thing only in closing, that I have invited the Minister for Housing to attend the Anzac Day anniversary party, celebrating the day on which a house was bought by the Ministry of Housing in Beaconsfield. It is still empty. The swimming pool was full of water and I got the Minister to empty it. The grass was so long that it was up to the window ledges until I had the Ministry cut it, but the house is still empty.

Mr WHITING (Mildura)—I join with other members of Parliament in expressing my loyalty to the Governor, Dr Davis McCaughey and also to the institution of the Governor. I hope all honourable members would feel so inclined, but that does not appear to be the case after hearing some of the speeches made in the Address-in-Reply debate.

This is the first opening of Parliament to which His Excellency has been able to attend and it is unfortunate that he has had to deliver such a speech. It was not until the honourable member for Berwick spoke in the debate that I was aware of the author of the document. I had thought that it may have been one of the senior Ministers within the Cabinet, but obviously that is not the case.

I take that person to task on several issues in the Speech given by His Excellency. On the first page, the bald statement is made:

Five years ago, Victoria was performing poorly in a national economy which itself was far from impressive.

I should like to know: performing poorly compared with what standard? There is no indication of a comparative standard in that statement and the statement, on its own, does not mean anything. I believe there have been improvements in some respects over the past five years. However, the Government decision maker who instigated this Speech also wrote:

It is apparent that Victoria had stumbled into the modern economic era still burdened by the baggage of an earlier one—those days when it was possible to think that this nation rode on the sheep's back, and on what could be dug out of the ground.

I remind honourable members that the primary industries of this nation have got Australia to this stage of development and, although it may be that a change is occurring at present, it is equally true that primary industries will play a very large part in the further development of this nation and of this State. For the Premier or whoever wrote the document to make the Governor utter those words so early in the Speech disenchanted many Victorians immediately. I hope that attitude will not prevail. The Speech continues:

Australians have suddenly learnt that they must change their attitudes.

I do not believe that is the truth. Some Australians will have to change their attitudes, that is true, but the majority will not need to change their attitudes because they have been doing their very best to try to get the standard of this country back to what it was a few years ago. The main reason why the country is in financial trouble at present, which no-one can deny, is that interest rates in Australia are higher than those in competitor nations and in countries with which Australia has traded. The standard of living that Australians are enjoying at present is being speedily reduced by an inflation rate that is far higher than in most of Australia's long-term trading partners.

The main cause is the lack of productivity of those employed in the work force in this nation and until those people "suddenly learn" to change their attitudes Australia will not be able to compete with overseas nations. Despite all the fancy words in the world, there will not be a great change unless we return to the situation that Australia used to have, when people did a fair day's work for a fair day's pay and did not seek 17·5 per cent holiday pay loadings and when sick pay was not used as though it were an additional wage benefit to be paid to them but was an insurance against the time when they became ill and could not work.

The honourable member for Hawthorn referred to the WorkCare problems facing the State at present. They are absolutely horrific. I recommend that honourable members who were not in the Chamber when the honourable member for Hawthorn spoke should read his speech, particularly the segment relating to the delivery of a cheque by taxi from Melbourne to Colac because complaints were made about slow delivery. In desperation the Government paid for a taxi to deliver the cheque to Colac, and I presume the Government paid for the taxi to return to Melbourne. I do not know how any Government can hold up its head under those circumstances and claim that Victoria has just "come out of the dark ages", that Victoria is on a "wave of success" and that everything in the garden will be rosy.

The honourable member for Berwick pointed out a number of areas that have changed dramatically. In fact, the poor are poorer in Victoria, more so than they were five years ago. I do not blame the State Government entirely for that because the Federal Government has a fairly large say in what is happening in that regard.

It is interesting that the Government should have caused these remarks to be made at the very first opening of Parliament since His Excellency Dr Davis McCaughey was appointed to the office of Governor of Victoria. Some of the other comments made in His Excellency's Speech are well worthy of interest for honourable members because extravagant claims were made. If the Government can produce these goods, that will be a big step towards overcoming some of the ills that Victoria faces.

At page 6, His Excellency's Speech states:

In a good society enterprise abounds and is rewarded.

I ask any Government party member to point to any business that does not have problems with payroll tax, WorkCare and other imposts loaded upon it in Victoria. Businesses are having huge difficulties in trying to establish themselves, to get some sort of incentive to keep going and to survive under the heavy hand of Government that has been placed over them since 1982.

The Governor's Speech goes on to say that Government controls will be progressively removed. That action is necessary if incentives are to be provided to allow a business to proceed with the normal hope of making a profit and of receiving satisfaction in the particular endeavour of the industry in which it is involved and, by the same token, provide the influx of capital and incentive needed for the development of the State.

His Excellency's Speech also pointed out that the Government intends to announce its conservation strategy and that it recognises the interdependence of development and conservation. I hope members of the Government party do not forget the word "development" because that is part and parcel of the continued extension of Victoria's secondary industries, particularly the timber industry and those industries in the more remote parts of the State that are experiencing great difficulty at present because the conservation issue is working to their detriment and making it difficult for them to continue in their industries with any sense of security.

At page 9, His Excellency stated:

The Conservation Strategy recognises eight major priorities:

They are listed. One is:

The enhancement of our cities.

I suppose that includes country towns and villages but, knowing this Government, I doubt very much that it does. The Government probably means the enhancement of major cities surrounding Melbourne, such as Geelong, Bendigo, Ballarat and some others. Of course, honourable members representing the more remote parts of the State certainly believe the enhancement of cities in their electorates is equally vital because people living in those areas provide a great deal of incentive for the development and welfare of the whole State.

At page 8 His Excellency referred to the fact that home ownership assistance has been increased by 13·8 per cent in 1986–87 to \$98·2 million. I join with the honourable member for Berwick in pointing out some of the problems in the area of public housing. The Federation of Housing Societies in Victoria held its 1987 State Convention in Ballarat recently. Mr Colin Thomson of the Mildura Group of Co-operative Housing Societies sent a memorandum to the Sunraysia Housing Action Committee that included the comments of various speakers at the convention.

One of the guest speakers was Bishop Peter Hollingworth, the Executive Director of the Brotherhood of St Laurence, who commented on the International Year of Shelter for the Homeless and its impact in Australia. He said:

In Australia at present there are 3·2 persons per dwelling on the average, and this number is falling . . . At the present time there are 3 million people out of a total population of 16 million people who are dependent on social security benefits.

Australia's average must be high compared with those for other countries. Mr Thomson pointed out that:

One practical way in which SHAC . . .

—which is the Sunraysia Housing Action Committee—

. . . could contribute, could be through the establishment of a common equity housing cooperative. However, because of high interest rates, subsidies would need to be provided by Government . . .

What a sorry state of affairs when the Government needs to subsidise the payment of interest rates for people to become involved in common equity housing cooperatives.

Mr Shell—Do you support it?

Mr WHITING—Yes, I support the project because it is the only way some people will be able to find housing. Approximately 32 000 people are on the public housing waiting list.

At the convention held in Ballarat, Chris Banks of A. V. Jennings Homes stated that a big change was taking place in the shape of households. He said:

- (a) One person households have increased by 68 per cent.
- (b) Single parent households have increased by 110 per cent.
- (c) Family households have increased by 30 per cent.
- (d) Two person households have increased by 28 per cent, and
- (e) Persons aged over 55 years households have increased by 35 per cent.

Additional housing will need to be provided to cope with the increase in applications for public housing, especially those from single parents. Mr Banks said that one-person households had increased by 68 per cent in the past year.

At the convention, Mr Barry Wight put forward the Federal Government's housing policy. He said that he was afraid of the misrepresentation that may have occurred through indexation of the first home owners' scheme. He said:

... the first home owner scheme is not lost to all new home buyers; and negative gearing is only detrimental to the overall rate of return to the highly geared investor.

That statement is not fair; indexation has brought a greater burden to bear on young people trying to take part in the first home owners' scheme.

Mr Banks said that the scheme should be increased to bring it more into line with today's trends. In the City of Mildura, and not the suburbs of Red Cliffs and Merbein, 16 applications have been received for four-bedroom homes; 272 for three-bedroom homes; 206 for two-bedroom homes; and 86 for elderly person units. The time an elderly person will have to wait for a unit is indefinite because so few are available. The average person on the waiting list will have to wait more than three years for housing.

The sad point is that the Ministry of Housing owns a large area of land adjacent to the new housing estate in Mildura, yet it is not prepared to build public housing there because it wants to sell some of the blocks of land for private development. The intention of the Ministry is to provide a mix of one Ministry of Housing house for every seven privately owned houses. In the International Year of Shelter for the Homeless the Government should be making a greater effort to provide public housing.

The State needs a change of Government. The economic scenes of the nation and State are disastrous. The sooner a change in Government is made, the sooner people will be prepared to risk capital in this State. Investments in the State would provide additional employment and housing, and help to provide a better standard of living.

To offer an alternative to the present Government, the non-socialist parties must work together. The Leader of the Opposition has caused problems between the two parties because of some of his remarks about their relationship.

In March 1985 the Leader of the Opposition was highly critical of the Leader of the National Party. He raised doubts about whether the honourable member for Shepparton should lead the National Party. One would have hoped that the Leader of the Opposition would have learned from his mistake at that time when he was taken to task in an editorial in the *Age* of 19 March 1985 headed, "Will Mr Kennett ever learn?" It would appear that he has not taken much notice of the article.

Recently the Leader of the Opposition again criticised the Leader of the National Party. He claimed that he supports the National Party and is prepared to go all the way with it, yet he stated publicly that unless the National Party amalgamated with the Liberal Party, the National Party would be ignored.

I hope the other members of the Opposition will be prepared to have a discussion with their Leader, because I believe he is doing them harm at present by his criticism of the National Party and stirring up further problems.

Mr Cooper interjected.

Mr WHITING—Perhaps the Leader of the Opposition is now much more circumspect after the events of last Saturday evening.

Mr Williams—Mr Acting Speaker, I direct your attention to the state of the House.

A quorum was formed.

Mr WHITING—I was indicating to the House that the problems the Government has forced upon Victorians are so great that there will need to be changes in the Government, both at the Federal and State levels, at the earliest opportunity.

I was saying that, for that to take place, the Leader of the Opposition would need to be a little circumspect with some of his comments about the actions of the National Party and his so-called belief that the two parties together are out to remove the Government from office and provide a viable alternative for the people of this State.

Earlier I indicated that in 1985 the *Herald* had criticised one of the comments made by the Leader of the Opposition. More recently the remarks of his colleague, a former President of the Liberal Party in this State, Senator Richard Alston, were reported in an article in the *Age* of 30 July 1986. Under the headline, "Lib scorns Kennett call for a merger with NP", the article stated:

A former president of the Victorian Liberal Party, Senator Richard Alston, yesterday criticised a call by the Opposition Leader, Mr Kennett, for amalgamation of the Liberal and National parties.

Senator Alston described as "fatuous" talk about the waste of energy and resources caused by the existence of two separate parties.

"There is still a significant range of issues and political attitudes which separate the parties and it would be foolish and counterproductive to pretend that these would disappear in a combined party," he said. "Indeed the tension would almost certainly be much greater and would receive much more media attention."

If the Leader of the Opposition really wants to remove the Government from office at present, the Liberal and National parties should continue as they are and provide that viable alternative and, in fact, should not be distracted by the threats of the Leader of the Opposition that, if the National Party does not amalgamate with the Liberal Party, his party will go it alone. That suits the National Party fine; we do not mind at all. We are prepared to continue to function as we have done in the past.

Mr Kennett interjected.

Mr WHITING—It can be proved quite categorically that the grassroots members of the National Party do not want to amalgamate with the Liberal Party. In fact, at the Horsham annual conference in 1986, a motion was almost defeated simply because of the fear of the grassroots members of the National Party, of whom some 500 to 600 were present, that an amalgamation was about to take place—and it was thought that the Leader of the National Party was trying to "snow" them by implying that such an amalgamation was already on the way.

I suggest to the Leader of the Opposition that if he continues to lead his party along the path he is now leading it, the Liberal Party will not be in office in its own right in 1989 or at any other time.

Mr Kennett—Who said that?

Mr WHITING—I said that. If he continues to lead his party along that path, he may not be the Leader of his party, either.

I should like to compliment the Government and some of its staff on the provision this year of additional teaching staff to some of the more remote country schools. I shall quote only the instance of the Murrayville High School, which stated that the school got off to a very smooth start for 1987; that there were eight new teachers this year, three of whom were appointed by the staffing branch of the Ministry of Education; and all the other staff,

some five of them, who are in their first year of teaching, have all been recruited from South Australia.

It might be a backhanded compliment, but it is certainly the best start to a school year that that school has experienced, even though it has had to recruit five teachers from interstate, of its own volition, to make up the numbers to cater for its students. The Ministry of Education, at last, is getting its act into proper perspective, and it is now able to provide the staffing necessary for those schools, albeit, as the honourable member for Berwick stated in his speech, that the numbers are dropping.

Mr MICALLEF (Springvale)—Before I commence my remarks, I should like to endorse some of the comments of the honourable member for Mildura, especially those—which the honourable member for Doncaster found offensive—criticising the Leader of the Opposition. If the comments of the honourable member for Mildura are correct, the Leader of the Opposition has much to answer for and the Federal coalition is in a lot of trouble.

It is amazing that, although having a loose affair, the opposition parties remain unfaithful to each other. I hope that situation will continue in the future, and perhaps they will seek to adjust their arrangements.

In offering my contribution to the debate on the motion for the adoption of an Address-in-Reply, I am positive that the people of the Springvale electorate will be very happy with the blueprint for change proposed by the Government. I am disappointed with some of the disparaging remarks made against—

Honourable members interjecting.

The ACTING SPEAKER (Mr Kirkwood)—Order! I remind honourable members that interjections are disorderly.

Mr MICALLEF—I am amazed that members of the opposition parties criticised the Governor's Speech and made veiled threats against him. That is distasteful and breaks with tradition.

Honourable members interjecting.

Mr MICALLEF—I dissociate myself from remarks made by members of the Opposition who have criticised the Governor and his Speech. I was fortunate in attending a function with the Governor last year and his contribution on that evening was excellent. As a former apprentice, it was a pleasure to attend the annual apprenticeship awards night and to meet a range of young people who are excelling in the training and learning of various skills. Many Government members attended that night but there was a poor turn up from the Opposition benches.

The Governor mixed with the young apprentices and was well received by them. He demonstrated that he had an interest in the future of Victorians, which is more than I can say about members of the Opposition, from their comments in this place and the way in which they have attacked workers and young people.

The electorate of Springvale has representatives from 70 different nationalities. A significant proportion of the electorate were born overseas or are first generation Australians, like myself, and they look forward to the Government's blueprint, contained in the Governor's Speech, being put into operation.

People such as Bruce Ruxton and Geoffrey Blainey have visited the Springvale electorate. I attended the opening of an RSL building in the electorate and had to sit through an address by Bruce Ruxton. He was responsible for a disgusting tirade against what he called wogs, Asians and women. I suggest that members of the Opposition who align themselves with a philosophy that attacks members of the community who are attempting to settle in and contribute to Australia's wealth should be ashamed of themselves.

Professor Blainey preaches racism, hatred and division within the community. Honourable members should also dissociate themselves from his remarks. I place on record my disgust at Mr Ruxton's attack on Bishop Tutu from South Africa. This year I have had the pleasure of working with the new Mayor of the City of Springvale, Mr Andrew Papapetrou, who, together with other councillors and municipal officers, has an ethnic background. It is good to see someone with a Greek background representing the City of Springvale and, together with his wife, doing a wonderful job.

The Springvale council is one of the best municipalities in Victoria. It is not riddled with political factions: it is made up of Labor Party and Liberal Party representatives and probably has a few National Party representatives. It works extremely well and has a magnificent record of delivery of community services. As a member of Parliament, I am delighted to work with that council.

I again refer to the annual apprenticeship awards night and inform the House that the number of apprentices has increased dramatically since the Cain Government came to office. In 1982 10 000 apprentices were in training but this year there are 15 600 apprentices, which is an increase of more than 50 per cent. The Government is proud of that achievement and will continue to increase the number of apprentices. Victoria's apprentices have been trained to make a substantial contribution to the industrial and technological development of this State.

I refer the House to the Monash Medical Centre, which is a wonderful complex that has been established in the Clayton electorate. The centre has been built over the past four years and will service the south-eastern suburbs. The first sod of soil was turned a little over four years ago when I was a candidate for the seat of Springvale. I am delighted that the centre has been built in the four years that I have been a member of this House. It is wonderful to see the completion of the centre. The building has been handed over to the committee of management and it will take patients towards the middle of this year.

The Monash Medical Centre is a monument to the Government and a credit to the work of the former Minister of Health, Mr Tom Roper, who, after examining the numerous promises made by Liberal Governments over the years, has brought that hospital to fruition.

I am proud to have been involved with the Springvale Community Health Centre. Community health is one of the pluses for State and Federal Governments.

Honourable members interjecting.

Mr MICALLEF—I am referring to the service provided by the Springvale Community Health Centre and to services in general. There is a good health service provided by the Waverley Community Health Centre and the honourable member for Forest Hill might like to take the trouble of visiting that one day.

The community health program was established in the early 1970s by the Whitlam Labor Government. After 1975 the program stagnated but was reactivated with the election of the Cain Government in 1982 and the Hawke Government in 1983. Both Governments have continued to increase resources in the community health area and that service has been gratefully accepted by the community. The emphasis on community health is moving from primary care towards educational and preventive health. The program with which I have been involved commenced around Christmas 1983 and has been a wonderful success over the past three years. I am delighted to have been the inaugural President of the Springvale Community Health Centre.

The community health centre has continued to build up a reputation. Contrary to the remarks made by the honourable member for Forest Hill, it is not a politicised community health centre, it is a real community health centre. Like all community health centres, its charter specifies that it should have representatives from all groups within the community on its committee of management. That is the way a community health centre should

operate and I am proud to say that that is the way the Springvale Community Health Centre operates.

A series of programs are contained in a booklet published by the centre. The centre started from nothing three years ago. It now conducts programs in back care education, repetitive strain injury, child development education and baby massage classes—which might suit the honourable member for Forest Hill if he decides to join! It also conducts swimming classes for disabled children, first aid lectures, summer safety programs, planning and coordination of women's health groups, evening community forums on health issues and so on. The booklet includes a table that sets out the various programs and this table is available for perusal by honourable members.

The community health centre, with its extremely able chief executive officer, Mr Vivian Blacker, is making available a remarkable service to the diverse ethnic community in Springvale. The arrangement of programs has been excellent. The centre is working well with the council and with local agencies of Citizen's Advice Bureau, the Springvale Legal Service Co-op. Ltd and various ethnic organisations such as the Springvale Indo-Chinese Mutual Assistance Society, the Turkish association, the Italian elderly citizens club and so on. They find the services of the health centre excellent and are supportive of its programs.

In the remote possibility that a conservative party is elected to office in the future, I hope no attempt will be made to tamper with the community health program that has been established. If it does, it will receive a strong backlash from the community.

The community health program combines well with the Government's social justice strategy which we hear so much about and which is the envy of most other Governments and opposition parties throughout Australia because it has been so well received.

The Government's social justice strategy has four major priorities that even simple-minded people such as the honourable member for Forest Hill can understand. The aims of the strategy are to improve areas such as children in poverty, long-term unemployment, dignity and security for the aged and human rights. These are all admirable aims that should be supported by any reasonable member of Parliament. Any honourable member who does not support the strategy should be made accountable to his or her electorate.

Some Opposition members embrace the philosophies of the new right. The only difference I can see between the philosophies of the old right and the new right is that the new right espouses that the welfare budget should be cut. I have heard suggested figures of between \$6 billion and \$12 billion. I would like to hear some policies from State and Federal opposition parties about the areas in which those cuts would be made in the event of a change to a conservative Government. Members of the opposition parties have the luxury of being in opposition, of being critical and of mouthing off at every opportunity, even though they are caught out from time to time. They should be made to put their position on record so that the electorate can analyse the alternative to Labor Government policy.

Another objective of the new right is to smash the hard won conditions of workers. A lot of garbage has been spoken about taking away sick leave and annual leave loading entitlements—as though that will correct the ills of this country. The efforts of the new right are antagonising the community and causing confrontation with the labour movement. Of course, the whole community suffers when that confrontation occurs.

Different groups supported the case that was heard by the Equal Opportunity Board recently arising from a situation that occurred in a factory in the Clayton area. The decision made by the board was a two-to-one decision against what was called a closed shop. The board upheld an individual's right not to join a union. That was an unfortunate decision because the rights of one person were held above the rights of all the other people working in that factory.

I am not sure of the number of workers at that factory. For the purpose of the exercise, I shall say that it was 100 workers. All except one wanted to belong to the union. However,

that one person was able to benefit from the hard won conditions obtained by the unions for the benefit of their members.

I have also spoken to employer groups who criticise some of the large companies in this State that do not participate in employer organisations. I can sympathise with those organisations.

Compulsory unionism does not exist. However, the right of conscientious objection has always existed in awards and it has always been the right of an individual to have a conscientious objection to joining a union.

If one asks a person who has conscientiously objected to joining a union to contribute an equivalent amount to a fund acceptable to all parties working at a certain place, one often finds that the real reason why the person does not join a union is because he does not want to pull his weight.

The philosophies of the new right encourage employers to take on unions or groups of workers. An example was the recent brewery strike where drivers who had worked for the brewery company for many years were given dismissal notices. Some of the drivers had worked for the company for 20, 30 or 40 years. Dismissing them was an example of the commitment the company had to its employees.

The brewery dispute upset the whole community. I represent many small retailers who were penalised because of the stupidity of the brewery company standing down drivers without proper consultation and negotiation.

I shall now refer to the WorkCare legislation, an achievement of which the Government should be proud. The honourable member for Hawthorn criticised the WorkCare package, which encompasses prevention, compensation and rehabilitation. They existed in vague and unworkable forms during the 27 years of conservative Government in Victoria. The honourable member for Hawthorn quoted selective cases and did not refer to the other side of the argument.

I do not know how the honourable member represents the people of Hawthorn who come to his electorate office with problems with WorkCare. I suppose he would immediately take the position of the company. Like all honourable members, the honourable member for Hawthorn must have constituents with workers compensation claims coming to see him. How does he process those claims when all he can do is produce a series of letters from companies criticising the WorkCare scheme?

I am proud to state that people involved in industry and commerce to whom I have spoken are extremely pleased with the way WorkCare is proceeding because it is far cheaper than the system which previously existed. It is ridiculous for the honourable member for Hawthorn to suggest that employers will criticise a system that saves them money. That claim is not true. I have spoken with lawyers who work in the suburban areas, and they believe the new system is working satisfactorily.

The honourable member referred to a number of cases by quoting letters he had received, and I shall now inform the House of a case of which I am aware.

Mrs D. Micallef—she is not related to me—of 71 Princess Avenue, Springvale, visited my electorate office regarding a WorkCare claim. She had been working for EBCO Apparel Pty Ltd of 3 Brear Street, Springvale, for six years. During that time, the company had been taken over by another company, but Mrs Micallef did the same job at the same place.

Some time before the company was taken over, Mrs Micallef complained about a pain in her arm, but she continued to work for several years after the takeover. On 23 December last year, she had to receive medical attention and she applied for WorkCare. The claim was processed and she was notified that she would be accepted under WorkCare.

Mrs Micallef visited my electorate office because she had not received any payment. I telephoned the WorkCare agent who informed me that the payment had been sent to the

company. I then telephoned the company and spoke to Mrs Sheila Holzer, who said that the company had decided not to accept liability.

It would be a ridiculous situation if a car insurance company that represented someone who had had an accident decided not to pay a claim because it took a different position from that held by the person who had the accident.

WorkCare agencies are reminiscent of the private enterprise insurers under the old system where the agents have no ideological ideas or support for the system. If anything, they would be hostile to it. The agents receive \$150 for each claim they process, which makes an agency more like a processing shop than a settling agency.

I rang EBCO Apparel Pty Ltd on this matter, but no-one would speak to me. After numerous telephone calls, I indicated that I wanted to inform the company of my next step and I was told that I could do what I liked. I then applied to the Department of Labour and requested that inspectors investigate the claim. The company was extremely upset about that.

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

Mr KENNETT (Leader of the Opposition)—I indicate the loyalty of the electors of Burwood to Her Majesty the Queen and her family as well as to the Governor, His Excellency Dr Davis McCaughey, and Mrs McCaughey. They have a difficult job to perform and Victorians appreciate the way in which they are carrying out their duties.

I, like many other honourable members, express concern about the content and style of the Speech that the Governor had to present to Parliament. It is traditional that the document is prepared by the Government of the day, but this Speech was more political than those that have been delivered in the past.

The content of the Speech should clearly indicate to the people of Victoria where the priorities of the Government lie. The honourable member for Mildura pointed out the discrepancy between the treatment of people living in rural areas and those living in the metropolitan area.

I offer his Excellency and Mrs McCaughey the support of the Liberal Party in the work they are doing on behalf of us all.

I am tempted to respond to the incredible comments of the honourable member for Mildura, but I will not take the bait at this stage, except to say that his comments have been noted and rejected. The Opposition believes that ultimately a merger will be more effective.

Obviously one would like to respond to the honourable member for Springvale, who has now become a traditionalist in the broadest sense of the word with most of his speech having been based on tradition. I am pleased to note that, like all socialists who enter this place, as time passes he is becoming a capitalist. The honourable member for Springvale is probably the best example here of that at the moment, as he is continually acquiring more property, to reap as much capital gain as he can, given that he now has this huge salary as a result of having a regular job in this magnificent place. He fits in so well. He obviously loves this place.

Before dealing with other matters, I wish to make a brief remark about the events of this week; I obviously refer to what has appeared in the *Sun* newspaper and the result of my telephone conversation on Saturday night. One has to ask oneself: what are we on about in this Parliament if we are not developing and protecting the democratic rights of citizens? Even the honourable member for Springvale defended the right of a constituent, Mrs Micallef, to justice; and I believe all of us here, regardless of our politics, would hope that we are advancing the democratic rights of citizens. If not, what are we doing here?

Therefore, as honourable members can imagine, I was somewhat disturbed that my rights had, as I believed, been violated by the *Sun* on Monday morning. The point of my

raising it here is not to reopen the wounds but to say that what happened in this Parliament yesterday was most refreshing. Government members obviously had the opportunity to get stuck into me and my comments, for political advantage. That did not happen. I do not think that it simply did not happen. Those who criticise the Parliaments of Australia from time to time and describe them as bear pits, from which all filth is necessarily expected to originate, should recognise that what happened occurred not because of events at a political level between combatants in the political arena but was started by those who are the first to criticise the Parliamentary process. In other words, the media, who are so ready to criticise politicians and the way in which politicians behave, were the ones who denied a citizen or two citizens their democratic right; it was not the bear pit of Parliament that started this procedure, a denial of natural justice, but the very organisations which are so ready to criticise.

It is important that that be recognised, and I say quite openly here that I deeply appreciate the support that the Premier and the Government have given me as a citizen over the past two days. Certainly, most of the Labor Party members have expressed support, and I appreciate that; it is not isolated support. When that sort of thing happens, regardless of the side of the House on which it happens, there is a lot of support, as there is in times of illness or death in this place. There is a camaraderie about the Parliament. The past few days have not only reinforced my view that that camaraderie exists but also reinforced my belief that those who live in glasshouses should not throw stones. I refer to the press.

The next time the media criticise the activities of the so-called Parliament, honourable members ought to recognise that the activities of the press this week have been motivated by their pursuit of selling papers rather than by a consideration of the rights of any one or two citizens. The media has much to answer for.

On page 8 this morning the *Sun* ran yet another article. This time the illustration portrayed me speaking on my car phone while driving my vehicle. As most honourable members would know and as any professional journalist would know, my car phone is in the Government car that I use, which is provided with a chauffeur. I cannot remember ever using my car phone while driving that car; in fact, I have rarely driven it. That illustration has again provoked the comment in tonight's *Herald* that I am committing yet another illegal act.

It makes one wonder whether the *Sun* is genuine in its intent. If it is, where is its professionalism? It concerns me, as it should concern every honourable member. I hope no-one else will be caught as I was. It was not long ago—in fact earlier this year—that I gave up drinking, and it is only a month since I gave up smoking. It is now quite apparent that I shall have to give up some of the language on which I fell back the other night at a time of great frustration. This was merely another incident. We as Parliamentarians get used to them. Ultimately, it is one's family and one's children who suffer the most. I hope the children of other members of Parliament will not have to go through what my children went through the other night while watching those television services and so on.

I shall now come back to what I hope I am better at—that is, tearing shreds off this lazy, miserable, incompetent Government. I shall start with my dear political colleague, the honourable member for Monbulk who entered the Chamber, saw that I was about to speak and left in fright. I can understand that.

Last weekend we had a very good electoral result. This Parliament will be better served by having a person of the calibre of Marie Tehan enter it. One area in which the Liberal Party campaigned hard with a view to winning the next election was the electorate of Monbulk which is currently and temporarily represented by Mr Neil Pope. The Liberal Party will obviously continue its campaigning in this electorate because it has a vested interest in more ways than one in winning that seat.

The current member for that electorate has always believed that he has made a significant contribution to this place. When reading the local newspaper, the *Lilydale and Yarra*

Valley Express in the electorate of Monbulk during the recent campaign, I was staggered to find a letter to the editor from one, F. L. Sedgman of Montrose, which I shall read into the record because it best sums up the two different standards—the one held by the honourable member of himself, and the one held by the majority of his electorate who will obviously make a decision at the next election. The letter is headed “Political ego” and reads:

Sir—Congratulations to our local Member, Mr Neil Pope, in his statements to your Andrew Laing in the Express of February 10 he displays plenty of self-confidence. But the question is: how is it justified?

Mr Pope's statement that he was “second to none on the back bench” . . .

Where does that leave the honourable Whip on the Government benches, Sir, or some of the more senior members with whom you have been associated? The letter states that Mr Pope considers himself “second to none on the back bench”, and continues:

Mr Pope's statement that he was “second to none on the back bench” displays complete contempt for his fellow backbenchers. Consider that his boasts of being made chairman of the State Government-Local Government Financial Relationship Committee. In the recent council amalgamation issue, Mr Pope's committee's planned proposals were tossed out by his own party. Good one, Mr Pope.

Our esteemed local member was “rapped over the knuckles” by a Parliamentary Committee, with a majority of his own party, over his unwarranted and unfounded attack on an opposition member of the Victorian Parliament, while trying to hide behind Parliamentary Privilege. Good one, Mr Pope.

However, our local Member's total infatuation of himself reflects in his description of himself as a “tall poppy”.

Can you imagine, Sir—Mr Pope, a tall poppy?

An Honourable Member—You can't see him even when he stands up!

Mr KENNETT—The letter continues:

Come on, Mr Pope, if you are the best the Labor Party can dig up to represent the constituents of the electorate of Monbulk, you must have plenty of weeds to tower over.

From Mr Pope's actions and comments published in the Express, it would appear his biggest achievement is the state of his ego.

F. L. Sedgman,

Montrose.

May the honourable member for Monbulk enjoy his last one and three-quarter years in government! May he enjoy his ego, and may it find him a job after the next election!

One of the things members of the Opposition found as they went around the electorate was the concern shown about the Premier's commitment to so-called social justice or, rather, his lack of concern. After the Labor Government was elected to power in 1982, in his speech during the debate on the motion for the adoption of an Address-in-Reply—the motion on which I am speaking today, some five years later—the Premier told Parliament that the Labor Party had been elected because it offered a shining alternative vision founded on social justice for Victoria and its people. He said that it was one founded on social justice for a fair sharing of this State's resources and, most important of all, for efficient, honest and accountable government.

If ever one wanted to immediately knock on the head the idea of efficient, honest and accountable government, I direct to honourable members as bedtime reading tonight, the report of the Auditor-General that was tabled in Parliament today. If ever there were a gospel of mismanagement, this has to be it. It puts paid to the claims made by the Premier in his speech in 1982 to which I just referred.

The remainder of the Premier's speech five years ago contained not one example of how social justice was to be implemented, apart from one reference to high-rise development in Collingwood. It did not mention anything that could remotely be claimed to be part of a program of social justice and fair sharing.

Just before the recent Central Highlands Province by-election the Premier introduced a Bill that was supposedly meant to peg increasing prices, a matter of concern to all honourable members. The Government seems to have forgotten the fact that its policies, which have been a major contributing factor to the price increases, affect everyone in the community. If the Government were really serious about prices, there should have been some reference to the proposed legislation in the Governor's Speech but, of course, there was absolutely no mention of it.

In other words, as the Labor Government is in its last two years in office, the Governor's Speech should have outlined its basic legislative program. There was not one word in the Governor's Speech about price control legislation. Obviously, that proves that the price control legislation is nothing short of a political gimmick. In the debate on the prices control Bill, honourable members spoke about why the proposed legislation would not work and that when it was tried in 1975 in South Australia, such legislation failed dismally to hold down prices. At that time, when a comparison was made between Adelaide, with price control and Melbourne without price control, it was found that prices in Melbourne were substantially lower than those in Adelaide.

Whether the Premier likes it or not, right now in Victoria prices are rising dramatically and consumers, housewives and households are being forced to pay substantially higher amounts for goods and services than they had to pay three weeks ago. The reason is that supermarkets have to stay in business. They are not being greedy or deliberate. They say that they need a certain margin, which normally applies. However, by interfering, the Government is ensuring that that margin is put at risk. It is obvious that over the next twelve months, if this course of action is pursued, Victoria will pay a very heavy penalty indeed.

The Premier perhaps summed it up today at question time when he asked himself the rhetorical question: what have abalone fishermen's licences to do with housewives' budgets? It is obvious that the Premier has no understanding of how to run a business. I inform the Premier of two ways in which the licence fees paid by abalone fishermen affect household budgets. Firstly, abalone fishermen represent the epitome of small business. Only one person, with certain equipment, is involved and the abalone fisherman employs one person as a safety officer. If the licence fee is raised to \$10 000, it will mean that that small business and the family of the operator have to find more money, work harder and obtain a better result if their standard of living is not to be reduced. It is as simple as that. If one pays double taxes tomorrow and one's salary does not cover that outlay, one's standard of living goes down. On that count the Premier has no idea of the impact of Government taxes on the people of Victoria, particularly small business.

Secondly, although I admit that the majority of abalone is exported, it makes it more difficult to obtain a decent return on the products we export because we become less competitive. The Premier speaks strongly about being competitive in overseas markets and securing more markets in the future. In both cases, where abalone is sold in Victoria, we have to pay more for it. Therefore, the housewife is getting less for every dollar she spends and that applies right across the board.

The SPEAKER—Order! I advise the Leader of the Opposition that I intend to terminate the sitting at 6.15 p.m. because a meeting of the Commonwealth Parliamentary Association is scheduled for 7.30 p.m. I shall resume the chair at 8 o'clock and again call the Leader of the Opposition.

The sitting was suspended at 6.15 p.m. until 8.8 p.m.

Mr KENNETT—Mr Speaker, I trust the Commonwealth Parliamentary Association meeting went well. I am sorry I was not present, but I look forward to reading the minutes.

The SPEAKER—Order! I advise the Leader of the Opposition that the amplification system has again let us down.

Mr KENNETT—Perhaps somebody could hand me a telephone! Before the suspension of the sitting I was referring the House to the Government's professed concern for the living standards of Victorians, particularly families. The motivation behind the introduction of the Grocery Prices Act is an attempt by the Government to peg the prices of certain groceries, which the Deputy Leader of the Opposition said is the most hypocritical legislation that the Government has passed over the previous five years.

The Bill raised the expectations of the community at a time when they were under increasing financial pressure. The goodwill of the community has been abused by a Government that continually seeks to interfere in the competitive market, as demonstrated by the Grocery Prices Act, which was introduced as a means of holding down prices.

There are many examples of where prices have risen and the Opposition will be ensuring that over the next twelve months we will not only monitor the basket that the Government has assembled but also we will monitor the prices of goods provided for by other legislation which rise substantially above a 6 per cent increase and which are sold in supermarkets.

It is no good taking a basket of goods, restricting the natural competition on those and allowing the price of other goods to rise dramatically. I am sorry that the Premier is not in the Chamber, but the Minister at the table, the Minister for Housing, is well acquainted with the proposed legislation and the basket of goods contained in it.

One matter that concerns me is that, in the 170 items, dairy items are included which, I understand, are now excluded from the basket because an amendment was passed in another place providing that where the price of goods is controlled by existing regulation that those goods will not be part of the 6 per cent peg.

If that is the case, obviously the public is being misled. However, the Government is still advertising the fact that these prices have been pegged when they are controlled by separate legislation and other authorities.

The Opposition is concerned about the failure of the Government to apply restraint to its expenditure. The two greatest contributing factors to increases in prices is the debt and the interest rate applied to that debt and also the inflation levels.

Unless the Government addresses the real problem of its debt and, in particular, its taxes and charges, there will be no relief for the Victorian community. The disposable income of families will be dramatically reduced. The Government has failed to hold down its charges and taxes, fines and fees that relate to business.

If the Government wants to keep prices down it must recognise that it must also reduce the burden on businesses, particularly those businesses in which there is an added factor that contributes largely to the price. For example, there is no control in the Government's basket on petrol, and yet petrol is one of the major ingredients in the overall cost of products, particularly products that are delivered to the country and the provincial areas.

Mr Sidiropoulos interjected.

Mr KENNETT—The honourable member for Richmond said that that was a Commonwealth charge. He knows that the Victorian Government has its own tax on the sale of petrol, cigarettes and a range of other products.

Part of the tax levied on petrol is a Federal tax, but part of it also is a State tax. The allowances of Victorian housewives who are on a static housekeeping allowance, unfortunately, will be eroded because of the effect of the cost of petrol on goods sold in the retail market.

The failure of the Government to refer in any way to the prices peg legislation in the Governor's Speech was not an oversight, it was something that happened only in recent times. It was done for all the wrong reasons: it was done to shore up votes in the recently concluded by-election in the Central Highlands Province.

The Government then sold a principle of good government to gain electoral success. The community is getting sick and tired of governments that try to artificially manipulate a situation to secure a political return through the ballot-box. This proposed legislation represents the third time that the Government has gone into an election endeavouring to buy support.

I imagine that the Governor of this State and the majority of the community would be concerned about a Government that wanted desperately to stay in office, yet saw its life in office being shortened and as a result was doing desperate things.

Mr Cathie interjected.

Mr KENNETT—The Minister for Education interjected that the Government is not desperate. Any political party that produces fraudulent how-to-vote cards at an election has to be desperate. I do not for a moment consider the Minister for Education would support that transaction; and I do not believe the Minister at the table, the Minister for Housing, would do so, either. That means there are only another 54 Government members who could be guilty. I shall come to them. I know that the Speaker would not be involved in that sort of thing.

I am reminded that it is not the robbing of a bank that is the crime, but it is getting caught for doing so. I have reminded myself of that a couple of times during the past few days. It is not a crime to have a private conversation; it is to be caught doing so.

The Government is becoming desperate and it is prepared to misuse the goodwill of the community that wants not only strong leadership in Government and from Government, but also it wants responsible Government.

It does not matter whether it is the Prime Minister, or the Premier, or the Opposition Leader Federally or State, but what everyone is saying is that if we are going to put this country back on a sure footing, then we need courageous action at the Government level. Nothing that we do today will solve our economic woes tomorrow, but by taking action today we can ensure that over a period we will rebuild the damage that has been done over the past five years.

An increasing number of citizens in Victoria, such as aged citizens who are on fixed incomes, are increasingly becoming concerned about the way in which they will be able to live out their lives—that is, with less dignity and security, than they have had before, and the increase in the housing waiting list is a real indication of that situation.

If one goes around the universities and schools, one will find the atmosphere is entirely different from when I came to Parliament eleven years ago, in the late 1970s. Then there was radicalism with Vietnam and other factors. Today that radicalism has been replaced by a genuine fear about what young people are going to be able to do with their lives. Unfortunately, particularly in rural Victoria, an increasing number of young people cannot find meaningful employment. It is not our responsibility as a Parliament alone to find these solutions; but it is our responsibility to give the leadership in terms of the policies that we introduce and in terms of legislation and regulation.

The prices peg legislation is not the sort of legislation that will ultimately inspire a community that is desperately looking for leadership from government. I can well understand the problem of the honourable member for Richmond, who is interjecting, because at the time he was asleep. He can be sure that we did not support the legislation then and we do not support it now, because we oppose it on philosophical grounds. The Labor Party must be about to extend the age at which its members have to retire because that contribution by the honourable member for Richmond, who has just interjected again, is the most significant contribution that he has made.

It is not good enough to argue that greater interference by Government will lead to greater security and opportunity. Members on the Government benches know that the prices peg legislation will not work. When they go to their supermarkets, they will start to

see the impact of artificial controls. All I can say is, the sooner the twelve months' period elapses so that the legislation lapses, the better Victoria will be for it.

Ultimately it will not be the so-called wealthy who suffer, it will be the constituents who are the low to middle income earners or those on fixed incomes. How can a senior citizen who has a companion cat, afford to pay an increase in pet food, the brand was "Snappy Tom", which has increased from 29 cents to 41 cents. The living standards of that person will decrease.

The Grocery Prices Act is nothing more than an act of hypocrisy. It will harm people more than it helps them and the Opposition, over the next twelve months, will continue to highlight the increases in prices for which the Government must accept total responsibility. If people's living standards keep declining at a faster rate than they are at present it will be because of the Government's ill-conceived and ill-thought out piece of legislation.

Mr HEFFERNAN (Ivanhoe)—On behalf of the constituents of Ivanhoe and myself I swear allegiance to Her Majesty the Queen and His Excellency the Governor. I wish to highlight some of the Government's activities during the past five years. All politicians, should take some time to examine their achievements and the directions in which they are heading. Members of the Labor Party should do that, because they came to government indicating, with considerable rhetoric, what they would do in the social justice area for those people in the community who they believed had missed out under previous governments.

There have been no achievements during the period of the Labor Government, in fact, there has been a deterioration in the living standards of those people whom the Labor Government for many years said it represents.

Honourable members will note the slow deterioration of the standard of living of workers since 1982. Some of the great past leaders of the Labor Party such as the late Ben Chifley and the late John Curtin, would turn in their graves if they were able to see the deterioration in the standard of living of the working class in Victoria and in Australia.

The Labor Party will have much to answer for at the next State election because statistics will illustrate that it has failed in every area to alleviate the problems that exist in our society.

A recent report by consultants W. D. Scott & Co Pty Ltd, commissioned by the Federal Government, indicated that an additional 40 000 Australians have become homeless since 1982. It stated that there are now 60 000 additional people on the verge of being homeless; 150 000 people on housing commission waiting lists throughout Australia; 35 000 of those are in Victoria. The increase in the number of people waiting for Government housing is a reflection of the deterioration in the living standards of those people in our society whom the Labor Party, over the years, with considerable rhetoric, has indicated that it represents. The Labor Party, when in opposition, said on many occasions that it would alleviate the problem of people living in high-rise commission flats. One can remember the many statements—it made during the last election—of the need to remove the high-rise commission estates within Victoria because of the poverty trap of the people who lived in them. No action has been taken and, if anything, the State is in such a financial mess that no action will be taken in the short term, yet the number of people waiting for Government houses is increasing day by day.

Members of the Opposition have indicated the problems that exist in the public transport system and the need to overhaul that system. The Auditor-General's report has highlighted the problems of V/Line. The redundancy payment of \$90 million that was paid to employees of V/Line was a public scandal. I am amazed that the Minister who made that decision has not been held accountable. Politicians must be accountable to the public for the decisions they make. The then Minister of Transport is still a Minister of the Crown.

What would happen in private industry if a manager reported to his board of directors that he had lost his company \$90 million, \$9000 or even \$900? That person would be held accountable and would be removed from his job. I am amazed that the Government has accepted this scandal so calmly. That money could have helped to alleviate the many problems in our society. It could have been spent on those people who require public housing.

Parliament heard recently that the Minister for Transport will spend \$8 million on additional bus services. No one begrudges people having an adequate public transport system, but the same Government department had losses last year of \$900 million and yet the Minister for Transport has informed Parliament that through budget savings the department has saved \$8 million which will be spent on additional bus lines. That money could have been allocated to reduce the accumulated deficit. It is amazing how easy money can be spent when one does not have to earn it.

It is not good enough for Ministers of the Crown to continue spending taxpayers money merely to glorify their own positions.

All honourable members are aware of the long waiting list for people wanting elective surgery in our public hospitals. Who are the people queuing up at public hospitals for public surgery. Are they the top income earners in society or people on high salaries or in professional jobs? They are working class people that the Government professes to represent. The problems concerning our public hospitals will be a continuing one for the Government, and it will prove a difficult problem for the Liberal Party when it comes to Government. The Government has failed to come to grips with its priorities.

Another instance of the Government's incompetence is the National Tennis Centre. Why is a Government involved in a project that will cost well over \$100 million? Governments should not be involved in professional tennis. If the Government had not become involved, the tennis administrators would have done their own thing.

Too many politicians in this House are sitting here as entrepreneurs but they know nothing about what ought to be done in entrepreneurial areas outside Parliament.

One would wonder, by the year 2000, how many people in this society will need help. In the *Sun* of 11 March 1986 Dame Phyllis Frost stated that one-third more people are seeking help from the Victoria Relief Committee compared with previous years, yet we still have a Government that sits here and announces, with all the rhetoric that it has uttered on price control, for example, that it is trying to help the people on the bottom line. I can only say: what hypocrites I have come across!

The poverty line under both the Hawke and Cain Labor Governments is now \$274.60 a week after tax. The poverty line has risen! More and more people are sinking below the poverty line. Both the Prime Minister and the Premier have spoken of pensioners. Pensioners are \$28 a week further below the poverty line since the Hawke Government came to power. There has been a \$28 a week drop in the income of pensioners, yet the Premier in this House even today has said that his Government has concern for those people at the bottom line. One would have to sit back and say: I believe the Premier has lost contact with his original purpose in entering Parliament. This is a Premier who lives so close to where the problems are in our society! One would have to laugh at the rhetoric he carries on with.

I refer to other costs—electricity, gas, water and so on. Who are these charges affecting? Once again, they are affecting those people whom the Government ought to be concerned about, the people who are struggling—once again, this Government is making an attack on them. The Government says continually that it is rectifying these problems by further and further involving social workers and allowing those people who need help to apply to the relevant departments for assistance. These are handouts! I believe the people in this country are not a society which wants handouts from a Government in this manner.

I point to the hidden poverty—all those people who are too proud to come forward and reveal the problems that they are having. Mostly, again, they are the pensioners. Their self-esteem keeps them from broadcasting their problems—problems which have arisen as a result of the taxes and charges imposed on them. They slip slowly further below the poverty line. What is the worth of the rhetoric uttered by the Premier of Victoria and Mr Gerry Hand, who is both a Federal member of Parliament and President of the Victorian Branch of the Australian Labor Party? A headline in the *Age* of 24 March 1986 states, “Plan needed to fight poverty, say Cain, Hand”.

Once again, it is all rhetoric. One wonders when the Government will stop putting out this rubbish. Every time we pick up a newspaper, we read about the Government's policy on social justice and what the Government proposes. It is said that the Government will fix it up, yet nothing gets done. The Government has been spending so much money and borrowing so much money that now there is no money to help the people on the bottom line.

The Government will lose because it has lost contact with the rank and file in society, the bottom echelon. One of the major problems of the Government and the Labor Party is that the blue collar workers who once represented the party have stepped aside and allowed the academics to come in. If one wants to go broke, bring in an academic—one will soon pay the price.

The two areas I see as being major problems over the next ten years—not only in Victoria but also Federally—are poverty—such as Australia has never witnessed—and industrial relations. I give warning now: we can no longer put up with being held to ransom by the iron arm of the trade union movement. I for one, when the Liberal Party is in government, will not allow myself to be stood over by the trade union movement. One has only to examine what has happened over the past five years—it has just gone too far and people have had enough.

Industrial relations will be a key issue in the next State election. One has only to look at the Builders Labourers Federation and its deregistration by the Labor Party Government. The BLF is still alive, it is still as strong and it is fighting just as hard as ever through the union now handling the work of the former BLF, the Building Workers Industrial Union. I assure everyone that the BWIU—which to me is the BLF—is more trouble to the construction industry of this State than the former BLF ever was. It is common for people within building circles to say—and this is a big statement—that they wish Norm was back because at least they knew when they did a deal that a deal was a deal.

I wonder how long we can put up with what is still going on in the building unions. I shall refer to some of the problems. I refer, firstly, to the Jack Chia South Yarra project. Recently a 48-hour strike was called by the building union and work on that project was brought to a halt because the lino in the diningroom of the builders' mess was damp, underneath. For that reason 35 men were called out on strike for 48 hours! How long can we put up with this sort of rubbish—at a cost, may I point out, of a minimum of \$150 a day a man for 48 hours?

Another area of industrial dispute involving the BWIU—the present BLF—arose because a builder drilled a hole through a piece of timber. He put a steel shaft through the hole and he was not supposed to do that—the Amalgamated Metal Workers Union worker was supposed to do that. The AMWU worker was supposed to put the steel rod through the hole drilled by the carpenter. What did we have? Another strike! How can one sit back and stand this sort of rubbish? I give strong warning that when the Liberal Party is in power we will not tolerate this nonsense.

The Plumbers and Gasfitters Employees Union of Australia, there is no doubt, has become the union leader in the State. The general secretary of the union is bettering his lifestyle at the taxpayers' expense since his election to the Legislative Council. He is a real gentleman now! He is ready to reap his reward for the years of havoc he has wrought in the building trade, but he is still running amok in his role as general secretary of the

Federal office of the Plumbers and Gasfitters Employees Union of Australia. That union has been out for weeks and no effort has been made to get those members back to work.

The nurses' dispute is still continuing in the Latrobe Valley. It has all the symptoms of a classic strike. It is now supported by the State Electricity Commission workers who have decided to blackout Victoria. I say to the SEC workers, "Enjoy blacking out Victoria while the Labor Party is in power because I can promise you that if you do that when the Liberal Party is in power you will have a fight on your hands like you have never had to fight in your lives".

The honourable member for Springvale attacked the new right. That is the new catchcry of the Labor Party and the union movement; the only reason it has become the catchcry is that the new right has started to cause real problems for them.

The new right comprises people concerned about the direction in which Victoria is headed. I shall point out one of its achievements since it highlighted problems associated with certain work practices. All honourable members will remember the strike against Peko-Wallsend Ltd in Western Australia. After a return to work the company lifted its annual output rate from 14 million to 18 million tonnes with approximately 150 fewer men. It achieved almost a 30 per cent increase in tonnage with a very sharp fall in unit cost.

An example of the effect of restrictive work practices is the cost of transporting steel in Australia compared with exporting it. An article by Tony Harrington in the *Age* of Saturday, 2 August 1986, was headed, "Inefficiency is when moving steel to WA costs more than getting it to Japan." Mr Harrington reported:

Inefficient transport services in Australia are grossly inflating the costs incurred by manufacturers, importers, exporters and consumers, according to a new report.

The report, by Dr Keith Trace of Monash University, argues that transport industry regulation, poor organisation and inefficient work practices have seriously affected some operations.

Dr Trace's report said that it cost 44 per cent more to freight Australian steel from Port Kembla to Fremantle than it did from Fremantle to Japan . . .

It is no wonder that Australia is rated as one of the bottom three countries in Western society!

As soon as anyone questions a work practice, the union movement responds with the catchcry that it is a result of the performance of the new right. How long can Australia tolerate restrictive work practices?

Another example of a restrictive work practice was reported in the *Weekend Australian* on 6-7 December 1986. The article stated:

Should you have to be a member of a particular union before you can tighten a bolt?

The answer is yes, and according to employers it represents a classic example of a restrictive work practice.

The MTIA's submission to the national wage case outlines a case history of a restrictive work practice and cites a company employing several operators, members of the Australian Workers Union, on continuous shift work.

"Frequently during the afternoon or night shift, a minor running repair such as tightening a bolt was required," the MTIA case history says, "Rather than the operator tightening the bolt, the employees insisted that a maintenance fitter from the Amalgamated Metal Workers Union be called in."

What rubbish! Australia cannot accept that sort of practice.

I have a further example of the cost of restrictive work practices in a memorandum which refers to costs in the oil industry. The rigger involved in this particular example will be referred to as "Mr Smith" because it is an actual case. The memorandum states:

On Sunday 21st September, 1986, a Shell Refinery Rigger, Mr Smith responded to two separate call-ins by the Shift Controller. Detailed below are the payments made by the refinery for the two call-ins:

1. Mr Smith was contacted at 7.30 a.m. and travelled by taxi from Winchelsea to the refinery arriving at 8.43 a.m. He finished work at 9.54 a.m. and returned home by taxi. For approximately one hour's work he was paid:

—telephone disturbance payment	\$6.60
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Of course, one must be paid a telephone disturbance allowance because the telephone rang! The detail of payments made by the refinery continue as follows:

—one hour response pay at ordinary time	\$11.07
—four hours minimum call-in payment paid at double time on Sunday	\$88.56
—one hour rain money paid at half of ordinary time	\$ 5.54

It was raining when the taxi took Mr Smith from his home to the refinery; for this inconvenience, Mr Smith was paid \$5.54! The payments made by the refinery totalled \$111.77 for 1 hour's work. The memorandum continued:

Mr Smith was contacted again on the same day at 11.40 a.m. and travelled by taxi from Winchelsea arriving at the refinery at 12.46 p.m.

Mr McNamara—Was it raining?

Mr HEFFERNAN—No, not the second time that Mr Smith was called in to work. The memorandum continued:

He finished work at 2.03 p.m. and returned home by taxi. Again for approximately 1 hour's work he was paid \$111.77.

Total payments to Mr Smith on Sunday 21st September, therefore amounted to \$223.54.

That was not the final cost! The memorandum also stated:

In addition, he would receive his standard \$14.10 per week call-in allowance for having his name on the call-in roster.

The taxi fare from Winchelsea to the refinery is approximately \$32.00. For Mr. Smith's two call-ins the refinery would have paid approximately \$128.00 in taxi fares.

Total refinery outgoings for the two call-ins would, therefore, have amounted to \$351.54 (excluding the weekly call-in allowance payment).

No society can tolerate that sort of rubbish!

The honourable member for Springvale attacked the new right's attack on the trade union movement and work practices. Whether one likes it or not the present economic positions of the State and the country will force changes to work practices. People will have no option. The present situation has come about because of the greed of the trade unions who believe they have the right to exercise power over others. Any payment above the award received by members of the union affects people at the end of the line.

In the debate about price control nothing has been said about local government charges. For too long local government has been allowed to run rampant; it has been able to charge at rates higher than the award. Until local government is made more accountable, people will find it harder to pay their rates.

Recently I carried out a survey among local government councils and I found that every council that was dominated by the Labor Party was working a 35-hour week, a nine-day fortnight with flexitime and was receiving over-award payments of up to \$60 according to the State incremental payments scheme agreement.

I am sick of the rubbish I hear about people who are sacrificing an increase in their wages; all we have is creeping costs! A perfect example is in the Port Melbourne City Council. Councillors have received every increase in the rate of the consumer price index through the back door in an attempt to overcome the present problems created by the Federal Government's price freeze. How many other Labor councils have filtered payments

through the back door in order to keep up the costs? The next Liberal Government will vet all State and local government expenditure.

I warn the people of Victoria that this State now has huge debts, which will be hard to meet. The Deputy Premier realises that once the State reaches the point of selling off its assets, it is in deep trouble. Similarly, the day that any private business starts selling its assets it is in financial trouble.

By the end of June this year, the Government will sell off some \$50 million worth of assets belonging to Victorian taxpayers. That is the start, and I hope, in the long term, the people of this State will remember it. It will be another interesting experience for the Government. I hope the Deputy Premier will understand that accrued financing has now evolved, and that these huge accrued liabilities will have to be met in the future. What financial disasters have been caused and what debt has this Government put this State into within five years!

On the motion of Mr ANDRIANOPOULOS (St Albans), the debate was adjourned.

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

SHOP TRADING BILL

The debate (interrupted on the previous day) on the motion of Mr Fordham (Minister for Industry, Technology and Resources) for the second reading of this Bill was resumed.

Mr JASPER (Murray Valley)—In summing up my remarks on the Bill as the lead speaker for the National Party, I indicate quite clearly that the National Party unashamedly supports the cause of small business in Victoria.

Governments need to understand the special situation of the 40 000 small businesses operating in this State, which are under the strongest possible pressure to survive at present. Small businesses are working the longest hours. They lack a return for the massive investment that they have in their enterprises and are suffering shrinking profitability. They are under constant pressure as a result of ever-increasing costs resulting from escalating wages and often unjustified charges and other impositions relating to working conditions.

Small businesses are showing the greatest entrepreneurial attitudes that are necessary in Australia today, particularly in Victoria. They are at the forefront of producing the economic wealth of this country and providing expanding employment opportunities. Honourable members have spoken about business; they have heard other honourable members from all parties speaking about small business. However, I assure the House that nobody understands small business as well as does the National Party.

Honourable members interjecting.

Mr JASPER—I believe we have the best possible understanding of small business. It is interesting that at least three members of the Liberal Party displayed some mirth at that comment, but I assure them that I stand by the comments that I made previously in the debate on this Bill: that even members of the Liberal Party, along with a large number of members of the Government party, need to talk to small business operators, who are at the forefront of creating wealth for Victoria. I say in all sincerity that the honourable member for Hawthorn——

Mr Gude interjected.

The ACTING SPEAKER (Mr Kirkwood)—Order! The honourable member for Hawthorn is out of order.

Mr JASPER—He may be out of order, but the point he makes is valid. By his interjection, he demonstrates that he really does not understand what small business is all about. He talks about it in platitudes, but unless one has been in business, one does not really understand it. He should talk to the honourable member for Warrnambool and

other members of the National Party, such as the honourable member for Benalla, who have been involved in small business. I could name National Party members one after the other. They are people who understand what small business is all about. Small business needs the support of this Government.

The Minister for Industry, Technology and Resources, who is responsible for small business, does have some understanding of what it is all about, and I hope he takes particular note of the comments I made previously in the debate on the Bill. If he does so, the Government may come to a true realisation of the importance of small business to Victoria.

The Shop Trading Bill represents a step forward because it contains provisions for shop trading hours and perhaps addresses the many anomalies that face small business operators. Much confusion has certainly been created about the current Labour and Industry Act. The Bill will not correct all the anomalies, but it is a step in the right direction.

Members of the National Party have tried to highlight areas in which the Bill is positive; and, certainly, I have highlighted to the House the criticisms that I have of the Bill. The National Party is in the business of protecting small business. I repeat: nobody does that better than the National Party has done and will do in the future.

There is a need to examine the anomalies that still prevail for small business and to take note of the various reports that have been prepared over a number of years since the mid-1970s, which highlight those problems.

As I indicated previously, the National Party supports the Bill. I have highlighted the areas about which I am concerned. I shall mention those again, because the Minister should be aware of them.

The Minister frowns at my remarks. I indicate quite clearly that I do not believe he has taken on board the specific comments I have made. Therefore, in the last few minutes available to me in this debate, I shall highlight those areas of concern—and I point out mine will still be a much shorter speech than that of the lead speaker for the Opposition.

The National Party will seek responses from the Minister about particular problems, such as those faced by small butcher shops. Those problems have increased with the extension of trading hours and the special arrangements that have been made between the supermarkets and the meat unions. Those special conditions will place impositions on small businesses, which will increase their costs. Many people within the National Party are reluctantly accepting extended trading hours, and for very good reasons—as a result of representations that have been made to them.

The Government has not done what it said it would do; it has not consulted with everybody when considering the extension of trading hours. As the Minister said in his second-reading speech, the Bill addresses the anomalies and penalties areas rather than extended trading hours. However, trading hours for butcher shops have been extended.

One should make no mistake about the fact that that will put enormous pressure on small butcher shops in country Victoria, which have provided an excellent service to their customers. Those operators will work to keep their shops, but they will now be under increased pressure as a result of reduced working hours, the introduction of the nineteen-day month, and the additional allowances that have been provided to other butcher shops.

I now refer to the difficulties experienced by people whose shops have been specifically mentioned as being exempt from the provisions of the Bill. I indicate to the Minister that the exempt shops are those operating on Saturday and Sunday afternoons. The types of shops are listed in Schedule 1. When one examines the types of goods that such shops can sell, one notes that the key word is “reasonable”.

Can the Minister explain to the House his interpretation of “reasonable” types of goods that may be sold by the shops listed in Schedule 1 of the Bill as being exempt from its

provisions? The National Party supports the purpose of the measure, but that is certainly one area of concern.

Another concern relates to clause 8, and the National Party will listen carefully to the response from the Minister, because this is a key area and what I believe to be the thin end of the wedge.

The honourable member for Hawthorn quite rightly highlighted in his contribution that this is the thin end of the wedge. This is the one that provides extended trading hours to more shops and municipalities throughout the State of Victoria. There are no guidelines established in clause 8 for the application for a municipality for extended hours.

What the Minister needs to take into account are the guidelines under clause 4 which refer to tourist and holiday areas. Can the Minister inform the House that he will not allow any municipality to apply for an extension of trading hours just on the basis that it would be a good thing? This will throw the floodgates open and break down that policy to which the Government has so vehemently adhered over a long time and which the National Party supports.

The honourable member for Hawthorn wants the floodgates open to allow everybody to trade seven days a week, but the key to his policy is penalty rates. He did not give the House a good dissertation on that matter, although his contribution went for so long that I found difficulty in keeping up with it.

The proposal to allow the Government to provide for four extra trading days is also of concern and is included in clause 8. The National Party will oppose clauses 8 (8) and (9) unless some details are provided by the Minister to indicate that those days will be specifically tied down; that they will be Saturdays, not Sundays, and also what dates they will be. Clarification is needed on that aspect as well as on the imposition of licence fees. Licence fees have to be taken out of the Act to be dealt with by regulation, but it appears there will be a registration fee and a fee to be registered as an exempt shop. The National Party wants clarification on that issue also.

There appears to be double charging of small businesses and, of course, clause 31 provides for the dropping of charges which are imposed by the Government against an offender after five years, and the National Party seeks clarification from the Minister on that matter. The debate will be followed very closely, and the honourable member for Warrnambool will be backing my comments as lead speaker for the National Party. I look forward to hearing his contribution because he is a man who has grown up in small business and understands what it is all about. That is what we need, so that people in Parliament understand what is going on in small businesses. The National Party will be looking for a response from the Minister to the many queries that have been raised.

This is important legislation relating to the future of small business shop trading hours within the State of Victoria. I ask the Minister to respond with confidence on how the Government will handle the legislation, and to answer the queries that I have put forward on behalf of the National Party. I shall listen with interest to those responses, and they will be a gauge to determine how the National Party will react to the measure in the House and in another place as the debate progresses.

Mr PERRIN (Bulleen)—It is a pleasure for me to address this Bill, and, as all honourable members are aware, the Shop Trading Bill goes some way towards freeing up shop trading hours in this State.

I do not wish to go over the areas covered by the honourable member for Hawthorn; I congratulate him on his contribution to the debate but point out to the House that the Miller report, on which the Bill is based, was very limited. The terms of reference of the Miller inquiry into shop trading hours were very narrow. They were supposed to look only at the anomalies relating to shop trading hours. It is my view and the view of the Liberal Party that there is a need for more flexibility in shop trading hours.

I support the comments of the honourable member for Hawthorn on his foreshadowed amendments, because those amendments, if adopted, will bring the Bill into line with the recommendations of the Miller inquiry.

What is the use of having an inquiry into shop trading hours when one ignores certain key aspects of those recommendations? Two key aspects have been ignored. One is that shops with fewer than 30 employees will not be able to trade unrestricted. The second is that hardware shops, as clearly outlined in the Miller report, will not be allowed to trade unrestricted.

It is the Liberal Party's view, having read the Miller report, that those two recommendations should be included in the Bill. It will be interesting to see where the National Party stands on those two areas.

Mr Jasper—It will oppose them.

Mr PERRIN—The National Party will oppose them because it is not aware of the needs of the community. The Government ignores its own committee's report. It is clear that the proposed legislation does not follow the Miller inquiry recommendations. Why has the Government not accepted those two key recommendations? The Liberal Party will put them to the test by moving amendments at the appropriate stages, because the proposed legislation does not address the issue of shop trading hours in this State. If one asks the people—the forgotten people out there, the consumers—they will tell you that they want extended shop trading hours. They have proven it on many occasions; they have proven it in tourist areas and also when it comes to Christmas trading. They have indicated that they want to shop on Saturday afternoons to do their Christmas shopping. I will provide proof later in the debate that consumers want these important changes made to shop trading hours.

One of the points the honourable member for Murray Valley made about the Liberal Party was that it had not talked much about penalty rates. That is a key element in the Liberal Party's policy to deregulate shop trading hours—to give the consumers a choice and to deregulate the penalty rates so that business people are given the incentive to put on staff while they have some time off. If one talks to shopkeepers, they will say that they simply cannot stay open any longer because of the huge additional oncosts, particularly the penalty rates at weekends. It is costing them a fortune at time and a half, double time or two and a half times normal wages. The shopkeepers say that if there is deregulation in penalty rates it would allow them to create new jobs and to put on staff while they have time off with their families at the weekends. That provision is not included in the Bill, and it is a tragedy.

I refer to a statement made by Neil Armstrong when he landed on the moon, because the Bill represents a similar situation; it is a small step forward for the consumer and a large step forward for the Labor Party. The consumer is the key element to shop trading hours. The Labor Party and the National Party have been holding back because they do not want the consumer to have freedom of choice.

It is a fundamental principle of the Liberal Party that there be freedom of choice. One must look at the various benefits to the community of increased shop trading hours, such as freedom for the housewife to shop at a time of her choice.

That is important for the housewife. It is also important for the working shopper to have the freedom to shop when it is convenient for him or her. For the family, freedom to shop together at their leisure so that joint choices can be made is also important.

Another group that will benefit from increased shop trading hours are the shop assistants. It will provide the opportunity, for the first time, for them to participate in choosing the days they wish to work. On top of that, they can have greater security of employment because more jobs will be created in the retail industry.

The fifth group who will benefit is the shopkeepers, because it will give them the freedom of choice to increase their incomes by doing something that they are there to do—serve the public. There are also benefits for the shop inspector who comes around to police shop trading hours. The inspector will be able to get on with the job of ensuring industrial health and safety and possibly even taking on other important jobs instead of having to police weekend trading hours.

In total, tremendous benefits can be derived for all sections of the community. It will mean increased economic activity in a free State without any restrictions.

So far, the Opposition has heard no speakers from the Government party but I am sure that the honourable member for Niddrie will make a contribution. One of the areas that seems to have been forgotten by the Government is the consumer. In fact, I did not hear the word “consumer” mentioned; although it was mentioned by the honourable member for Murray Valley and I am hoping the honourable member for Niddrie will speak about the benefits for and attitudes of the consumer to shop trading hours.

A publication entitled *Victorian Retailer*, which is a Retail Traders Association of Victoria publication, referred to a public opinion poll on shop trading hours in Victoria. The publication, dated January/February 1987, set out the latest poll conducted by a reputable organisation—the Roy Morgan Research Centre. This research centre, as all honourable members would be aware, is important, unbiased and capable of conducting a fair poll in the community on shop trading hours. The question asked was whether the people surveyed would favour or oppose shops opening all day Saturday. The results show that 70 per cent of consumers favoured shopping all day Saturday; 20 per cent opposed extended shop trading hours on Saturday; and 10 per cent were undecided.

The poll went on to break up those figures into the work status of those questioned—those who were employed and those who were not employed. It was clear that, of those employed, 74 per cent were in favour of extended shop trading hours on Saturday and 19 per cent were opposed, with 7 per cent undecided. The Liberal Party will be more than happy with a 74 per cent majority vote at the next election because that is what will happen. These results indicate what the community wants. It has asked for extended shop trading hours for all of Saturday.

Another area of major concern to me is that for some reason, and it has not been explained to the House, one key element of the Miller report was not included in the Bill—hardware stores. They are to be exempt from the shop trading provisions. I do not understand why hardware stores were excluded from the Bill.

I shall read from an open letter received by the Deputy Premier on this issue, written about whether hardware stores should be subject to extended shop trading hours. The letter, dated 6 October 1986, is from a Mr Berman, the proprietor of “Malvern Paint and Hardware” and it states:

Dear Minister,

I want to sell . . .

My customer wants to buy . . .

Yet my hardware shop is closed at the weekend!

Meanwhile, every weekend my goods are sold by

- chemists
- newsagents
- convenience stores
- supermarkets (small)
- kitchen “display” shops
- bathroom “display” shops
- motor accessory and speed shops
- “caravan” shops
- “boat” shops
- service stations

nurseries
tourist areas and
weekend markets

Every other State in Australia allows the sale of hardware from small shops at the weekend. Why not Victoria?

The Miller report strongly supports the deregulation of small hardware shops—pages 136 to 139.

Some shops don't want to open—so be it. Don't make opening compulsory, but please legislate to allow me, and the hundreds of others like me, to open whenever my customers and I choose.

I would be pleased to meet with you to further discuss these matters.

The key element of the letter is "some shops do not want to open—so be it." It should not be compulsory for hardware shops to open, it should be a matter of freedom of choice. It should be up to the hardware shop owner and the consumer to decide whether they want the extended shop trading hours.

From time to time I visit the Queen Victoria Market. A hardware shop is included among the shops in that market and I have been there and checked out the prices of some of the hardware items. I found that the Queen Victoria Market hardware shop sold items at a dearer price than, say, Coles New World or McEwan's. Of course, the reason why this hardware shop is dearer on a Sunday afternoon is because it has no competition. It can charge whatever it likes. If all hardware shops were open on Saturday afternoon and Sunday, with the competition that would then evolve, everybody, including the consumer, would benefit from lower prices as a result of that competition. That is a key element in the Miller report and one that is addressed by the Bill.

It is interesting that the Regulation Review Unit, of which Mr Robert Miller is the director, is located in the same building and on the same floor as the Prices Commissioner. Perhaps prices control and regulation of business go hand in hand. No wonder the consumer constantly misses out on prices.

The costs of a business organisation are fixed regardless of whether that business trades for five and a half days a week or seven days a week. It is commonsense that those fixed costs are spread further if that business trades for longer hours. That is a key accounting argument on this issue.

An argument that has been raised about retailing trends is that Victoria has a concentration of larger retailers. I am concerned that that concentration of retailers cannot be controlled by legislation in Victoria. The only way it can be done is by Federal trade practices legislation to control monopolies and concentration of ownership. That is the only way to rectify the anomalies that exist with regard to major traders. It cannot be done through State trading hours legislation.

Another area of concern is the modern trend of the community to frequent convenience stores that appear to be taking over from milk bars. Convenience stores such as 7-Eleven and Food Plus are providing a wide range of consumer items and consumers are choosing to shop there. I suggest that trend will continue and will place milk bars, service stations, chemist shops and all kinds of small business under increasing competition. I am not opposed to competition in the marketplace. However, it seems that these convenience stores are taking over from small businesses.

The next area of concern relates to unfair competition among existing retail traders. Sunday markets are popping up in just about every suburb in Melbourne. Clothing retailers are not allowed to open on Sunday. They believe they receive unfair competition from these markets. They question where the market goods come from. Perhaps they are stolen—who knows! They also question whether market stalls pay their fair share of taxation. That is a legitimate complaint by the retailers, who want the Government to eliminate that unfair competition. They want the Government to give them the same rights as the market traders. That should be reflected in the Bill, but it is not.

The next area of concern is meat trading hours. The honourable member for Murray Valley spoke about butchers and small businessmen. I understand the point he was making

but I point out to him and some of his colleagues that a previous Liberal member representing the Central Highlands Province—where the Liberal Party had a decisive victory last Saturday—had introduced a private member's Bill to free up the red meat trade in this State. He did that because he could envisage the benefits to the whole of the red meat industry.

The honourable member for Murray Valley spoke about the butchers. They constitute only one part of the industry. Also involved are the beef producers and the consumers. Beef producers are concerned about decreasing red meat sales. The per capita consumption of red meat is declining in this State. I have concern for those farmers. They have a right to say what happens with meat trading hours.

The Bill considers only one small aspect instead of the three components: the farmers, the retailers—generally butcher shops—and consumers. The honourable member for Murray Valley was concerned only with the butchers. He should be considering what is best for the whole industry.

I am sure that in the Central Highlands Province by-election last Saturday, beef producers living within that province voted Liberal because they want a fair deal for their product.

The Bill does nothing for the red meat industry. It allows red meat trading to be extended from 5.30 p.m. until 6 p.m., and one night a week late trading to 9 p.m. is permitted. That is nothing more than fiddling with the issue. The Government should consider everyone involved in the red meat chain, from the producer through to the consumer.

The next area of concern relates to penalties. I support the honourable members for Hawthorn and Murray Valley who addressed this issue. One only needs to consider the obnoxious penalties of hundreds of thousands of dollars and the gaol sentences that were imposed on Mr Penhalluriack in Caulfield for trading on Sundays. I am pleased that the Bill will put a brake on that situation should it occur again. People should not be thrown into gaol because they trade on Sundays. The penalty provisions in the Bill represent a small step in the right direction.

I am concerned about the onus of proof provision in the Bill. The legal system that exists in Australia provides that a person is innocent until proven guilty. The onus of proof provision in the Bill provides that a person is guilty until proven innocent. We should not accept that provision lightly. It is not part of the legal system of this country.

I have a letter dated 20 February 1987 from the State Chamber of Commerce and Industry (Victoria) addressed to the honourable member for Hawthorn.

Mr Fordham—Is it from Mr Harrower?

Mr PERRIN—No, it is from Mr David Jones. The letter states:

The chamber is concerned that the "onus of proof" has been placed upon the defendant. The chamber understands that the Legal and Constitutional Committee of the Victorian Parliament has considered this matter, and provided guidelines so as to determine in the legislative process whether the burden of proof should be upon the defendant or the prosecution.

So it should be! It is a disgrace that a Bill is put before this House which puts the burden of proof on the defendant. I place on record the views of the State Chamber of Commerce and Industry (Victoria) because they are extremely important and it is up to Parliament to uphold those views.

I shall now refer to registration fees. I am concerned that the Bill allows those fees to be set by regulation rather than by legislation. That is a break from past tradition where Parliament could scrutinise the fees that were charged. The community, especially shop traders, will not accept the proposed provisions.

The community is currently faced with the ridiculous legislation regarding pegging of prices. I want to know whether the Government will ensure that registration fees for shops do not increase by more than 6 per cent. It is up to the Government to lead the community.

The Government must lock its own fees into the standard it is setting for the rest of the community, which is 6 per cent. The next time the regulations come out, it will be interesting to discover by how much the fees increase.

I question the need for shops to be registered. However, I understand that the Miller inquiry was given narrow terms of reference and would not have considered that matter. Parliament will have to consider in the future whether it is in the best interests of the community that shops be registered at all.

The Bill provides that certificates of registration must be displayed in shops. That is another burden of proof on shop traders.

There are many areas of special trading in this State, such as the tourist trade, the Christmas trade where shops are allowed to open for the two days before Christmas, and festivals. The Wurundjeri festival was recently held in the City of Doncaster and Templestowe and Westfield Shoppingtown, Doncaster was open on Saturday afternoon. I bought some articles on that afternoon, and the community accepted the fact that the shopping centre was open. When occasions such as that occur more often, the community will become used to different trading hours.

Mr SIMPSON (Niddrie)—I welcome the opportunity of speaking on this extremely important Bill. I have some qualifications to speak on it because, as most honourable members know, my family established a retail business in Moonee Ponds when my father returned from the first world war. The business was established in 1920 and it is still going in 1987. The business has been running for 67 years, and for twenty of those years—from 1956 to 1976—I was proud to manage that business on behalf of my family.

As is also common knowledge, I was for a time the Minister of Labour and Industry with the responsibility for shop trading hours. Therefore, I have a deep understanding of the industry and good qualifications to speak on this Bill.

Even at this early stage the debate is fascinating. The honourable member for Hawthorn, the Opposition spokesman, not once stated the policy of the Liberal Party. He made no attempt to flag a reasoned amendment thereby allowing him the opportunity of presenting the Liberal Party's policy.

The honourable member for Murray Valley, the National Party spokesman in this House, has also had a lifetime interest in retail, and he is qualified to discuss such an important matter as this. When a private member's Bill dealing with butcher's shops was introduced into the other place some time last year, the honourable member for Murray Valley did not go along with the silly decision made by his colleagues to join with the Liberal Party and pass the Bill.

The Bill would have meant that butchers would have been trading for 133 hours a week and competing with supermarkets. They would have been unable to compete fairly and the Bill would have caused the demise of butcher shops. I publicly commend the honourable member for Murray Valley who has been consistent in his stance on shop trading hours in the eleven years that he and I have been members of this place.

As is affects butchers, the proposed legislation also supports the growers. It is obvious that if the private member's Bill introduced last year received support in this place, butchers would have gone out of business—as they did in the United States of America—and the buying would have been in the hands of only a few, which would have been detrimental to the grower.

I congratulate the Government on this sensible measure. It is important to get the balance right. Three groups are vitally concerned with shop trading hours: the consumer,

the employer and the employee. Not only does this Bill remove anomalies but also it creates the balance that is necessary to protect and yet serve those three groups.

Most shops in Victoria may open for 133 hours in a total of 168 hours a week. Convenience stores are available during the periods when most shops are not open. The period of 133 hours provides ample time for people to do their normal shopping and, for the occasion when they forget to purchase an item or need an additional item, convenience stores can be used.

Previously, the former Liberal Government had the same policy on shop trading hours as all the major parties in this place. That policy changed only when the current Leader of the Opposition took over the mantle, and everyone knows what a disaster he has been in so many areas, just as he is a disaster when it comes to shop trading hours.

As I have indicated, Victoria has 133 hours of trading available to most shops. The shop trading hours in other States are: Queensland, 54 hours; South Australia, 105.5 hours; New South Wales, 64 hours; and Western Australia, 58 hours. I repeat: Victoria has available 133 hours for retail trading. Although honourable members did not hear it in the speech of the honourable member for Hawthorn last night, the Liberal Party is advocating total deregulation.

I shall read into the record the facts concerning retail trading hours in other countries: Austria, 53 hours; Belgium, 57 hours; Denmark, up to 50 hours; Greece, 45 hours and less for supermarkets; Italy, 39 hours; Ireland, 57 hours; the Netherlands, 55 hours; Norway, 46 hours; New Zealand, 44 hours; Japan 48.5 hours; Western Germany, 63.5 hours; Spain, between 48 and 72 hours; Great Britain, 61 hours; and Switzerland, 65.6 hours. Victoria has 133 hours and the Liberal Party is still advocating total deregulation.

It is also worth mentioning that last year the Conservative Government of the United Kingdom introduced a Bill to deregulate retail trading hours in that country. It resulted in a massive defection by members of the Conservative Party, and the Bill was thrown out. I applaud those members for their concern and their effective vote, which gave protection to small businesses over the giants, as will the Bill now before the House.

It has always been the policy of the Cain Government to meet the needs of the consumer while giving protection to small businesses and to the people who work in those stores.

The honourable member for Hawthorn said that extended hours would create more jobs. I invite honourable members to consider the facts once again. Employment in the retail industry in Victoria, with approximately 4 million people, represents 14 per cent of total employment. For Australia with approximately 16 million people, the figure is 13.8 per cent. In America with a population of 236 million, employment in the retail industry, with its seven days a week, open slather trading, represents 9.9 per cent of total employment.

So much for the fallacy that extended trading hours create employment! Extended hours put small businesses out of business and eventually the giants take over, establish their regional shopping complexes and then move to a self-serve basis. People are sacked in an effort to cut overheads by reducing employment. There is no-one to help, advise or explain details as between a variety of matters, about which any customer would need advice. As I indicated, I have managed a family business in the retail industry for some twenty years, and I am fully cognisant of the need for the consumer to seek and obtain advice from professional people and professional salespersons. That does not occur in huge, self-service complexes; and it is useless for the customer to return six or twelve months later complaining that the product did not measure up to expectations and wishing he or she had known some of the defects that could occur.

It is a total fallacy for the honourable member for Hawthorn to suggest that the extension of shopping hours increases and creates employment. The fact is, as I have said, that employment in the retail industry in the United States of America represents 9.9 per cent of the total work force, whereas the comparable figure in Victoria is 14 per cent. Further, the retail industry is the biggest single employer of labour in this State and we as a

Government and a Parliament would be out of our minds to alter anything that would detrimentally affect jobs in that industry.

Believe me, the policy of the Liberal Party would do just that. I am delighted that at least the National Party has the intelligence to understand that interference with the present structure in this State would lead to a loss of jobs. We must retain the retail industry as 14 per cent of the total work force in this State. Open slather would mean the death of small businesses for the benefit of the giant complexes. Customers then become merely numbers in a cash register rather than people.

It may be said that extended hours mean lower prices. I shall advise the House of the facts on that matter. I conducted a survey on Friday, 19 June; Saturday, 20 June and Sunday, 21 June, using Safeway supermarkets and checking the prices of some 23 grocery items—for instance, coffee, biscuits, cereal, soap, detergents, jams and so on—all normal, common everyday items. I visited a number of supermarkets but deliberately concentrated on one company in a variety of locations.

The comparison that emerged was interesting. The 23 items purchased from Safeway at Preston, trading 5·5 days a week, cost \$31.34; at Safeway, Maribyrnong, which trades 5·5 days a week, the same 23 items cost \$32.65; at Safeway, Frankston, which trades 5·5 days a week, the same 23 items cost \$32.81; at Safeway, Mornington, which trades seven days a week, the same 23 items cost \$33.47; at Safeway, Rosebud, which trades seven days a week, the same 23 items cost \$33.90. Between the store at Preston within the metropolitan area trading 5·5 days a week and that at Rosebud where trading is on a seven-day basis, the variation in cost was 8·16 per cent. Heavens above! This Parliament has just passed an Act to peg price increases to 6 per cent on a basket of 170 everyday grocery items over a period of twelve months. In the survey that I conducted in stores of the same company, the variation between a store that traded for 5·5 days a week and a store that traded for seven days in the week was 8·16 per cent. That puts to rest totally any proposition that extended hours will not mean increased costs.

The people on the Mornington Peninsula about whom I am concerned are people on fixed incomes and pensioners. In those areas that have seven-day trading, the stores do not have one price for 5·5 days in the week and a higher price for people from the metropolitan area who visit their weekend homes and purchase their requirements on Saturday afternoon or Sunday rather than bringing them from the city. People in the area are disadvantaged because they pay the higher price for the whole of the seven days, irrespective of whether they want to shop on Saturday afternoon or Sunday. Any fair-minded person would say that that is totally wrong.

Queensland conducted a one-month deregulation trial in December last year. No doubt other honourable members saw the program on Channel HSV 7 in mid-January entitled *Day by Day*, which was presented by Dan Webb. I obtained the transcript from the presentation and I present to the House the relevant parts of it:

Queensland, One month long trial—total deregulation on shop trading hours.

Some small businesses close to bankruptcy.

Survey done by "Media Reach" in Brisbane, Gold Coast and Sunshine Coast:

Did you take advantage of deregulated shopping hours?

Yes, 38·32 per cent. No, 61·68 per cent.

Those are not my figures or my guess. They are taken from that survey which was conducted in Queensland in the very best retail trading month of the year, December, when a trial of deregulation was conducted. The transcript further states:

Should the Government extend shopping hours?

Yes, 22·68 per cent; Saturday afternoon, 23 per cent. No, 45·98 per cent.

After having been given the opportunity, a small percentage availed themselves of the extended trading hours but they were in a minority. Most were not interested in having it as a full-time fixture. The transcript continued:

Small business—delicatessen in Albany Creek.

Open 11 hours a day, 7 days a week.

27 per cent drop in December. Loss of \$10 300.

Has been in shopping centre for three and a half years, first drop in trade in that time.

It is outrageous for honourable members opposite to be speaking about consumers crying out for extended trading hours. I have just quoted the proof of the pudding.

Extended trading hours were tried out in Queensland. It was discovered that extended trading hours were not wanted by the Queensland people and the small retailers were desperately affected as a result.

Mr Bob Katter, the Minister for Northern Development and Community Services, had this to say:

There is no doubt that this has been very much to the detriment of small business people and there will be less small business people around. And it has been very much the people that have been backing this publicly and vociferously have been the big business interests.

He was saying that big business interests had backed the publicity for this tryout. He further stated:

... and they will go stronger at the expense of the small businessmen and we will see a continuing erosion of the small business sector of the economy and a continuing tendency towards a monopolistic situation of the marketplace where we are moving pretty closely to now where two or three traders in fact control the consuming public of Australia, if you like, and also the food producers of Australia as well, they will find two or three buyers in the marketplace.

This is not some left wing radical union delegate; these are the words of Mr Bob Katter, the National Party Minister for Northern Development and Community Services. He has made an assessment of what occurred in the tryout in Queensland. He is clearly stating that two or three producers will have a monopolistic position.

That is why I am so determined that while I am a member of this House and while the Labor Government is in power, we will not put in jeopardy either the consumer who will be paying through the nose or the small retailers who will suffer because of the activities of the big chains. If the Liberal Party has sold out to the big chains and the big newspapers, it should say so.

However, I am proud to be part of a Government that, from day one, has said, "We will protect the consumers against any massive increases in prices and we will protect small businessmen and the people who work in the industry". I am pleased to see that in Queensland Mr Bob Katter is of the same view.

On 27 January the following article appeared in the *Australian*:

Small shops lost \$100 million in hours trial.

The preliminary results of a Statewide survey show small retail businesses lost at least \$100 million, mainly to larger retailers, during Queensland's four-week trial of extended trading hours in December and January.

But the Retail Industry Alliance, formed to oppose changes to trading hours, estimates the figure could rise to \$200 million.

It is unbelievable that such a move could even be considered by this Parliament, and especially the Liberal Party which is supposed to have the best interests of small business people as its policy. The very policy put forward by the Liberal Party will result in a similar situation in Victoria if extended trading hours are implemented. The tryout in Queensland cost small business between \$100 million and \$200 million. Is that what the Liberal Party wants for small business people? For goodness sake, let us hope not.

What is happening in other States? What happened in Western Australia? Extended trading hours were introduced during the America's Cup trials. What are the facts? On 11 February 1987 under the heading "Libs opt to scrap new trade trials" the *Western Australian* carried the following article:

The State Opposition has opted for a retail trading hours policy in line with the Government's decision against continued Saturday afternoon trading.

The Leader of the Opposition, Mr MacKinnon, announced the policy after a Liberal Party meeting yesterday.

The Labor Government in Western Australia had a trial period of extended trading hours during the holding of the America's Cup and experienced the same situation that occurred in Queensland. However, the Liberal Party in Western Australia at least is not so bloody-minded as the Victorian Liberal Party. It is not following down the path that the Victorian Liberal Party has been led by the Leader of the Opposition with his shop trading hours policy. The Western Australian Liberal Party says, "We realise it just did not work".

In March 1987 in *Milk Bar* under the heading "Western Australia restricts trading hours", the following article appeared:

The West Australian Government has reverted to the former practice of requiring most shops to close at midday Saturday.

Longer trading hours were introduced because of the influx of America's Cup tourists but now that the event is over so too are the longer hours.

The next passage is extremely direct for honourable members opposite. It states:

The Western Australian Liberal Party is not supporting the extension of Saturday afternoon trading. How's that for a loud message to Mr Kennett in Victoria?

I do not have to say it; it has been said in a publication in March this year.

What is the position with the Tasmanian Liberal Government? Legislation was introduced in that State to stop the giants from the mainland—the Coles Myer group—from going to Tasmania and trying to dominate and put out of business small, long established Tasmanian businesses. Mr Robin Gray, the Tasmanian Liberal Premier, introduced legislation to stop the seven-day-a-week open slather trading of that giant company.

What is the pattern emerging throughout Australia? Every Government and Opposition throughout Australia is supporting small business against the giant chains; that is, all except the Victorian Liberal Party. It is a sad reflection on a once great party—a party that had as its base the small business people of Victoria.

I travel throughout the length and breadth of the State as a backbencher of Her Majesty's Government—and previously as a Minister of that Government—and before that as an Opposition member, and all the time there has been absolute frustration about the changed Liberal Party policy of March 1983. With great respect, that was when the Leader of the Opposition introduced the new policy. A by-election was held at that time because of the untimely death of Mr Kevin King. Although I am fond of my colleague, the honourable member for Springvale, the Government received a 4 per cent swing at the by-election. It is unheard of for a Government to receive a swing of that percentage at a by-election.

However, at that time a single issue was focused upon by the Leader of the Opposition. He introduced his policy of a seven-day-a-week open slather trading. I am not being disrespectful towards the honourable member for Springvale, but at that time he did not have a strong personal vote. He might now have a strong personal vote. However, for the Government to receive such a massive swing it was clear that the people were voting with their feet and the small businessmen and shop workers demonstrated their feelings on the issue. I am speaking about 14 per cent of the work force—250 000 people. Is it any wonder that they voted without any hesitation about what they thought of the issue at that time?

Every other Government and Opposition throughout the length and breadth of the Commonwealth is saying, "We will not have the giants running over the top of small business". Everyone, except the Victorian Liberal Party, is of that view.

The honourable member for Hawthorn said that deregulated hours would mean a retailer could open up when he liked. As the honourable member for Murray Valley would clearly understand because of his experience in small business, that sounds great in theory. It is wonderful to think that with deregulated or extended trading hours one can open whenever one likes, seven days a week, 24 hours a day—total open slather—but one does not have to open if one does not want to. However, anyone with experience and brains would recognise that if one's opposition opens, one has no alternative but to open one's business or all one's customers will be lost.

Mr Weideman—That is not so because one has an alternative.

Mr SIMPSON—My argument will negate that point. The February 1987 issue of *Milk Bar* under the heading "Shopping Centre Management Dictate Trading Hours" states:

Whilst we have always been aware that most lease agreements for tenancy in large regional shopping complexes do contain provisions relating to trading times, we cannot, until now, recall any instances where the centre management have, as the following letter indicates, gone to extremes to enforce observance of the requirement.

When some shops found that trading, or more specifically opening late, was not advantageous, they closed early—and this very quickly prompted the following response.

We refrain from revealing the name or location of the centre—no names, no pack drill, so to speak.

The memo forwarded reads:

"All tenants must remain open official centre hours. The only exceptions are those tenants who are precluded from trading these hours by law. It has been noted that some tenants have been closing earlier than these times; this is not acceptable and we do intend policing the closing times of our tenants. Any tenant not adhering to these directives will be dealt with individually and legal action will be taken if necessary."

The giant chains in regional shopping centres are dictating to small business people and telling them that they have to open, whether or not they wish to do so.

Every year I attend the two-day seminar conducted by the Victorian Chambers of Commerce and Industry. That seminar was opened by the Deputy Premier on one occasion and by the Treasurer on another occasion. The honourable member for Murray Valley, the Deputy Leader of the National Party and I have spoken at that seminar, but I have not seen any representative from the Victorian Liberal Party. I invite members of the Liberal Party to have the guts to attend the next two-day seminar and put the Liberal Party's policy to the members of the Victorian Chambers of Commerce and Industry.

I invite the honourable member for Ballarat North to explain whether he supports the policy of the Liberal Party. I invite the honourable member for Bendigo East to offer his support. I invite the honourable member for South Barwon to state his policy. If they did so, they would discover that small business people and the community at large do not support the shop trading hours policy of the Liberal Party.

Mr WEIDEMAN (Frankston South)—As the honourable member for Niddrie has stated, I have had long experience with the retail industry in this State. I look forward to raising certain aspects that concern me about the Shop Trading Bill.

From a young age I was involved in a retail business that operated for five and a half days a week and then a seven-days-a-week milk bar and grocery shop. Later I carried on a business in Frankston as a trained pharmacist for more than twenty years.

I am sorry that the honourable member for Niddrie, who was the previous Minister responsible for shop trading hours, gave undertakings to the Victorian Chambers of Commerce and Industry and others that the Labor Party would not change its policy on trading hours and would not increase them in its first three years of government. The

honourable member is now arguing that there has been no change but this Bill will bring about a dramatic change in trading hours.

The Miller report makes 34 recommendations, of which 32 are incorporated in the Bill. The Opposition supports the other two recommendations.

The honourable member has used many facts and figures about Mornington and the peninsula. He compared trading for five and a half days a week in Moonee Ponds and Brunswick with retail businesses in Mornington and Rosebud. Mornington operates for five and a half days a week for 40 weeks of the year; only twelve weeks of the year provide an option of seven-day trading. Honourable members know the saying, "Facts, facts and lies"! One can do anything with figures.

The honourable member for Niddrie also referred to an examination of some shops that had the right to remain open seven days a week and he concluded from that that seven-day trading was not working. However, I view that as good management.

The honourable members for Hawthorn and Bulleen referred the House to the consumer and the family and I support what they said. I came to this place representing that group—

Mr Gavin—You lost your seat!

Mr WEIDEMAN—The honourable member for Coburg thinks he is a wit, but he is only half a wit and should get back in his place. I have had experience in the small business area and have served on boards that have had the responsibility of administering Acts of Parliament covering the pharmacy area. I am concerned about some provisions of the Bill.

The Bill states:

"Shop" means a building, structure or place or any part of a building, structure or place or any vehicle—

- (a) in or at which goods are sold or exposed or offered for sale by retail on one or more occasions; or
- (b) in or at which the business of a hairdresser, shoe repairer, dry cleaner, tailor, dressmaker or photographer is carried on; or
- (c) which is an undertaker's establishment.

I interpret that to mean that a lady who drives down to the Sunday market, pays her \$10 to the operator and sets up a stall to sell clothes would be included in that definition. The Liberal Party has discussed this matter with the Chairman of the Regulation Review Unit, Mr Bob Miller, and he believes "retail" does not cover the selling of second-hand goods. I believe "retail" means other than wholesale. When one opens up a wholesaler's packaging or takes a dozen items out of a box, one is selling by retail, no matter whether it is second-hand or anything else.

A person who wants to set up a stall at a market will be required to register his business as a shop and will have to pay the registration fee and the fee to the operator of that market.

I recognise that the provision can be altered by regulation, but that has not been spelled out in the Bill. The Liberal Party was not able to obtain an assurance from the chairman that market stalls would not be covered by the Bill. I do not believe the Bill is intended to pick up those people or the parents' and friends' associations or school councils at primary schools that sell biscuits, cakes or lollies when election booths are established on voting days. Do those people have to register as a shop?

I have been concerned over the years about whether the operator of a garage sale is a retailer. I am certain that local government ordinances for zoning would not allow a garage sale proprietor to operate as a shop; nor would health regulations and registration procedures. Those businesses are advertised regularly in the *Age* but no discussion has taken place about introducing proposed legislation or regulation to cover those people. There are many areas in which the Bill needs careful and clear consideration.

Once the type of shop is established, we then move to the area of the exempt shop. Every shop in Schedule 1 has the opportunity of selling many different goods. The list indicates that many shops can sell hardware items. It has been rightly said by the Miller report that the hardware area should be included, and the Opposition agrees with that.

Clause 6 (1) states:

A shop is an exempt shop if no business is carried on in the shop other than—

(a) a business that a reasonable person would expect to be carried on in a shop of a class or kind mentioned in Schedule 1;

This matter has been debated on many occasions. The department has taken pharmacists to court on the matter of what goods can be sold in a shop of an exempt class.

Being a person with experience in the pharmacy area, if a “reasonable person” comes into a pharmacy and observes two teddy bears—

An Honourable Member—Were they Mick Young teddy bears?

Mr WEIDEMAN—They were Paddington Bears. If a reasonable person observed them he might say, “There is a pharmacy with two teddies”. If a reasonable person observed 150 bears he might say, “That is a teddy bear shop selling pharmacy goods”. If a reasonable person observed 150 teddies he might say, “That is a toy shop”.

If one turns to some legal definitions to ascertain what is meant by a “reasonable person” one would find in *Words and Phrases Legally Defined*, edited by John B. Saunders, that it is defined for the purpose of law as:

For the purposes of the law of provocation the ‘reasonable man’ has never been confined to the adult male. It means an ordinary person of either sex, not exceptionally excitable or pugnacious, but possessed of such powers of self-control as everyone is entitled to expect that his fellow citizens will exercise in society as it is today. *Director of Public Prosecutions v. Campbell*, [1978]

A reasonable person may come into the pharmacy and see a pugnacious teddy which is not excitable, and the reasonable person must decide whether that is an exempt shop. The Bill should contain a definition of a “reasonable person”.

The Library provided me with these references and I thank it for doing so. *Stroud’s Judicial Dictionary* defines a “reasonable man” as:

When considering, on a charge of murder, whether a “reasonable man” would have been provoked to lose his self-control, the jury should be told that the reasonable man in question is a person having the power of self-control to be expected of an ordinary person of the sex and age of the accused, but in other respects sharing such of the accused’s characteristics as they think would affect the gravity of the provocation to him. *R. v. Cumplin* 1978.

That suggests that we now have a small person—because the size of the person may be teddy bear size—he has self-control and the power to talk to the teddy bears so as to decide whether it is a teddy bear shop. The definition includes the words:

... the gravity of provocation ...

I hope that the teddy bears do not hit the reasonable man as he comes in to make a decision. I now move to *The Oxford Companion to Law*.

An Honourable Member interjected.

Mr WEIDEMAN—It is academic; it may be a little above Government members. The point I am endeavouring to make is that, when one has been through the issue in a court of what a “reasonable person” would expect to find in one’s shop, it becomes debatable.

On the Mornington Peninsula at Mount Eliza, a new nursery has recently opened and it is a copy of one of the hothouses in the gardens in Ballarat. It has become a tourist area visited by many on Sundays. There is a small cottage on the property which was built in the 1850s and has been refurbished in the style of that era. The owners, after developing this expensive and beautifully turned-out cottage—which attracted many thousands of

visitors over the Christmas period—have turned it into a garden bookshop and the argument was whether they should be allowed to sell books in the nursery or whether that cottage was outside the nursery limits.

Nobody could say what the situation was, but a decision had to be made whether that building was within the nursery and whether gardening books were appropriate to be sold there.

A “reasonable man” would have to be a book specialist as well as a gardener.

Mr Remington interjected.

Mr WEIDEMAN—The honourable member for Melbourne has just come in.

The ACTING SPEAKER (Mr Kirkwood)—Order! The Chair takes exception to the honourable member’s interjection.

Mr WEIDEMAN—The honourable member for Niddrie is familiar with and loves greatly the Mornington Peninsula where people are proud of their gardens and the capacity they have to create larger gardens, some of which have been inherited. They also have inherited the right to look after them. Obviously the concrete jungle in Melbourne is quite different. On Sundays people go to the nurseries to purchase plants to add to the colour of their gardens.

The Oxford Companion to Law defines a “reasonable person” as:

A hypothetical creature whose imaginary characteristics and conduct by way of foresight, care, precautions against harm, susceptibility to harm, and the like are frequently referred to as the standard for judging the actual foresight, care, etc. of a particular defendant. He is a man of ordinary prudence . . .

A reasonable person who walks into a pharmacy may be prepared to purchase a teddy bear but he shall not buy it. A “reasonable person” has been defined as a hypothetical creature.

Mr Micallef interjected.

Mr WEIDEMAN—Would the honourable member for Springvale care to repeat that? The honourable member for Springvale in passing used an unparliamentary expression which I request him to withdraw.

The ACTING SPEAKER (Mr Kirkwood)—Order! Did the honourable member take exception to the remark?

Mr WEIDEMAN—Yes, I did take exception to the remark made by the honourable member for Springvale. I do not wish to repeat the remark because I would find it embarrassing to do so and I would not want it recorded in *Hansard*. I am sure members of the National Party would also take exception to that remark.

The ACTING SPEAKER—Order! The honourable member for Springvale should not have left the House, but the Chair did not hear what he said. I suggest the honourable member for Frankston South continue with his speech.

Mr WEIDEMAN—I accept your ruling, Mr Acting Speaker, but it was a dishonourable remark and it is now on the record that the honourable member for Springvale made a dishonourable remark. The honourable member should have enough character not to walk out of the House. It is an indication that the honourable member does not have sufficient character.

The Law of Torts by J. G. Fleming describes the “reasonable man” at length and states:

The “reasonable man of ordinary prudence” is the central figure in the formula traditionally employed in passing the negligence issue for adjudication to the jury. Disqualified from passing judgment himself on the particular defendant involved in the litigation, the judge is obliged, in formulating his instruction to the jury, to convert the problem of conduct into an abstraction sufficiently intelligible to guide them as to the legal considerations . . .

The point I make is that the definition provision in the Bill should include a wider definition than is used.

The Bill provides that the number of persons employed in an exempt shop be no more than twenty. The National Party will move an amendment to reduce that figure to ten persons. The Opposition believes the figure should be 30 persons, which would mean including approximately 200 extra shops under that general provision.

The honourable member for Niddrie gave South Australia as an example of a State that has changed its shop trading laws. The South Australian laws provide that a shop of 1000 square metres, owner operated, with five staff can open at any time. Deregulation of small business can work. It is working at the moment on the Mornington Peninsula during the holiday period. The National Party claims to represent the small business community and the small shop owners who live in rural Victoria. Shops should be allowed to stay open all weekend or should be closed from 1 o'clock on Saturday to 8 o'clock on Monday morning. There should be no in between. The larger shops do not send the small businesses broke. Any small business person realises that the two important things are position or size. If a small shop is in the right position it will do as well as larger shops.

Honourable members interjecting.

Mr WEIDEMAN—It is easy for honourable members opposite to interject, but they should go out and do it. Victoria has the best retail industry in Australia. Victorian retailers know how to market their products. I have not had one complaint from the areas that I represent because everyone on the Mornington Peninsula, which serves 110 000 people during the Christmas period, have their shops open continuously for twelve weeks to serve those people and then close for a certain period. Retailers obtain 70 per cent of their turnover in that twelve-week Christmas holiday period. Those retailers open when the consumers are there and close when the season is over.

Honourable members interjecting.

Mr WEIDEMAN—Honourable members opposite do not understand the retailing industry or the number or variety of shops that open at 6 or 7 o'clock in the morning.

The ACTING SPEAKER (Mr Kirkwood)—Order! The honourable member for Frankston South is inviting interjections from the Government benches, which are disorderly, and I ask him to continue his speech through the Chair.

Mr WEIDEMAN—Members of the Opposition have been apprised of certain anomalies in the proposed legislation. For instance, items are being sold at Captain Cook's Cottage outside regular shop trading hours and that is under Government supervision. It is nonsense for the honourable member for Niddrie to say that nothing should happen and to blame the other States.

The National Party says that it represents the small business people and if that were so it would move a motion similar to the motion moved in the South Australian Parliament, which was in favour of small business. The Liberal Party would support it. That State allows shops that are no more than 1000 square metres, with five staff and are owner operated to open at any time. That is protecting small business. The big businesses should look after themselves.

The honourable member for Niddrie also mentioned the problems that occur in large shopping complexes where there is an obligation to open one's shop when the centre is open. Traders who take out leases at those centres obviously read the leases carefully and have the conditions set out in them examined by solicitors. They are aware of the lease conditions. Is the honourable member suggesting that these people do not read the provisions set out in their lease? I suggest, if that is the case, that the honourable member does not know what he is talking about. The Retail Tenancies Act should include provisions that would assist traders with these problems, but it has not been proclaimed.

The Liberal Party supports the Bill because it goes some way towards remedying the situation. The Opposition supports the inclusion of the 32 recommendations, but it would like the other two recommendations to be included also. I congratulate Mr Miller and his committee on the work that they have done.

I have great sympathy for those butchers in the retail meat industry. They undergo an apprenticeship and commence work at 3 or 4 a.m. when they prepare their goods. Good quality butcher shops are reasserting their value to the community because they are now marketing their products. I refer not only to meat, but also to eggs, bread, poultry and so on. The reason why the red meat producers wanted the law changed was that they were losing sales and could see that they would have to reduce their production.

For example, frozen white meat goods, such as crumbed fish cutlets, sausages and poultry can be sold at any time in supermarkets but a butcher shop must cease trading at 5.30 p.m. An industry involving between \$10 and \$20 million has developed in the State through the sale of white meat to the detriment of red meat sales.

Butchers have had to respond to this marketing pressure. It has taken them some time to respond. Certainly, on this occasion one's sympathy is directed towards the butchers. They face a strong marketing problem. I hope the National Party will support the lot of butchers to allow them to compete fairly. They should be given the capacity to compete with their red meat sales against white meat sales.

I refer briefly to registration costs. It is of some concern that there is as yet no idea of what costs will be imposed on shops in Victoria through the regulations that will result from the Bill.

In his speech, the honourable member for Niddrie did not recognise the complete change of policy by the Government on shop trading hours, a policy which now says that any municipality may exempt either one shop or a group of shops for the purposes of trading.

The ACTING SPEAKER (Mr Kirkwood)—Order! The honourable member has 2 minutes.

Mr WEIDEMAN—Any area may be exempted and its shops and its shop trading hours deregulated. In the electorate of Frankston there is a \$120 million central business district development. Near Frankston there is Chelsea, the Karingal development, Dandenong, Cranbourne—now with a big development—and, as mentioned by the honourable member for Mornington, Mornington and Rosebud. Frankston is surrounded by operations that are able to trade liberally during the Christmas season and in the Mornington Peninsula shops can trade for extended hours for 52 weeks a year. It will be interesting to note whether Chelsea, Dandenong or Cranbourne will apply for seven-day-a-week trading, perhaps even for 52 weeks a year, and the pressures that will be placed on the community of Frankston.

The whole attitude to shop trading hours has changed over 25 years. Originally only a few items under the Sixth Schedule of the Act were able to be sold outside regular shopping hours and these goods mostly were handled by small milk bar proprietors. As a result of lobbying by retailers, the number of items was increased so that virtually a full grocers' shop could be stocked with items listed in the Sixth Schedule, and that grocery shop could do nicely, as Safeways proved at Balaclava. That situation was rectified but the issue of shop trading hours has been the subject of lobbying by retailers themselves over the past 30 to 40 years. There should not be a return to the past. I shall be interested to note how the Bill will work in practice.

The DEPUTY SPEAKER (Mr Fogarty)—Order! The honourable member's time has expired.

Mr J. F. McGRATH (Warrnambool)—The debate on this Bill is important. I strongly support the comments of the honourable member for Murray Valley, who submitted the views of the National Party. I have long experience in retailing and in small business,

which has given me a clear practical understanding of the anomalies in and difficulties of retailing and small business. I shall address some of the issues that face small businesses in regard to extended trading hours, deregulation and some of the components contained in the Bill.

Initially, I shall refer to the Address-in-Reply speech made by the honourable member for Ivanhoe. I cannot help but relate some of his remarks to the argument on this Bill. He spoke of labour costs and penalty rates and I can relate his remarks to the costs involved in extended trading hours. I congratulate the honourable member for Ivanhoe on his earlier speech. It was well prepared and there should be more of that type of speech.

The Bill provides for the regulation of shop trading hours and the registration and classification of shops. It makes consequential amendments to certain Acts. Honourable members need to think long and hard about the direction the retail sector in Victoria is taking. It has been said before that the retail industry is important to the State's economy. Honourable members need to consider the impact of the Liberal Party's policy on deregulation of shop trading hours.

I listened with great interest to the honourable members for Hawthorn and Bulleen speaking on deregulation and I believe they have completely missed the boat and do not understand the retail business. I wonder how many members of the Liberal Party have practical experience in retailing to bring to the party floor to explain to their colleagues the implications of the deregulation of shop trading hours such as the Liberal Party proposes.

From my experience, if anyone thinks that a retailer will get a bigger share of the cake, that is foolish. The fact of the matter is that the total amount of the consumer dollar spent each week will not vary whether shops trade for 50 hours, 80 hours or 133 hours. People have only so much money to spend on consumer goods and that money will be spent over a period.

The honourable member for Niddrie made a valid point when he said that deregulation will cost jobs. Mr Deputy Speaker, I could take you on a visit to the City of Warrnambool, which has a tourist facility operating for extended trading hours. Several of those businesses will give examples of the enormous pressures brought to bear on them by large corporate chains who can apply that pressure as a result of their ability to provide no service, as the honourable member for Niddrie stated, yet be able to reduce prices as a result of technology—for example, computerised checkout points—which can be operated by very junior staff. One needs to be careful as a Government before one heads down this track of deregulation of shop trading hours.

The honourable member for Bulleen made a couple of points. He spoke of the need to consider carefully the point of view of consumers, and I agree with him. The long-term effects of a deregulation policy on consumers need to be studied. It is obvious that the small operator will be squeezed out of business, yet it is the small business operator who provides the community with a service in offering professional advice. His business will be turned over to the large corporations and consumers will then really be in the hands of the large corporations. As honourable members know, the large corporations are merciless in the way they handle the public.

The honourable member for Bulleen spoke of the advantage to families of extended trading hours and his remarks can best be described as a joke. His comment that people will be able to select their working times as they are appropriate to them is misleading because in reality, if a worker decides to have a day off on a Monday, a Tuesday or a Wednesday, it will not be a day that the rest of the family will have free. The result will be a fragmentation of family life.

During my campaign for the seat of Warrnambool people in the retail industry approached me about shop trading hours. It was made clear to me that they saw no value in the deregulation of shop trading hours.

Clause 6 deals with the exemption of a shop with twenty or fewer employees. In the past, the section in the Act relevant to exempt shops has been manipulated. Some shopkeepers have represented two part-time employees as one full-time employee on their records and, therefore, have been able to have their businesses classified as exempt shops. The Bill will amend that loophole.

The Opposition has said that it is serious about protecting small businesses. If it is, it should read the Miller report, especially the section that deals with the composition of a small business. The report points out that 97 per cent of small businesses have ten or fewer employees. The National Party considers that a shop should be made exempt only if it has ten or fewer employees and not the present twenty or fewer.

The extension of shop trading hours for four days to be selected by the Governor in Council on the recommendation of the Government is extremely broad. The Government has not specified what days will be chosen; they could be Saturdays, Sundays, public holidays or whatever. This amendment should not be included in the Bill; it should be treated separately by Parliament. The House should not enshrine an open-ended proposal in legislation. The National Party will not support that provision, in line with its policy on the deregulation of shop trading hours.

All honourable members would have received correspondence about red meat trading hours from representatives of the Meat and Allied Trades Federation of Australia on behalf of butchers. Butchers play an important role in the community and in the supply of domestic goods.

Mr Iles, Executive Director of the Meat and Allied Trades Federation (Victorian Division), summed up the debate on red meat trading hours best when he referred to the Miller report, which acknowledged that:

Submissions from meat producers, from the large retail chains, from consumers, from butcher shop proprietors, and from butcher shop employees and their union reflected a wide range of basically irreconcilable views.

Possibly that is the situation.

The National Party has been lobbied by the Victorian Farmers Federation on the effect current red meat trading hours are having on the sale of red meat. The federation supplied the National Party with the following valuable details; in 1971, meat sales in Victoria represented 50 per cent of the total grocery bill; in 1984, they had fallen to 10 per cent. That was an enormous drop in only thirteen years. Since 1960, poultry consumption has increased fourfold.

If a retailer wants to sell an item, he will display it to a potential purchaser so that he or she can inquire about it and possibly buy it. If the retailer does not want to sell an item, he stores it at the back of the shop. The same applies to the sale of red meat; if it is not available at the point of sale, a customer will buy an alternative.

The Victorian Farmers Federation said that in 1985 it commissioned a Morgan poll that showed that 75 per cent of working people wanted red meat trading hours changed; 200 000 people said that they would buy more red meat if trading hours were extended. Obviously, the federation is aware that a change in red meat trading hours will have a substantial effect on the consumption of red meat. Butchers should be allowed to trade equally with fish and chicken retailers.

Estimates are that up to an additional 133 000 cattle and one million lambs could be sold. The figures are only estimates but they are worth reflecting on. After holding discussions with the Victorian Farmers Federation and representatives of butchers, the National Party has decided to support the changes to red meat trading hours proposed in the Bill.

Agriculture is vital to Victoria and to the economic recovery of this State and nation. Any favourable increase in the red meat industry will rub off on the rest of the agricultural industry.

Before honourable members seriously consider deregulation of shop trading hours, they should address the matters raised by the honourable member for Ivanhoe. His remarks should be applied to the difficulties facing people in the retail industry. He said that work practices need to be addressed.

One cannot consider the deregulation of shop trading hours if one does not seriously consider the effect of the 38-hour week, the nine-day fortnight, the 17.5 per cent holiday loading and other restrictions that make it impossible for small business people to earn a dollar. I suggest that not many people on the Opposition side of the House have been involved in small business.

It is important to find out how many members of the Liberal Party in this place have previously been involved in retailing, and how many have experienced the difficulty of retailing and competing with all the nonsense relating to working hours, flexitime, the 17.5 per cent leave loading and all that rubbish.

As the honourable member for Malvern says, by interjection, we have had extended trading hours in Warrnambool. However, if he spoke with the people in Warrnambool, he would find out what votes he would get on the question of extended trading hours. They have felt the impact of extended trading hours; they know the result; and they have experienced it in the only way in which one can learn from such things—in their bank balances. Over that fifteen-week holiday period the corporate chains have been grinding them into the dirt and making it totally impossible for them to operate their businesses.

Once the honourable member speaks to the people of Warrnambool, he can then talk about being in favour of small business and families and his wish to deregulate trading hours. Those people are saying clearly that they do not want extended shop trading hours.

At page 24, the Miller report further states:

It was put to the unit in many submissions that the principal beneficiaries of such a system are small businesses, retail employees, consumers, residents and individuals whose quality of life would be adversely affected if required to work at weekends.

That confirms that those are the people who will be affected and will pay the price for the support of the big corporate chains, which are surely quite capable of looking after themselves. The corporate chains have the benefits of financial and human resources and, more importantly, technological advances to outstrip any small business.

There is a need to consider the full impact on small business of extended shop trading hours and the importance of the fact that 97 per cent of small businesses fall into the category of businesses that employ fewer than ten employees.

This is an interesting Bill. I congratulate the Minister for Industry, Technology and Resources for inserting into the Bill provisions that will result in eventually incorporating the whole spectrum of shop trading in Victoria.

I support the remarks of the honourable member for Murray Valley, who understands very well the difficulties of small business. The National Party will not support the amendments proposed to be moved by the Liberal Party. The National Party has amendments of its own, which it hopes will be accepted during the Committee stage.

I take this opportunity of indicating my support for the Bill, but I raise a few matters of real concern, particularly in relation to the four specific days mentioned in clause 5 as exceptions to the definition of "ordinary closing days", and the provision relating to increasing the number of employees from ten to twenty or fewer.

I also state that the National Party has been hard and fast in its opposition to extended shop trading hours. We have received no information that has impressed upon us the need to change that policy. As I said earlier, I have been involved in a small business and have personally experienced the effects of extended trading hours. I felt the effects in my bank balance, as has the rest of the retail community in Warrnambool.

The fact is that there is one purse of salaries to be spent each week, and regardless of whether one spends it in 40 or 80 hours the amount in that purse will not increase. If one operates for 130 hours a week as opposed to 50 hours, one's overheads more than double. That is a fairly simple calculation, which members of the Opposition have failed to address. One cannot increase one's overheads and hours and hope to receive the same take-out amount from the same pool of money. Such a suggestion would be absolute nonsense, and that is one of the reasons why the National Party has retained a strong position on the deregulation of trading hours.

Mr Leigh interjected.

Mr J. F. McGRATH—I should be interested to hear the remarks of the honourable member for Malvern.

The SPEAKER—Order! The honourable member for Malvern is out of order.

Mr J. F. McGRATH—The National Party supports the Bill. It proposes to introduce three amendments during the Committee stage, which it hopes will be passed. I thank the House for its indulgence.

Mr ROWE (Essendon)—I should like, firstly, to congratulate the Minister for Industry, Technology and Resources and the Government on introducing the Bill. I say at the outset that the retail industry in Victoria is a major area of the State's economy. I am sure all honourable members recognise that it is a significant employment area and a dynamic factor in our economy, which has tremendous potential in Victoria. It is also a major factor associated with tourism development and potential. It is in that context that one needs to examine the changes being debated tonight.

I congratulate the Minister for tackling this real minefield. It is not an easy area to regulate. It is a complex area in which we face change. One certainly should refer to the excellent report prepared by Mr Robert Miller on the review of that whole area of activity. That most comprehensive report set down the guidelines and options available to a Government for implementing change.

It represents significant reform. It is very easy for people to adopt a black-and-white attitude to the whole question, but it is complex. Many people are employed in the industry. Many strong views are held by industry associations and other lobby groups on the topic of regulation of the industry and, generally, the more important topic of shop trading hours.

It is worth mentioning that the regulation of the industry and shop trading hours are certainly not matters that one can consider from a static point of view. The changing nature of the work patterns of people in households creates enormous demands on families.

I refer to the employment of married women in the work force. Over the past two decades, increasingly, married women have been entering the work force, and this has had a major impact on the shopping patterns and shopping times in our communities. It is in that area that the community is looking to the Government for change in a sensitive and sensible way.

The Government is doing both those things. It is examining the changed patterns of activity and recreation in the community. Many families wish to shop together. They do not consider it necessarily as a chore but, rather, as a recreational opportunity. One needs only to visit the Victoria Market at the weekend to realise that.

The Government has recognised that fact through the changes proposed in the Bill. It is worth noting that the vast majority of recommendations in the Miller report have been taken up in the Bill. The one that has not been taken up relates to hardware stores, but, again, the Minister and the Government have been quite clear on how that subject should be dealt with. They have said that it is a separate issue and that they are not running away from it. The Government is saying that that matter will be examined in a general review at some time later this year. That is the important point.

The review by the Miller inquiry has been completed, and its report has been widely canvassed. Following the presentation of the report and its consideration by the Government, an extensive period of consultation followed, which has resulted in the Bill now before the House.

Many members of the Opposition who have spoken tonight about the anomaly, or paradox, with respect to hardware stores have chosen to ignore the statement by the Minister in his second-reading speech on this very point, which addresses the issue and contains a clear indication of the Government's future intentions.

In accordance with Sessional Orders, the debate was interrupted.

ADJOURNMENT

Mornington Peninsula and District Water Board—Sale of citrus fruit—Pedestrian underpass in Noble Park—"What's on video and cinema"—Flood studies—Misleading advertising

The SPEAKER—Order! The time appointed by Sessional Orders for me to interrupt the business of the House has now arrived. The question is that the House do now adjourn.

Mr COOPER (Mornington)—I raise a matter with the Minister for Housing, representing the Minister for Planning and Environment. I ask him to use his good offices to restore the basic rights of citizens of the Mornington area that have been removed. The matter revolves around the Mornington Peninsula and District Water Board and the relocation of its central workshop depot and store from Lawson Avenue, Frankston, to a site in Craigie Road, Mornington. The Mornington Peninsula and District Water Board persuaded the Mornington Shire Council to apply to the Minister for Planning and Environment for an amendment under section 32 (6) of the Town and Country Planning Act to the Shire of Mornington planning scheme. That is a quick amendment that can be done with a Ministerial stroke of the pen.

The council applied for the amendment in a letter dated 16 May 1986, and in doing so it described the amendment as of a trivial nature and the planning effects as inconsequential. The amendment was subsequently granted by the Minister and approved by the Governor in Council on 22 July 1986. No effort was made to advise any of the residents of the Shire of Mornington, and particularly the local residents, that the development that was being approved under the amendment was a 33 000 square metre industrial complex to be built on rural land.

This rural complex will be used for bulk fuel storage, bulk chemical storage, as a dump for surplus spoil and as a bulk waste container storage, among other things. The residents found out six months later when the water board wrote and told them what it was about to do on the site—that is, six months later they found out that an amendment to the planning scheme had allowed this matter to proceed.

The Government's failure to protect the basic rights of citizens who live in the Craigie Road, Mornington area is now seen quite clearly. There has been some complicity in denying these people their rights on a very important town planning and land use matter.

The Government has failed to recognise that it has made a serious blunder and continues to refuse to give citizens back the rights that normal citizens would have on such a matter, that is, the rights for a town planning application to be heard before the proper local authority—the council.

If the council ruled against those residents' objections they could then take the matter to the Planning Appeals Board. In this case, the section 32 (6) amendment has prevented that from occurring and those citizens have been denied their rights.

As a matter of considerable urgency, I ask the Minister to use his good offices and his influence with his Ministerial colleague, the Minister for Planning and Environment, to

have this disgraceful miscarriage of justice reversed. I am asking for a move to be made so that these residents can have the normal planning processes and their rights under them restored. They have suffered a serious miscarriage of justice. They have had dumped on them without their knowledge or consent—and that knowledge and consent was withheld from them for at least six months—a matter that will involve a 33 000 square metre industrial complex with everything that a normal industrial complex has sited in a very sensitive rural area.

I am asking for this matter to be addressed by the Minister and by the Government in the way that the Conservation Council of Victoria and the National Trust would want it addressed, and that is to give these people their rights—the rights that were taken away and denied them.

Mr JASPER (Murray Valley)—I raise a matter for the attention of the Treasurer representing the Minister for Agriculture and Rural Affairs, and, in his absence, the Minister at the table. I have received extensive representations from citrus growers in the Cobram area within my electorate of Murray Valley. Many honourable members would be aware that under the Marketing of Primary Products Act a Citrus Fruit Marketing Board has been set up to control the sale of citrus fruit throughout Victoria. I say “control”, but what the board does is charge the growers for the sale of fruit throughout Victoria, whether it goes to the processors or to the market. That board charges at present \$6.05 per tonne or 11 cents per carton on sales.

All citrus growers throughout Victoria are controlled by the Citrus Fruit Marketing Board, and those charges are imposed on the growers and collected by the fruit board, and the funds used to control and run the board and assist in the marketing of citrus fruit in Victoria and interstate. It tries to maintain established prices for citrus fruit.

What has happened is that the Citrus Fruit Marketing Board has failed in its attempts to maintain the market prices for citrus fruit within the State of Victoria. The agreement with the board, so far as the citrus growers in the Cobram area are concerned, was cancelled on 16 December 1985, and most of the growers in the area have not paid the fees to the board since then. The growers sought to be removed from the control of the board so that that area could operate as a free market.

The Citrus Fruit Marketing Board investigated all aspects of that proposal and sent out questionnaires to all citrus growers in Cobram and the surrounding area seeking their views on orderly marketing services, marketing arrangements and other issues. After those questionnaires were returned, the board contacted the Cobram growers and sent a lengthy letter to them dated 18 February 1987. The board indicated that it was not prepared to allow them to be excised from the control of the Citrus Fruit Marketing Board and would pressure them to vest their fruit with the board. In fact, the growers would have to pay the charges involved, and representatives from the board would visit them and take details from their books.

Some of the citrus growers have been visited recently by representatives of the board, and this was of great concern to many of them. When the board representatives arrived at the premises of the citrus growers, a representative of the Police Force was also in the motor vehicle. I presume there was no trouble with the citrus growers whom the board visited.

The citrus growers in the Cobram area are quite clear that they want to be removed from the area under the control of the Citrus Fruit Marketing Board. They want to have independence to operate and sell their fruit as they see fit.

I remind the House that under section 92 of the Constitution, they can sell their fruit across the border into New South Wales. What I seek from the Minister is a further investigation of all the aspects relating to the Cobram citrus growers, and that there be consultation with the Minister and the board. They wish to resolve a difficult and involved problem, because it will not be in the best interests of the citrus growers in this State if the

Citrus Fruit Marketing Board and the Minister do not resolve the problems and consider what the people of the area want for the retailing of their citrus fruit throughout Victoria and into New South Wales.

Mr NORRIS (Dandenong)—I address my concern to the Minister for Transport and, in his absence, I ask the Minister for Police and Emergency Services to relay my remarks to him. It involves a problem for the residents of Noble Park that has existed for some years. I first brought the matter to the attention of the Minister approximately two and half years ago and it concerns the flooding of the pedestrian underpass at the Noble Park railway station.

In that area of Melbourne, due to certain weather patterns, we do experience the occasional torrential downpour and, invariably, at that time the underpass is inclined to flood to the great inconvenience of commuters.

This problem has been occurring for some time. When I first addressed the problem, the Minister issued certain instructions to be carried out on the basis that the pump in the underpass either continually malfunctions or paper and litter blocks up the intake pipes and, consequently, the pump is unable to operate quickly enough to get rid of the water flow. I congratulate the Minister for immediately arranging for the clearing of drains by station staff at that time and for arranging for a new pump to be installed.

Those measures worked sufficiently well but now, unfortunately, the problem has arisen again. I do not know whether the problem arises from the fact that the new pump is malfunctioning or whether we are back to the old problem of litter collecting and blocking the intake ducts of the water pump, but a sudden downpour two weeks ago consequently flooded the underpass and several elderly pedestrians were trapped by the flooding water.

The railway line divides the shopping centre at Noble Park and consequently, the pedestrian underpass is extremely well used. On one side is the shopping area of Douglas Street and on the other side is Mons Parade, in the Ian Street section of the Noble Park shops. Also on the Mons Parade side is a large Ministry of Housing elderly citizens' flat development and a high school and on the other side of the railway line there is a technical school, so a constant flow of pedestrian and commuters use the underpass.

Winter is now approaching and I should not like to think that the nagging problem for residents, shoppers and commuters will continue to resurface.

I ask the Minister for Transport either to issue fresh instructions to the station staff to ensure that the gutters are clear of refuse to avoid blockages or that an inspection be undertaken of the water pump.

It is imperative that residents not be inconvenienced by having to traverse the flooded underpass. Even worse is the situation that occurred two weeks ago when two elderly citizens were actually trapped in the underpass, one being carried out by a fine and caring citizen who actually went in there and rescued them. The elderly citizens were knee deep in water.

I should be most appreciative if the Minister at the table could direct those remarks to the Minister for Transport, on behalf of the residents of Noble Park.

Mr WEIDEMAN (Frankston South)—Last week I raised with the Minister for Education the suitability of different publications—one from Frankston and one from the Fitzroy Legal Service—suggesting that young people take certain action in communicating with the police and society in general.

I now raise with the Minister for Police and Emergency Services the problem of different pamphlets and magazines being delivered to homes. It was brought to my attention that telephone books were being delivered at the same time as Hari Krishna pamphlets and this matter was raised with the Minister responsible for telecommunications in another place.

A Mr Brown of Lawson Street, Frankston—which is the street about which the honourable member for Mornington raised a matter with reference to the Mornington Peninsula and District Water Board—raised concerns about a magazine called *What's on Video and Cinema*, which is being distributed in the Frankston South area as well as in Narre Warren, Frankston, East Oakleigh, Mornington, Hastings, Rosebud, Edithvale and Knox, by a company named Fountain Flicks Video located at Fountain Gate.

Most honourable members who have delivered pamphlets to households during political campaigns are aware that one usually places them in letter boxes or else young children approach one and offer to take them inside to their parents, which is the point in this case. The magazine, *What's on Video and Cinema*, has a picture of Madonna on the front cover and reads “Madonna Beats Soft-Porn Tag”. Mr Brown was disturbed, when looking through the magazine to find beside the article on Madonna an explicit advertisement for an “R” rated movie. It is so explicit that I would not wish to show it to the audience in front of me. I will give it to the Minister for his consideration.

I do not wish to raise the issue of censorship, but I know there is an ethical advertising and moral code in the advertising industry and I ask the Minister to contact the people involved. The publication is not one that would usually be placed in letter boxes. Although some advertisements for old films are also included in the magazine, the “R” rated one, described as *The Electric Fantasy*, is listed as not available for people under the age of eighteen years.

I am objecting to the fact that the magazine is given to children under the age of eighteen years and is delivered to post boxes to be collected by the hands of young children.

I do not object to advertising material being delivered and any one of us knows when emptying the letter box on a Monday morning, that every major store distributes an advertising pamphlet giving the customer enough information to read for a week. However, I hope, by my raising the issue, that the Minister will examine the pamphlet and direct that the advertising code of ethics be honoured. I should not like to see any form of censorship, but this type of advertisement could become more common and it is not in the interests of the community.

The SPEAKER—Order! I am having difficulty in knowing what the honourable member for Frankston South wants the Minister to do. I understand he wants him to do something about the code of ethics related to this publication. I advise the honourable member that the Minister has no responsibility on this subject. It is a matter for a private organisation and it is, therefore, not the responsibility of the Minister.

Mr WEIDEMAN—I raise a point of order, Mr Speaker. The matter is raised in the interests of moral decency. The Minister for Police and Emergency Services is responsible for seeing—

The SPEAKER—Order! I have ruled on the matter raised. The honourable member raises the matter of moral decency. I do not understand what he is driving at and I do not intend to uphold that as a point of order.

Mr STEGGALL (Swan Hill)—I raise with the Minister for Water Resources the matter of significant flood studies being conducted in the Murray Valley and along the Avoca River within the electorate I represent. Two flood studies being conducted on the Loddon and Avoca rivers are causing concern to landowners affected by the interim results of those studies.

The Rural Water Commission is conducting these studies and presenting schemes and plans that may or may not be dealt with until a later date, years in some cases. This is causing financial problems for landowners with property within the study areas.

For instance, a property owner on a small irrigation farm near Kerang applied for permission to move a house onto his property. Permission was granted by both the Shire of Kerang and the Rural Water Commission. One month later a letter arrived from the

commission informing the landowner that it planned to bisect his property with a flood bank that would result in half his farm being flood protected and the other half flood prone. This landowner, who was not a wealthy man, was left in financial limbo because of that decision. His rollover time for a long term loan had expired with the bank which wanted to know whether the Government would be compensating the landowner for the land that would be affected by this plan. The commission advised that no compensation was forthcoming. In fact, the commission has no idea of how its flood schemes will be funded.

The landowner has been left in an embarrassing position because the bank will not honour what is a normal commercial rollover loan. No-one seems to know the financial implications of the flood studies or whether any compensation will ever be given to landowners affected by these studies. As these studies are affecting the livelihood of people along the streams, I ask the Minister to explain the Government policy on, firstly, the implementation of the schemes and, secondly, whether compensation will be allowed to landowners whose properties will be changed from a commercial productive operation to useless flood prone areas.

I point out to the Minister that the lead time between the start of the flood study and the finalisation of the scheme is between four and five years. These properties will be in limbo for the duration of that time.

Dr COGHILL (Werribee)—Because of the absence of the Minister for Consumer Affairs on Ministerial business, I ask the Minister for the Arts to convey to him my concern about misleading advertising of a different nature to that raised by the honourable member for Frankston South. This matter came to my attention last Saturday at the Weerama festival in Werribee that coincided with the proclamation of the City of Werribee—an extremely eventful occasion.

One of the events in the main street of Werribee, Watton Street, was a spinning wheel at which people could win prizes. I was especially interested in one of the prizes, not so much because of the nature of the prize—a car stereo—but because of the labelling that appeared on its package. The car stereo was attractively packaged in a red box which had holes in the sides through which one could see the various components: the speakers and an attractive dial.

On one of the packages was printed an Australian flag in a white square. Beneath the flag and within the white square was a blank space. On other boxes, the same flag appeared and on the white square beneath the flag was a sticker, "Made in Taiwan for Australia". That appeared to be misleading information about the origin of the product. Most people on seeing the box with the Australian flag prominently displayed would think at a quick glance that it was an Australian-made product.

We are being urged at the moment—and properly so—to buy Australian products. People may be attracted to buy this stereo because of the labelling and the superficial appearance of it having been made in Australia. This could be an infringement of State legislation and perhaps even Federal legislation. The company producing the car stereo is known as "4 Sound". If such a practice is allowed to continue, other foreign producers of goods may import them into Australia for sale as Australian goods.

I ask the Minister for Consumer Affairs to examine the practice of this company in using an Australian flag and then adding in fine print that the product was made in Taiwan or some other country. Does the Minister have the power to put an end to this sort of misleading advertising? I ask that he advise the importers or distributors of the product to cease this practice and, if not, for the Minister to take whatever further action is appropriate.

Mr MATHEWS (Minister for the Arts)—The honourable member for Murray Valley raised for the Minister for Agriculture and Rural Affairs a matter about the pricing of citrus fruit, which matter I shall direct the Minister's attention.

The honourable member for Werribee raised for the attention of the Minister for Consumer Affairs an example of misleading advertising which he had occasion to note in the electorate he represents and which would be of concern to all members of the House. I shall bring the packaging of the stereo equipment to the attention of the Minister and it will be for him to determine whether a course of action is open to him in obtaining redress for what has been done either from the manufacturer in Taiwan or from the wholesaler who imports the equipment into this country.

The honourable member for Mornington raised a matter with me for the attention of the Minister for Planning and Environment in another place about a planning application put forward by the Shire of Mornington. It was not clear to me why the honourable member believed the matter should be rectified at Ministerial level rather than local government level where I imagine the problem would have originated, nor was it entirely clear whether the piece of land covered by the permit was one previously zoned for sewerage treatment purposes and still has on it a sewerage plant. Certainly, the Mornington Peninsula planning scheme imposes stringent requirements for landscaping of such areas. Nevertheless, I shall bring to the attention of the Minister for Planning and Environment the remarks of the honourable member for Mornington and it will be for the Minister to determine whether some solution can be suggested.

Mr ROPER (Minister for Transport)—The honourable member for Dandenong raised the question of an underpass that is constantly having pumping problems. I thought the matter had been resolved but, clearly, further engineering advice is needed. Further action is necessary because it is obviously a concern if engineering questions cannot be resolved.

Mr McCUTCHEON (Minister for Water Resources)—The honourable member for Swan Hill raised the question of flood studies, especially in the lower Loddon and Avoca areas. The honourable member for Swan Hill has referred the lower Loddon study to me on a previous occasion. On 3 December last year he asked me about compensation to people whose properties will be affected during the course of that study.

In response to his question in the House, I wrote to him on 5 February and gave specific answers about whether compensation was applicable. In the letter I stated:

Lands to be occupied by works. Lands would normally be subject to the service of notice to treat and compensation assessed in accordance with the provisions of the Land Compensation Act.

Given that situation, the persons whose properties were affected by the works will be properly compensated in due course.

The issue the honourable member has raised is complex, but it is important to that area. Flood studies are wanted by the landowners in that area. They take a long time to carry out and consultants are employed to undertake the complex business of trying to determine the best way of mitigating flood. The process involves consultation with the shires and councils affected. If there is to be an agreed mitigation program, the community must own it.

In the process of reaching an agreement on a proposal that is appropriate to deal with floods for an area, the community needs assurance that compensation or necessary protection of the rights of individuals will ensue. There appears to be some confusion among people that plans being mitigated do not necessarily guarantee that compensation.

I understand the fear of the community and I assure those involved that the process of arriving at a final conclusion and undertaking flood mitigation works involves the safeguarding of the rights of individuals. It is not always possible to assure people in advance of what will be the outcome. However, it is quite clear that compensation will be available in specific cases where lands are subject to flood works or the impact of a plan.

The honourable member for Swan Hill also raised the case of Mr Tom Taft and the problems he is experiencing while a flood study is in progress and the attitude of the bank to loans on his property. That is another complication arising from this process. I shall

take up that matter with the Rural Water Commission and have further communication with the honourable member on this matter.

The House adjourned at 11.37 p.m.

Thursday, 26 March 1987

The **SPEAKER** (the Hon. C. T. Edmunds) took the chair at 10.35 a.m. and read the prayer.

QUESTIONS WITHOUT NOTICE

AUDITOR-GENERAL'S REPORT ON MINISTRY OF TRANSPORT

Mr BROWN (Gippsland West)—Does the Minister for Transport accept responsibility for the waste and mismanagement in his Ministry exposed in the scathing criticisms of the Auditor-General?

Mr ROPER (Minister for Transport)—One must look, firstly, at what occurred in the annual reports of the various authorities that were tabled in the House last year, the figures from which are reprinted in the Auditor-General's report. The Auditor-General examines the railways over a time. He had not examined the operations of those agencies prior to 1982.

The first thing people need to recall is that in 1982 the whole of the Victorian public transport system was appallingly run down and there was a major need for catch-up capital over the past five years. That additional capital will not go on at that level into the distant future.

Indeed, already with respect to V/Line, the level of capital required to ensure that the program is upgraded has started to diminish. A major catch-up program has taken place in almost every aspect of the public transport sector at very significant cost—costs that would not have been required if there had been an investment program in the 1960s and 1970s.

However, as every member in this place knows, virtually nothing was spent on railways and public transport infrastructure over that twenty years. The rolling stock was in a mess and the overhead, the track and the whole of the structure needed a substantial injection of funds. In 1982–83 the Government made a conscious decision to start reinvesting in our public transport sector.

Honourable members opposite now see the benefit of that reinvestment. Firstly, there has been a significant increase in patronage on passenger services in country areas. That would not have occurred if those investments had not been made.

Secondly, there has been a vastly increased capacity to ensure that we are able to make adequate freight arrangements. We could not in any way maintain the freight levels at the levels we are now maintaining them had there not been a reinvestment program.

Thirdly, in terms of the city system, there had been a continual reduction——

Mr KENNETT (Leader of the Opposition)—On a point of order, for 3 minutes the Minister has clearly been debating the question. I ask you, Mr Speaker, to uphold the Standing Orders and either ask the Minister to answer the question about whether he accepts responsibility, or, if he refuses to answer, sit him down.

The SPEAKER—Order! There is no point of order. The Minister is not debating the question and I ask him to continue.

Mr ROPER (Minister for Transport)—The third issue to which I refer—a matter about which the Opposition does not like to hear—is the fact that metropolitan patronage, which had been declining consistently for the previous decade, has now turned around and is significantly increasing. Again, that has meant a significant cost in terms of catch-up

expenditure. However, if expenditure had taken place over a long period it would have been able to have been handled much better than having to recapitalise the service in such a brief period—effectively over five years.

Honourable members need to be aware—and the Auditor-General is certainly aware—of the significant changes that are now occurring. These changes will show up in the 1986–87 accounts.

There has never before been such a range of changes aimed at reducing costs in V/Line as there has been over the past couple of years. The results can be seen in the Budget presented last year.

Never before has the amount required from the Consolidated Fund for V/Line fallen, not only in real terms but also in actual money terms. The requirement for the Metropolitan Transit Authority also fell for the first time in real terms in the Budget for this financial year.

These reductions are not easily made. There are 2500 fewer workers within the Metropolitan Transit Authority and the State Transport Authority than there were two years ago. That is not easy to do. It is all right for Opposition members to say, “We will just reduce; we will fire them; we will get rid of people”. However, there is also some social responsibility involved. Even the honourable member for Ballarat North was quoted in his local newspaper as opposing any reductions whatsoever in the area that he represents. I am told that that is not the policy—if the Liberal Party has a policy at all—of the honourable member for Gippsland West.

What is occurring is a major turnaround in our capacity, and it does not show up in the 1985–86 figures; it shows up in the figures for this financial year.

GOVERNMENT EMPLOYEE HOUSING AUTHORITY

Mr HANN (Rodney)—I address my question to the Minister for Property and Services. In light of the fact that negotiations are still continuing with the Ministry of Education and teacher unions in relation to a number of teachers’ houses around Victoria that are in the “not required to occupy” category, will the Minister give the House an assurance that none of the houses currently still under discussion will be sold?

Mr McCUTCHEON (Minister for Property and Services)—As the Deputy Leader of the National Party says, the question of the disposal of Government employee housing is the subject of negotiation. Each department is to determine the policy in relation to “required to occupy” houses.

A second category of houses is also under dispute and discussion. A market test is being applied to those houses, in agreement with, particularly, the Ministry of Education. Under that test houses that are not occupied are determined to be not required even though they are still under dispute; and it is the intention of the Government that those houses that remain vacant should be sold.

CAREER OPPORTUNITIES FOR WOMEN IN PUBLIC SECTOR

Mrs HIRSH (Wantirna)—I ask the Premier: what further steps is the Government taking to ensure that women employed in the public sector have improved career opportunities?

Mr CAIN (Premier)—When the Government came to office in 1982, it was clear that few women occupied senior positions in either the Victorian Public Service or the Victorian public sector. The Government set about remedying that situation through a policy that was aimed at promoting equal opportunity for employment in the Public Service and the public sector.

We have implemented an action plan that encourages more women to apply for senior positions in the Public Service, and the results are very encouraging. In 1983 women represented only 5 per cent of senior officers in the Public Service; they now represent 13.5 per cent of senior executive positions.

It is clear that more women are being promoted to senior management positions than ever before. Last year the Public Service Board undertook a study aimed at extending that action plan into the public sector generally and, in particular, into statutory authorities.

I want to make our position clear. We believe, for too long, women have been under-represented in the senior levels of the Victorian public sector, and the extension that has already been successful in the Public Service——

Mr Williams—You have a long way to go, too.

Mr CAIN—With the help of the honourable member for Doncaster and other Opposition members, it can be extended into the public sector generally. I say advisedly—and I am not including the honourable member for Doncaster or the honourable member for Kew in this—that at least some members of the Opposition are opposed to this policy. I am not sure how many.

Honourable members opposite do not support equal employment opportunities that the Government believes should be afforded to women. The Leader of the Opposition has been heard to describe our equal employment opportunity plans as being patronising. It is time we knew his party's view. I think I know the views of the honourable member for Kew. I believe I can expect a favourable response from the newly elected honourable member for Central Highlands Province.

I hope the honourable member for Kew is getting the numbers on this issue because the Government needs support right across Parliament on this issue. I hope she obtains the numbers to get on the front bench, also. How the Liberal Party has a shadow Cabinet without women on the front bench I do not know.

Mr RAMSAY (Balwyn)—Mr Speaker, I raise a point of order. Your ruling of 2 October 1984 stated that Ministers should confine themselves to the points contained in the question. The Premier is not doing that and I believe he is out of order.

The SPEAKER—Order! My ruling of that period has been quoted to me quite often and I believe it to be as valid today as it was then. I do not uphold the point of order. I ask the Premier to come back to the point of the question.

Dr WELLS (Dromana)—Mr Speaker, on the same point of order——

The SPEAKER—Order! I have ruled on that point of order. Does the honourable member now wish to raise another point of order?

Dr WELLS—Mr Speaker, I take exception to the Premier's ex cathedra statement. The Premier is making broad statements suggesting that the Opposition has a policy of which I have seen no proof, and I take exception to the Premier's statements about equal opportunity.

The SPEAKER—Order! The honourable member for Dromana is not raising a point of order, he is making a personal explanation and is out of order.

Mr CAIN (Premier)—The Public Service Board report to which I made reference earlier recommended that Victorian statutory authorities employing more than 100 staff should undertake equal opportunity action for women, and that those plans should be submitted annually to the Government.

It also recommended that equal employment opportunity guidelines should be developed and provided, by way of progress reports, to the persons who were making suggestions to them.

I understand the honourable member for Mildura and the National Party believe women should stick to making scones. The National Party does not want to redress the balance. The National Party knows that women make good scones, and that is where the National Party sees them.

I commend Senator Peter Baume, who has made his views clear. I again point to the great difficulty that the opposition parties have in giving any appearance of being cohesive about any policies that matter—it is obvious they are not.

An Honourable Member—Rubbish!

Mr CAIN—You say it is rubbish, but you tell me what your party's policy is on equal opportunity in the public sector! The Leader of the Opposition has said that it is patronising. The National Party does not like it either. Tell the Government what your policy is!

Mr WHITING (Mildura)—Mr Speaker, I raise a point of order. As you are well aware, Standing Order No. 127 states that answers to questions shall not be debated. The Premier is seeking to debate this matter and is obviously out of order.

The SPEAKER—Order! I uphold the point of order. The Premier finished his answer to the question by debating the subject, but he sat down before I could pull him up.

YARRA RIVER RAILWAY BRIDGE

Mr PLOWMAN (Evelyn)—Why has the Minister for Transport broken his promise to the National Trust of Australia (Victoria) that the traditional railway link from the southern suburbs to Flinders Street—the Yarra River railway bridge—will be maintained and handed over to the Ministry for Planning and Environment for incorporation into the Southbank project?

Mr ROPER (Minister for Transport)—I appreciate the question asked by the honourable member because I recognise that the Liberal Party has supported the conversion of the Port Melbourne and St Kilda railway lines to a cheaper light rail alternative. When the original announcement was made concerning the future of the bridge, the Government made it clear to all interested parties that the Ministry of Transport would hand over that bridge and the area leading to it to the Ministry for Planning and Environment. That is still the intention of the Government once the bridge ceases to be used for rail purposes.

It will then be a matter for the Ministry for Planning and Environment to ensure that whatever actions it considers appropriate are taken for the bridge and the area leading to it.

REGIONALISATION OF RURAL WATER COMMISSION

Mr STEGGALL (Swan Hill)—What action has the Minister for Water Resources taken to address the embarrassing situation created in the Rural Water Commission because of its regionalisation program? That program is in chaos; the morale of the commission staff is at an all-time low; there is a complete lack of direction from the Minister to water bailiffs; and a general state of confusion and unrest exists throughout the commission.

Mr McCUTCHEON (Minister for Water Resources)—I do not appreciate the honourable member's description of the state of the Rural Water Commission because it is not true or accurate.

It was announced last year that regionalisation would take place in the commission. Since then regional managers have been appointed who, I believe, are a fine group of managers and they have the confidence of the rural community.

The commission is currently allocating staff to regional offices and is planning the full process of regionalisation.

That program is under control. All matters have been dealt with by the board of management and the commission. The process will not happen overnight but will be phased in over a period when the appropriate appointments have been made.

I do not know what the honourable member is talking about. If he is attempting to stir up antagonism toward the regionalisation project I advise him that he is too late. It would be better if he were involved in supporting the cooperation of rural communities so that the many benefits of regionalisation are conveyed to them.

Those benefits include a target of some \$5 million savings in recurrent expenditure; the bringing of decision making from head office out to the regions and closer to the people involved; and a general improvement in the operation of the Rural Water Commission.

Those aims are laudable and will be achieved by the Government, but they require the support of the community. The National Party, especially, should support that program.

SECURITY OF LATE NIGHT PASSENGER SERVICES

Mr GAVIN (Coburg)—Can the Minister for Transport advise the House of steps being taken to improve security on late night metropolitan passenger services?

Mr ROPER (Minister for Transport)—I thank the honourable member for his question because I know he is extremely concerned about the problems faced by both passengers and staff in this area. The Government is concerned about passenger security not only in metropolitan Melbourne but also in country Victoria.

A significant improvement in security of passengers has already occurred. I have been concerned about passenger and staff safety for some time. I established a committee to review the safety of passengers, and that committee has recommended to me that the Government should ensure that both drivers and guards have access to portable radios so that they can communicate with Metrol—the Metropolitan Train Control Centre—which will cost the Government some \$400 000.

Despite what the Opposition might say, these various measures certainly cost money, if one is to provide the desired level of security.

The need for this security was demonstrated last week when a guard was seriously injured by a mob of what can only be described as hooligans, causing the man significant personal injury.

Many other measures are being taken to improve security. For instance, the automatic vehicle monitoring system already has more than 400 vehicles connected to it, not only for bus and tram running purposes but also for security purposes.

At a cost of approximately \$150 000, 85 portable radios are being made available for tram services that are not connected to automatic vehicle monitoring. The cost of the radios is justified because of the complicated requirements they will have to meet.

In each of those instances, substantial expenditure is required to protect adequately the Victorian public—\$10 million for the automatic vehicle monitoring system, \$400 000 for train radios and some \$150 000 for tram radios. Already, many of the Hitachi trains are connected to Metrol. If these services are to be provided, money must be spent. The people of Victoria are receiving value for money because they are getting improved train security.

SALE OF PUBLIC HOUSING LAND

Ms SIBREE (Kew)—I address my question to the Minister for Housing, although I think the honourable member for St Albans will also be interested.

Why did the Minister sell 24 blocks of urgently required public housing land at St Albans on 14 March, by auction, and why is the \$819 000 worth of proceeds being returned

to the Department of Management and Budget rather than being devoted to reducing the record high public housing waiting lists?

Mr WILKES (Minister for Housing)—The reason for the Ministry selling 24 blocks at St Albans was that its policy of integration of public and private housing suggested it buy or build on one block in eight and the land in question was surplus to the requirements of the Ministry.

For that reason, the blocks were sold on the open market at slightly more than Valuer-General's valuation and, so far as I know, the returns from that sale go into the revolving fund of the Ministry.

GAS TARIFFS

Mr SEITZ (Keilor)—Can the Minister for Industry, Technology and Resources inform the House of the steps being taken by the Government to minimise tariffs for commercial and industrial users of gas in Victoria?

Mr FORDHAM (Minister for Industry, Technology and Resources)—As Opposition members should be aware, our large industrial and commercial consumers of gas on contract are required to be notified by 31 March of the new tariff arrangements to apply from the following 1 July; that is, the tariff for 1987–88.

I am pleased to be able to inform the House—and, of course, those consumers—that the Government has been able to restrain the increase in those tariffs for 1987–88 to an average of only 4·8 per cent. That is a significant step that has been implemented by the Government. In fact, the tariff increases will range from as low as 1·5 per cent for some of the large contract customers on interruptable gas contracts to a maximum of 5·9 per cent for these important categories of gas customers in Victoria.

Although this particular tariff is not within the prices peg referred to earlier by my colleague, the Minister for Labour, it does demonstrate the continuing commitment of the Victorian Government to restrain gas prices in the interests of the community as a whole.

This is now the fourth consecutive year in which the Government has held increases in these large industrial and commercial gas prices substantially below increases in the consumer price index. I am pleased with the response and recognition that we have received from Victorian industry and commerce as a result of what I believe honourable members on all sides of the House will regard as a commendable effort and a significant endeavour by the Victorian Government.

This demonstrates the Government's continuing endeavours to ensure that Victorian industry is highly competitive, both in terms of the rest of the country and in terms of world trade.

Employer organisations as well as individual companies have given public recognition to the Government's record in the past and I have no doubt, when this good news is formally announced later today, those groups will once again support the admirable effort made by the Government.

CHIEF COMMISSIONER OF POLICE

Mr CROZIER (Portland)—I ask the Minister for Police and Emergency Services whether it is a fact that a police board will replace the position of the Chief Commissioner of Police and that Mr Selby will head that board?

Mr MATHEWS (Minister for Police and Emergency Services)—The question from the honourable member reflects faithfully the level of fantasy with which honourable members opposite and their Federal counterparts have become preoccupied over recent times. I can give the honourable member a categorical assurance that neither proposal has received any consideration from the Government.

ELECTRICITY STRIKE

Mr McNAMARA (Benalla)—I refer the Minister for Labour to the aborted threat by members of the Federated Engine Drivers and Firemen's Association of Australia to stop power generation in support of the nurses strike in Gippsland. Is the Minister aware of the widespread concern in the Latrobe Valley that the association's members were being asked to give up a day's pay in the sectional interest of a few union officials? Given that of the twelve elected union officials——

The SPEAKER—Order! The honourable member for Benalla is making a speech and I ask him to ask his question.

Mr McNAMARA—Is the Minister aware of the widespread concern in the Latrobe Valley, given that the Federated Engine Drivers and Firemen's Association members are being asked to give up a day's pay particularly because seven of the twelve elected officials have wives who are nurses?

Mr CRABB (Minister for Labour)—One would almost believe the honourable member had that question ready and that he has not woken up to the fact that there is not going to be a power strike. The fact is that I have been in negotiation and there will not be a power strike on Friday.

TENNIS PROGRAMS FOR DISABLED CHILDREN

Mrs RAY (Box Hill)—Will the Minister for Sport and Recreation advise the House on programs for tennis and other sports areas for the young intellectually disabled and other socially disadvantaged young people? What steps is he taking to promote those programs?

Mr TREZISE (Minister for Sport and Recreation)—I thank the honourable member for her question. There is no doubt that tennis is growing in popularity largely because of the wide television coverage it has been given in recent years.

It is also true to say that it is a sport that some youngsters are often able to take part in, particularly those with a great love for the sport, because of their personal circumstances. Therefore, I pay credit to the Oz Tennis Foundation. It was formed approximately three years ago by a group of citizens including Paul McNamee, a great professional tennis player who is prepared to give much of his time and energy in an honorary capacity to help these young people to be able to play tennis.

The foundation was formed to help youngsters, especially those from disadvantaged families, whether they be unemployed, from high rise units in inner Melbourne or single-parent families.

The foundation has been backed by funding of \$120 000 a year from funds provided by the Shell Company of Australia Ltd, the Department of Sport and Recreation and the Federal Government. To date it has helped more than 4000 youngsters enjoy playing tennis.

In the past few weeks, the scheme has been extended into the field of the intellectually handicapped to help them to play their own version of tennis, even though one does not expect them to become Davis Cup players. However, it is nice to know that the intellectually disabled have been brought into the ambit of this sport.

Those who have backed the Oz Tennis Foundation, namely, the Shell company and the ANZ Trustees executive under the chairmanship of Mr Vince Kiss, have done a sterling job in the interest of the community.

I pay tribute to Paul McNamee, a man who has given so much to the tennis world over many years and who is now prepared to put so much time and effort into helping these youngsters.

PETITION

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

Library funding

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 the proposed cuts of \$2 million to public library funding in the 1987–88 and again in the 1988–89 financial years will have catastrophic effects on the services provided by the already under-funded public libraries.

Your petitioners therefore pray that the Government reverse this decision and return to the stated ALP policy of 50:50 funding of public libraries between State and local government.

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

By **Dr Wells** (659 signatures)

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

PAPERS

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

Library Council of Victoria—Report and statement of accounts for the year 1985–86.

Town and Country Planning Act 1961:

Horsham—City of Horsham Planning Scheme 1982, Amendment No. 105.

Lillydale—Shire of Lillydale Planning Scheme 1958, Amendment No. 203.

PLANNING APPEALS (AMENDMENT) BILL

This Bill was returned from the Council with a message relating to amendments.

It was ordered that the message be taken into consideration next day.

ADJOURNMENT

Mr FORDHAM (Minister for Industry, Technology and Resources)—I move:

That the House, at its rising, adjourn until Tuesday, April 7.

That is to set the appropriate sitting days as previously arranged.

The motion was agreed to.

WORKCARE AND ACCIDENT COMPENSATION COMMISSION

Mr McNAMARA (Benalla)—I move:

That this House condemns the Government for the many deficiencies in the administration and operation of WorkCare and the Accident Compensation Commission and views with particular alarm—(a) delays in payment; (b) the lack of supervision of fraudulent claims; (c) the future cost of the scheme; (d) the lack of incentive to resume work; (e) the excessive level of benefits; (f) the ineffectiveness of rehabilitation; (g) general administration difficulties; and (h) failure to make adequate financial arrangements with the Commonwealth Government.

It is now almost eighteen months since the establishment of WorkCare and the Accident Compensation Commission. Honourable members and the community will recall the circumstances under which the WorkCare legislation was introduced. The legislation passed through both Houses of Parliament during the period when one of the Nunawading Province seats in the Upper House was vacant. It was an excellent example of the type of

legislation that would be passed through Parliament if the Government had control of both Chambers. This legislation will be the millstone around the neck of the Government.

The WorkCare legislation is a prime example of five years of total neglect and financial mismanagement. It will be a burden on industry in Victoria, so that it cannot compete with industry in other States.

The Accident Compensation Act amended the Workers Compensation Act, the Occupational Health and Safety Act and the Dangerous Goods Act. The Government drew together those three pieces of legislation as a package to reform deficiencies that existed in workers compensation, many of which the National and Liberal parties freely acknowledged.

The opposition parties hoped the legislation would ensure financial accountability, that schemes were fully funded and that not only would the genuinely injured workers be better off, but also that employers would be protected from cases of obvious fraud. However, over that period of almost eighteen months since the legislation was passed, a massive escalation of fraud has occurred. Workers compensation problems have gone from bad to worse. WorkCare is now freely recognised as a threat to the viability of industry in Victoria. Industry groups have indicated that the textile, clothing and footwear industries, in particular, are under threat of being totally destroyed by the effects of WorkCare. Almost 61 000 jobs are provided in those three industries.

Numerous examples have occurred of constant disruption caused by the implementation of WorkCare: disruption of production in industry; additional costs being imposed on industry because of the requirement to train replacement staff; tremendous administrative difficulties and so on. A factory with approximately 50 to 60 employees is required to employ additional staff to handle the extra clerical work.

A destabilisation in attitudinal changes has occurred. WorkCare has taken over as a supplement to welfare benefits, and that must be stopped. WorkCare is seen as a legitimate and automatic alternative to other means of welfare. It has had an effect on the growth of industry and, in fact, many industries that had planned to expand are now seriously reconsidering their expansion plans.

The Australian Chamber of Manufactures informed me that it has considerable evidence of industries curtailing expansion programs and even of industries considering moving interstate, because of a more favourable accident compensation situation.

When the Accident Compensation Commission began operations, a positive advertisement was initiated, "WorkCare—We Care". The National Party supports that philosophy. There are many genuine cases of accident victims who have to be treated humanely and with considerable confidence by those in official positions.

WorkCare has been operating for more than twelve months and, due to the administration of the scheme, it appears that "no-one cares about work". The only thing WorkCare provides is an easy benefit, given without supervision. An attitude exists in the community that if one cannot work or does not want to work, regardless of the cause, one is entitled to WorkCare benefits. Employers have to foot the bill for that unfortunate attitude.

As I mentioned, WorkCare has become the preferred alternative to claiming welfare benefits. The honourable member for Hawthorn has detailed some instances in that regard. People are viewing WorkCare as the easy option, and there will always be charlatans who will seek an easy way to pick up benefits.

Some two years ago I had a discussion about a block of flats comprising 30 units. I was informed that all the people occupying the flats were recipients of some type of welfare benefit. I assumed that they were receiving unemployment benefits but I was told that they were all invalid pensioners. Limited supervision is given to the payment of invalid pensions and the money provided is more than one receives from unemployment benefits.

People who abused that scheme are now waking up to the fact that WorkCare is in the same category and that it is the easy option. If the Treasurer were to ask the people who administer the WorkCare scheme how it is proceeding, he would learn that it is being used as the easy option for people who want to cheat the system.

The crazy situation now exists where people receiving WorkCare benefits can be receiving more money through that process than what they would earn if they were working. When the scheme was introduced, the Treasurer indicated that an injured worker would receive 80 per cent of his or her pre-injury earnings. The Treasurer reasoned that 20 per cent of one's earnings would normally be spent on transport fares, specific clothing one may need for a job, lunches and so on. The current situation is ridiculous and it will only become worse when the increases to WorkCare benefits are restructured.

Making a WorkCare claim has become a handy form of compensation for people who may have suffered injuries during the weekend that are not related to work. The scheme is also frequently used for soft tissue injury claims. I have great sympathy for people who have genuine injuries, but it is extremely difficult, as honourable members are aware, to determine whether such an injury is genuine. When the House debated the third-party insurance premiums legislation, honourable members heard many examples of soft tissue injuries, especially whiplash.

Evidence suggests that WorkCare benefits are being paid to people who are exhibiting symptoms of the ageing process. That is obviously not work-related and such claims should never be passed.

Mr Jolly—Give me specifics!

Mr McNAMARA—I have given plenty of specifics and I shall give a lot more. The Treasurer should be concerned about what is happening to the finances of the State; he should be counting the money.

The ACTING SPEAKER (Mr Kirkwood)—Order! The honourable member for Benalla should debate through the Chair.

Mr McNAMARA—Mr Acting Speaker, the Treasurer should accept much more responsibility in this important area. WorkCare is costing Victoria hundreds of millions of dollars. It is not chickenfeed! The Treasurer is the master of the scheme, which is going down the gurgler under his supervision.

Fraud is one of the major areas of concern in the administration of WorkCare. There is a total lack of supervision of fraudulent claims. Before WorkCare was introduced, the Treasurer came down heavily on the side of supervision of fraudulent claims and compulsory rehabilitation for injured people. The Trades Hall Council stepped in and gave the Treasurer his marching orders. In fact, the council tells most Ministers what they should do. It said that it would not accept compulsory rehabilitation and that an open-slasher situation should reign.

It is now easier to obtain workers compensation benefits through the WorkCare scheme. It has become the alternative to sick leave and maternity leave. Often it is the excuse for the long weekend, an extra holiday or the lack of annual leave benefits in a particular award.

An increasing trend is the establishment of dubious records of injuries. For example, a worker may take one day off with the excuse that he has a bad back. He may do this a few more times because it is not necessary to produce a medical certificate for one day off on sick leave. However, the record of injury is established. At a later date the worker can claim that the injury has been aggravated or has recurred. If this worker were to take his claim to the Accident Compensation Commission, he would have no trouble being awarded a WorkCare pension.

I have been given examples of threats that have been used against employers and others to gain compensation under WorkCare. The scheme is used to demand particular benefits

in the workplace. A person who wishes to be given a particular job in, say, a factory, will often threaten to claim compensation unless he is given that duty. Often for the sake of peace and quiet the employer will give way to the demands because he knows that the odds are stacked against his winning the case before the commission.

I have ample evidence of shop stewards using workers compensation as a leverage to achieve particular conditions in the workplace. One of the most outstanding instances was outlined to the House yesterday in a letter read by the honourable member for Hawthorn explaining that a particular man was prepared to drop a workers compensation claim, if he were given a trip to Queensland.

Apparently, if this person had gone to the Gold Coast, where he could prance around on the beach and swim in the ocean, all his back troubles would have disappeared. This is the way the system is operating; it is a system of easy rorts. People will always abuse the welfare system.

Those who wish to defraud the welfare system gravitate towards the scheme that is the easiest to cheat. If a Government intends to crack down on the abuse of the unemployment benefits system or single-parent pensions, defrauders will use the WorkCare system, which, at present, is the easiest to abuse. Over the years there has been ample evidence of this sort of practice.

I have been given examples where both spouses have WorkCare claims and each is claiming the other as a dependant. The scheme lacks supervision. The honourable member for Warrnambool pointed out that some people are able to travel the world on WorkCare pensions. They may not be able to travel the world, but some people are able to return to their countries of origin and take their pensions with them.

Victoria has already negotiated a reciprocal agreement with Italy and it is considering similar arrangements with other countries. I cannot fathom the reason why the Government is considering this.

WorkCare pensions have increased. With the indexation of benefits, the 80 per cent ceiling on increases in WorkCare pensions has gone out the window. All honourable members know that wages are adjusted to a discounted consumer price index and that they are being pegged. That affects everyone in the workplace.

If one is receiving WorkCare benefits, one finds they are increased according to the average weekly earnings and are not pegged to any increase in the consumer price index. It is ridiculous that WorkCare benefits can increase to a sum in excess of what an injured worker received prior to sustaining an injury.

Along with the WorkCare pension, an injured worker can claim for a dependant, in the case of a child and a spouse. That claim is for approximately \$78 on top of the normal benefit. It would not be hard to earn more than one was earning prior to injury and, therefore, one would have to be a fool to return to work. No wonder people are reluctant to undertake rehabilitation.

The system does not demand that claims of injuries by workers be checked by independent doctors. Family doctors are saying that they must accept the injuries of patients on trust. This is placing an enormous amount of pressure on family doctors; independent doctors should assess WorkCare claims.

It is fair to say that repetitive strain injury claims are almost automatically accepted. The Government should take a firmer stand against these claims, in line with the stance adopted by the Commonwealth Government in a recent case against it by an employee of the Australian Taxation Office. The Commonwealth Government achieved a favourable result. The State Government should put a break on some of the claims that could be contested.

I have been given numerous examples of so-called sympathetic doctors. The medical profession has much to answer for. Medical certificates are issued virtually on request.

The smarties gravitate towards these doctors. I have some examples of medical and paramedical professionals actively encouraging people to apply for workers compensation. The system was not intended to operate that way; it was supposed to assist people who had genuinely been injured.

If the system is allowed to run riot, as it is at present, sympathy for workers who have suffered genuine injuries will slip away. The Treasurer has responsibility to introduce some of the reforms that are necessary to make the system work properly. He has failed to act.

Rehabilitation has been a dismal failure; only 3000 out of 150 000 injured workers have been referred for rehabilitation.

Mr Jolly interjected.

Mr McNAMARA—The Labor Government was supposed to solve those problems. It was put in the hands of the Labor Government. The National Party is not saying that the previous system was perfect. As I acknowledged at the beginning of my remarks, the previous system had many deficiencies. However, when the Labor Government introduced the scheme it did not address major problems. The Labor Government did not introduce any form of compulsion to force people to undertake rehabilitation when it was considered necessary.

The Treasurer knows that, before the Bill was introduced, he was a strong advocate for accountability, to ensure that people would take a test and be supervised to make sure they undertook rehabilitation. However, he buckled under when the pressure was on. The loonies of the left said, “No way—this is the best thing since sliced bread; you can’t get us off it once we are on; whether we are better or not we will cop that pension sweetly”.

I suppose the Treasurer has preselection panels to face. I do not know what pressure was put on the Treasurer as an individual, but I thought he was a man of some backbone who recognised that, as the Treasurer of this State, he has responsibility not only to the Trades Hall Council but also to every Victorian taxpayer. That is what it comes down to and that is why he was appointed Treasurer of this State. He was elected to represent not only the interests of the Trades Hall Council and a few faceless men in that organisation, but also the interests of every Victorian. It is the Victorian community that will be bled dry. The Victorian community will have to foot the bill and cope with the mismanagement of the Treasurer. It is the Victorian community that will hold the Treasurer and the Labor Government to account in less than two years’ time. I am confident of the result; we will see some reforms.

As I said, only 3000 employees have been referred for rehabilitation. The annual report of the Accident Compensation Commission does not say how many of those 3000 employees actually went along to receive rehabilitation. Did they receive rehabilitation? There is no compulsion for them to receive rehabilitation; they can only be referred for rehabilitation. Did 100, 300 or the entire 3000 workers receive rehabilitation? As I said, only 3000 employees out of a total 150 000 injured employees were referred for rehabilitation. That means that less than 2 per cent of employees were referred for rehabilitation. Obviously something is radically wrong with the system and it is becoming a major concern to the entire Victorian community.

As I said, employees can refuse to undertake rehabilitation. How ridiculous is that? Employees can receive the pension and refuse rehabilitation. Surely if a doctor or rehabilitation officer within the Accident Compensation Commission believes there is scope for an employee to be rehabilitated, and that employee refuses, some provision should be available to discontinue the WorkCare pension so that it does not become just another freebie. That is how the present system operates.

Employees can also refuse to undertake light duties. A factory manager can make light duties available, but employees can refuse to undertake them. I was told recently of an instance where an injured worker was offered, as work, light duties undertaken by people

from a sheltered workshop. Apparently the duties were not light enough and the employee refused to carry them out. However, those light duties were good enough for the people in a sheltered workshop to undertake.

Unions and solicitors are notorious for shopping around for sympathetic doctors and rehabilitation centres. That has created all sorts of problems. A further major problem is that claims agents are not involved and there is no incentive for them to defend, refuse or terminate claims. Surely a basic principle should be accountability. Any form of Government administration should be accountable to the community. However, in the case of WorkCare there is none. No one wants to pick up the ball and run with it; everyone wants to pass it on to someone else. The buck stops here. Little Rob, is the one who has the responsibility.

The ACTING SPEAKER (Mr Kirkwood)—Order! The honourable member for Benalla should address the Treasurer, by his correct title.

Mr McNAMARA—The Treasurer is the person who must be accountable to the community. He can sit back and smile and say, "It is not my worry; it is the taxpayers' money; what is a couple of hundred million dollars here or there—we will make it up by raising taxes". The Treasurer could not run a chook raffle.

The National Party is concerned about the entire administration of WorkCare. The delays in the system are killing employers because they have to foot the bill. When an employee goes out on WorkCare, if the employer is not reimbursed it does not mean the pension stops; the WorkCare pension continues to be paid and the employer has to wait until WorkCare reimburses him.

I have heard of instances where delays of between two to five months have occurred. The employer has to cop it sweet. He has to outlay money on which he receives no interest. There have been instances in some factories where up to one-third of the factory work force is off the job on WorkCare claims. The situation is especially bad in certain suburbs in the metropolitan area. I think some ethnic communities are obviously concerned about what is happening in this respect.

Can honourable members imagine the predicament of a business when one-third of its work force is off the job and it has to pay WorkCare benefits for a substantial proportion of those cases and then it faces delays of five months for reimbursement of five months' payment of benefits? An employer does not receive any interest on that money. If an employer decides that he can no longer afford to pay the benefit and ceases to pay it, WorkCare will bill the employer for the amount plus 20 per cent interest. However, the employer does not receive 20 per cent interest on the delays in reimbursement.

The funds required to meet this year's claims, according to the annual report of the commission, are \$717 million for a ten-month period. The funds required to meet the claims in a full twelve-month period are \$860 million. On top of that another \$65 million has already been paid. The WorkCare bill is already up to \$925 million—and that is only in the first year.

If what employers are saying to the honourable member for Hawthorn and me is correct—and I have no doubt that it is correct—delays in the system are amounting to a minimum of two months and up to five months. This means employers are acting as the bankers of the Government to the tune of \$300 million to \$400 million. That is interest free money! What a benefit! How does one get on that gravy train? The Treasurer is really doing a lot for small business! He has small business financing Government to the tune of \$300 million to \$400 million. God help us when the figure blows out—as it certainly will do. That is the real concern of the National Party.

I shall provide honourable members with a run-down on some of the activities in which WorkCare has been involved. It is pretty good at throwing away the money of employers. WorkCare donated \$40 000 to promote a few concerts for radio station 3MP. How does one follow that? It was to be a bit of advertising for WorkCare—as if WorkCare needs the

business! It is going down the tube now. It is a bit like running advertisements for the Australian Taxation Office so that it can receive more business. It is like advertising for Pentridge Prison. Why not play a few commercials?

Mr Jolly—You do not understand the system.

Mr McNAMARA—I am glad I do not understand the system, but there is very little that the Treasurer understands. I thought the honourable gentleman had had some training in economics. The National Party's estimation of the Treasurer has sunk to the floor.

I do not know whether his colleagues in this place are worried that he is the fellow in charge of the finances of this State. He has never operated a business in his life, and he is now running the biggest business in this State and is rapidly sending it broke.

The slogan, "Take it easy with 3MP" takes on a new meaning; the Treasurer is really saying, "Take it easy with the employers' \$400 million". How we can afford that is anyone's guess.

Not long ago the Premier made some comments—I will not use the exact language he used, because it revolted me—when he attacked John Elliott who had said that one cannot get ahead in business in this country because of the difficulties caused by Labor Governments; that, to get out and have a go, one had to invest on the world market.

For those comments, the Premier slated him; he called him everything. The Premier said that Mr Elliott was disloyal to the country and used every adjective possible, including some foul language which I shall not repeat to the House.

Shortly thereafter an article appeared in the press with the headline, "Cain red-faced over compo". Why was the Premier red-faced? He was embarrassed because some 20 per cent of the funds from WorkCare had been invested overseas! He has been channelling the money overseas—he will go for a quick buck. Some \$70 million of WorkCare funds have been invested overseas. That is unbelievable. Yet, the Premier is criticising everyone else. That is certainly the pot calling the kettle black!

The Premier attacked the Federal Treasurer of the Liberal Party, John Elliott, for investing overseas and "ratting" on Australia. Who is the biggest rat of all? That is absolutely disgraceful. The Treasurer and the Premier are hand in glove, channelling the money overseas, and they cannot get it out fast enough; but everyone else who does so is described as ratting on the country, whereas they are making sensible investments overseas!

Earlier I was asked to give some examples of WorkCare claims. I shall not mention the names of the people involved, but the first case to which I refer involves a worker who claimed that a rack off a conveyor rail had dislodged and hit her on the left shoulder causing bruising. The claim was disputed and subsequently referred to the Accident Compensation Commission. The tribunal ruled in the worker's favour on a technicality, because, it said, the witnesses in their statements did not clearly state that they did not see the rack hit her.

The statement of the witnesses was as follows:

We the undersigned witnessed the accident on 1st July 1986 at 9.45 a.m. where . . . knocked a rack off the conveyor system at Crestknit Aywon, 590 High St, Thornbury.

We witnessed the rack falling to the floor but did not witness the rack contacting . . . on the left shoulder.

The tribunal said that, because the witnesses did not clearly state that the worker was not hit—

Mr Jolly interjected.

Mr McNAMARA—They obviously said that she was not hit; it was clear, but she is on accident compensation.

Another interesting case involved one municipality's request regarding WorkCare payments to school crossing supervisors. This is one of the best cases. The letter from the council states:

The council requests that you discuss with the Ministers responsible for "WorkCare" and the administration of the "school crossing supervisors' scheme", the possibility of the State Government accepting total responsibility for "WorkCare" contributions for school crossing supervisors.

Recently the . . . has found itself with a "WorkCare" claim from a school crossing supervisor who normally received payment for 10 hours work each week.

The supervisor's claim has resulted in "WorkCare" approving payment for a full 38 hour week—and not just for the period of 10 hours.

Naturally the supervisor cannot believe his good fortune at the generosity from "WorkCare", as he is now effectively 5 to 6 times better off with the "WorkCare" payments than when he was required to work 10 hours each week. Moreover, there is little incentive for the supervisor to become well enough to resume normal school crossing duties!

You can appreciate the delight of the supervisor when he found out that he would also receive full 38 hour each week payment throughout the 6-7 weeks that the schools were closed for the Christmas-New Year vacation.

So he received the payment throughout the holidays, when he would not have been working anyway. This is just too good!

The matter was referred to the Premier, but we have heard nothing from him. The council has not heard anything from the Premier, and the Treasurer has said nothing about the matter. The rorts are too good. It is magic; people cannot have it better.

Another case relates to a repetition strain injury claim involving a person who commenced work in June 1985 and left in October 1985—after four months' employment. The case history states:

Employee is typical of young unmotivated girls who register a claim and slowly transfer their workers compensation rights into unlimited sick pay. Note the regular short term absences.

In another case, an employee who had worked for seven months has been off since October 1985 and has had her husband going to collect her pay since early 1986. It appears that nothing is being done to reduce or terminate payments.

In the case of another employee who had commenced work on 1 July 1985 on a bartack machine, a compensation claim was made after ceasing work on 28 October 1985. Therefore, she had worked for about four months. A little more than eight months later, she had a baby. She has been on rehabilitation and has been receiving benefits during that period. Work has been offered to her through the Northern Region Rehabilitation Centre, and she did not even reply to that offer. That employee is still on benefits.

Another lady attended work bruised and told both her supervisor and the occupational health nurse that her husband had jumped on her forearms. She later claimed compensation. The job that she performed for two months was later classified as light duties. She now receives weekly payments in excess of her previous pay. It is too good to believe, is it not?

In another case, an employee claimed for a single day's absence late in August. This is a case of one-day absences building into a recurrent claim. The claims administration agent accepted the claim for that one day without medical certificates or investigation, even though the claim was denied by the employer. Later the employee left; the claim was accepted as a continuation of the prior claim and payments commenced. The doctor involved in this case is apparently facing charges relating to Motor Accidents Board claims, but the person in question is still receiving the benefits, even though it seems obvious that the certificates could have been a bit "dodgy".

Another case relates to the incidence of varicose veins and pains in the right shoulder and arm. This probably explains the use of the WorkCare system as a protest against a job change where the person concerned was receiving a bonus of \$140 a week because she was using a machine with an automatic cutter rather than a manual machine.

When the difference was discovered, the employee's doctor telephoned to say that varicose veins were not work related, but the employee insisted on claiming. Eventually a conciliator was found for the employee. The woman demonstrated a reluctance to return to work but eventually did so, and within three days she claimed repetition strain injury—known as RSI—which she had never suffered before. She has been off work and receiving weekly payments ever since, apart for three days in July 1986, and is still receiving benefits.

It would be fair to say that anybody who has decided to abuse the system can do so very easily.

Another case concerns a lady who attended three doctors in Wangaratta, all of whom refused to issue her with a medical certificate. They reported their refusal to the occupational health nurse, but the woman went to a doctor in Myrtleford and obtained a medical certificate. She is now receiving benefits and is also attempting to obtain a lump sum.

Another problem arises from difficulties other than claims for injury prolonging absence from work. I have been told of a woman who worked for one month before suffering from RSI. After episodes of hysteria at work it proved impossible to encourage her to return to the work force. Eventually her benefits will be stopped. However, due to Accident Compensation Commission and claims administration agents' inefficiency the payments will carry on for many months.

Another case involves a woman to whom benefits were denied because the claim was not consistent with her job. The problem was serious and the claims administration agent accepted the claim, which involved an injury to her feet. In September she was admitted to St Vincent's Hospital with hydrocephalus, a medical term for water on the brain. A certificate was produced and sent with a letter to the agents and they are now investigating the medical report. No action has been instigated to cease payments under section 4 (2). Approximately \$8000 has been paid out on the claim although in no way was the injury aggravated by work.

Another example concerns a woman who uses workers compensation as a lever and as an escape. She is being treated at the Northern Regional Rehabilitation Centre. She has worked 4 hours a day in the staff shop since June and there has been no attempt to increase that by the staff at the centre, although they say that they will try to move her on to something else or increase her working hours.

Another case involves an employee who is one of the smarties in the workplace who advises on various rorts and schemes for other employees to get on to. Again, the system has become too good and too easy to jump on to.

Another instance concerns a claim made eighteen years ago. The employer accepted that there had been a deterioration in the person's condition. The person waited until the new system came into operation and under the new Act is receiving \$409 a week, \$123 more than the person was receiving when in the work force. There is no incentive for that person to return to work.

Another instance is a claim where a person had a back injury approximately six years ago. That person is now receiving workers compensation payments and is not working. It is interesting to note that it is apparently a family show, because the mother and father are also receiving workers compensation.

Another employee suffered severe back injury in 1980. He is receiving payments of \$430 a week under WorkCare and is also suing for \$100 000 under the old Act. He wants it both ways. Rehabilitation has been suggested to him but he has refused. This is the area in which the Treasurer has to tighten up the scheme. The medical profession is saying that people need rehabilitation, but employees take the view that they will get on the gravy train. That is why we need to change the system. The wife of the gentleman concerned is also receiving workers compensation.

Another instance involves an employee who has refused rehabilitation and whose wife is receiving compensation. The employee was instructed by a fellow employee on how successfully to negotiate a claim. That employee seems to be of great benefit to his fellow employees in the factory; he also had an injury to his shoulder.

The company doctor believes he is capable of work and has refused to issue medical certificates. Unfortunately, that person went to a sympathetic doctor and obtained a medical certificate and he is now on WorkCare benefits.

Another instance concerns denial of a claim by an employee who reported some dizziness and a numb feeling the day before he was retrenched. That person had never had any health problems before, but when he realised he was about to be retrenched he had this numbness and dizziness. The family doctor was treating him for this complaint and four months after he left his employment he had a stroke and claimed it as being work related. He is 46 years of age and the current estimate of his claim is \$140 000.

Another employee was reprimanded by a supervisor for careless work. The next day he produced a medical certificate stating that he was suffering from stress. He was off work for four months and the cost of the claim to date is \$4000.

Yet another claim was made by a worker who had a hiatus hernia. Liability was originally denied but since that time the employee's certificates have indicated that he has neck, back and hernia injuries.

Mr Cunningham—Will the honourable member for Benalla produce the documents to which he is speaking?

Mr McNAMARA—I shall be happy to produce them. If the honourable member for Derrimut would like me to incorporate them in *Hansard*, I shall do so, but I am trying to avoid embarrassing the people who are abusing the system by mentioning their names. I do not wish to identify them, but some of them live in the honourable member's electorate.

Another example is a claim for osteoarthritic gout. The employee worked for the company for some eight months. The doctor's report stated that it would be difficult to deny that this man's condition was aggravated by work. The Act is very clear in the case of aggravation. One of the problems with aggravation is that it is so open ended.

A further instance involves an employee who deliberately lied in submitting his claim. He has until recently been receiving compensation from another company as well as the present one. The matter is now in the hands of the commission and to date the company has paid him \$12 000 as well as what he is receiving from his WorkCare claim from the other company.

Because of his work and his position an employee who was an elected health and safety officer was able to ascertain how easy it was to pursue a successful claim. He is currently under investigation. The company believes his claim is not genuine. Although he returned to work, as soon as his bonus earning capacity was reduced he immediately produced a medical certificate stating that he was again suffering from neck pain and was unable to work.

Mr B. J. Evans—He was a pain in the neck!

Mr McNAMARA—The honourable member for Gippsland East is right. Some serious concerns have been raised about the administration of WorkCare. I have a letter from Aspin Yarns Pty Ltd, which is a company employing 300 people, that states that the greatest difficulty it has in running its business is the cost of WorkCare. The greatest difficulty faced by that Victorian company has been brought on by the Government's scheme. The company believes its worst problem is not competition from other manufacturers or the need to improve its productivity significantly; the activities of the Cain Labor Government are the worst problem facing that company.

I am grateful to Mr McIntosh, the Managing Director of Aspin Yarns Pty Ltd for the detailed work he has put into outlining the difficulties created by the new scheme. He has pointed to problems that have been raised by many members of the community. There is no financial incentive, but a disincentive, to return to work. Contact between officers administering the WorkCare scheme and employers is at an unsatisfactory level.

The National Party has received numerous letters referring to the benefits brought about by WorkCare. It is possible for people to receive \$40 or \$50 a week more under WorkCare than they earned before suffering their injuries. Employees suffering injury can continue to refuse rehabilitation and light work alternatives, but they are entitled to receive the full WorkCare benefits, which are almost at the average weekly wage level. There is no way that people will return to genuine work if such benefits are offered them.

I have a letter from the Town Clerk of the City of Knox and it is a pity that the Minister for Labour is not present in the Chamber. The town clerk states that 40 municipalities have received bills for increased premiums. Honourable members have been told about the massive savings that will be achieved by WorkCare, and that should be the case, but it appears that the paying of as-you-go benefits rather than providing a pension is not working. The Government must seriously re-examine the WorkCare scheme and get the system back on the rails.

The Honourable Bill Baxter in another place received a letter from the proprietor of a catering firm who indicated that similar difficulties were being faced by her company. I have been informed that members of staff of this Parliament are currently receiving WorkCare benefits. In one section of Parliament House five employees are in that category. That leads one to question the validity of the operation of the WorkCare scheme.

The administration of WorkCare is going from bad to worse. The annual report of the Accident Compensation Commission details numerous deficiencies in the scheme and I shall examine some areas of the report that should be reappraised by the Government.

I direct the attention of the Treasurer to the 1985–86 aims set out in that report and the achievements which were recorded after ten months, when the report was published.

The report deals with the number of claims, which has been set out as some sort of achievement. It states that the aim for the number of claims was 13.3 per 100 workers in the first twelve months. The achieved figure was 10.7 per cent for ten months, which adjusts to 11 per cent for twelve months. It is interesting that the rider attached to that figure is that it does not include the allowance for claims incurred but not recorded. How wide is that field? It is obvious that it must be far wider than the figure referred to in the annual report.

The cost of claims is another area that must force the Government to hang its head in shame. The cost of claims has gone through the roof. The aim was \$3690 a claim. The annual report does not state the cost of each claim. However, I have calculated it to be \$16 700, which is triple the cost of claims under the former scheme.

If one takes the total of benefits provided, which I mentioned earlier, and divides it by the number of claims—and the report mentions only 55 000 claims—it is obvious that the aim of almost \$3700 a claim has not been met. The report fails to take into account the under-reporting of claims for benefits for five days or fewer. If one wishes to calculate the average cost of claims, one must take the cost of the scheme and divide it by the number of claims, and that amounts to \$16 700 a claim. There is no way that the under-reporting of claims of five days or fewer should affect the cost of WorkCare. Claims of five days or fewer are fully funded by the employer.

The investment rate is a brighter side of the report. The aim for return on investment was 14 per cent but the Government achieved a commendable 27 per cent. However, there is another rider that one has to discover in the fine print. Some 54 per cent of that so-called 27 per cent return is unrealistic capital gains. If the sharemarket were to take a

crash or the property market were to slip back, that gain would not exist. Again, there is a twist in the way these areas have been presented.

The aim for administrative expenses was \$47 million, including \$20 million establishment costs in the first year. Does that mean administrative expenses should be \$27 million if the establishment cost is deducted?

On the achievement side, it cost \$42 million to administer the scheme over ten months but on top of that \$11 million in authorised payments was not included in costing WorkCare, which takes the twelve-month figure to \$64 million. I ask the Treasurer whether \$27 million is the cost of administrative expenses? If that is the case, actual administrative expenses are three times the aim of the scheme.

The average levy rate for the first ten years was to be 2.4 per cent. However, 2.2 per cent is the figure for one year. Next year a similar number of claims will be assessed, so it is presumed that the long-term recipients of benefits will double next year. In year 3 there will be another 50 per cent increase and in year 4 a 33 per cent increase and so on. If the average age of an employee who has an accident is 42 years and he receives a WorkCare pension until he is 65 years, some 23 years is involved before the benefits will reach a peak.

Under the former scheme, after suffering an injury, people would be paid their benefits for that year and then the whole scheme would start again the next year. I warn the Government that twenty years down the track this scheme will be responsible for taking Victoria down the gurgler.

The Treasurer accused the honourable member for Hawthorn, the Insurance Council of Australia Ltd, the Australian Chamber of Manufactures and me of being Cassandras and prophets of doom.

I urge the Treasurer to remember that Cassandra, although she was not believed, was right. In this case the National Party was spot on. What it said eighteen months ago is now turning out to be true. The National Party warned the Government. The Insurance Council of Australia Ltd estimated a debt within ten years if the present premium rates were maintained of \$8000 million just on WorkCare. That amount certainly makes the \$1500 million debt from third-party insurance pale into insignificance.

The National Party told the Government time and again to be responsible and accountable. Unfortunately, that is one thing the Government is not, and the Treasurer will always have that fact hanging over his head because he is the architect of the scheme. He designed the scheme and he will have to carry the can.

In its target, the Government said that the claims are to be accepted or disputed within 21 days. It said that in the first ten months, claims were accepted or disputed within sixteen days. That was an achievement, but it is unfortunate that claims are being rushed through with too much haste. They are not being supervised effectively. Any responsible Government would ensure that claims are properly investigated.

With regard to rehabilitation, in twelve months only 3000 people have been referred for rehabilitation out of 150 000 persons injured and we have no idea how many of those people actually sought rehabilitation because there is no compulsion to do so. Applicants can take the money and run. It is just too good. Who would look a gift-horse in the mouth?

One is reminded of the crossing supervisor at Warrnambool who is receiving ten weeks compensation for a 38-hour week when he was doing a 10-hour a week job. He is also being paid holiday pay.

The Cooney report raised a number of areas of real concern and I remind the Treasurer of what Mr Cooney said had to be done: he made the point that the Commonwealth should pay the medical benefits under Medicare. We are copping the lot!

The Government acted with undue haste in pushing the scheme through. It had only a matter of months, with the Nunawading Province by-election looming, to pass the draconian Bill and to use its numbers in another place. The National Party allowed the Bill to proceed because obviously it could not amend it. Therefore, nothing in the scheme can be blamed on National Party members. It is totally the Government's responsibility and it is the one issue in the past five years that will drag the Government down.

Mr Cooney, who is now Senator Barney Cooney, a Labor Senator, said that the Commonwealth should pay the medical expenses. The Treasurer said—and he has made this statement a number of times—that ongoing discussions with the Commonwealth had taken place. I should like to ask the Treasurer whether he could provide honourable members with the details of those discussions because I do not believe he has had any substantial discussions with the Commonwealth. The Commonwealth told him to go and whistle. It said, "You put the Bill through, you did not negotiate with us before you put it through and you can wear it."

The Commonwealth would be foolish to come out and offer him a gift now after he was so stupid as to allow the scheme to proceed without making adequate financial arrangements with the result that it will cost the State dearly in future.

I should like to take the Treasurer back to 1971, a time during which he was not responsible to Government. At that time payroll tax was handed over to the States as a growth tax. It was a quid pro quo tax. When the States received the expanded payroll tax, in return they lost some grants that they had previously received from the Commonwealth.

A similar situation now exists with the fringe benefits tax, which is nothing more than a payroll tax. It is paid by the employer. The Commonwealth is now sneaking back into the payroll tax area through the fringe benefits tax. If any Government in Australia should be going to the High Court and contesting the fringe benefits tax, it is the Victorian Government. It should use this situation as leverage, particularly with medical expenses and Medicare, in discussions with the Federal Government.

I do not think the Minister has either the brains or the backbone to bite the bullet and address that important issue. The Commonwealth is leading us a merry dance and we do not have people in the Ministry with enough backbone to get out and fight for the interests of Victorians. Other States have not let themselves be ridden over roughshod as the Victorian Treasurer has allowed Victoria to be.

Mr Cooney also suggested amendments to the Hospitals and Charities Act 1958 to reduce the double cost that seems to apply to WorkCare patients. We all know that for a WorkCare injury patient public hospitals charge approximately double the normal patient charge and whether a patient's problem is WorkCare related is often the first question asked when a person goes into hospital. As the honourable member for Hawthorn said, we have heard many promises but seen very little action.

Mr Cooney also made clear in his report that the State should have provisions to check medical overservicing. Within the State system there is no means of checking for medical overservicing. The Commonwealth has some responsibility to ensure that there is no medical overservicing in this area.

Once again I emphasise that there is absolutely no incentive for workers to return to work. The system is bound to the premise that the compensation is too good to be true. In many instances, the benefits notably exceed the recipient's pre-injury earnings.

I should like to raise concerns about the responsibility of the ethnic community. I hope that some honourable members in this House will take this message back to members of their ethnic communities because we are reaching the stage where certain ethnic groups are becoming unemployable owing to their reputation for abusing the WorkCare system.

I hope that the leaders in the ethnic community who share my concern in this matter will ensure that we do not continue to see the flagrant abuse of the present system.

WorkCare is becoming an absolute disaster. The sooner we see a massive reappraisal of the situation, the better. Mr Cooney told the Treasurer that the scheme should be fully funded and that there would be problems with medical overservicing. He told the Treasurer to attempt to institute some negotiations with the Commonwealth Government so that we would not be taken to the cleaners, but the Treasurer thought he was too smart. He said, "We will pass the Bill and sort all of that out later." Now the Commonwealth is laughing at us and saying, "Why should we give you anything?" In the negotiating, the Treasurer has given it all away.

A sensible bipartisan approach to this serious issue is required, and I stress again that there is certainly a great deal of sympathy for anyone with a genuine and legitimate claim. The Liberal Party also acknowledges the deficiency in the system. We must ensure a good shake-up of those administering the scheme. We need involvement from top line administrators from the business sector who understand the industry. We should also ensure accountability from the medical profession to get rid of the rorts in the system. The National Party hopes the Government will take the responsible and prompt action needed to reform WorkCare.

Mr JOLLY (Treasurer)—I welcome the opportunity of correcting the record placed before the House by the honourable member for Benalla in which he exhibited his own brand of social Darwinism and his ignorance of the operation of the WorkCare scheme.

Indeed, it should be a matter of public record that the honourable member for Benalla has raved on today about the number of people on WorkCare benefits. He said that the system is too easy and too costly. I remind the honourable member that the two major issues about WorkCare that have been brought to my attention by members of the National Party related, firstly, to common law, which obviously is exceedingly costly and the National Party has been not only a strong advocate of common law in this area but also in the case of third-party insurance, and, secondly, the issue of medical certificates.

The only representation that has been made to me on the issue of certificates is that that provision should be extended to include chiropractors being given the opportunity of providing the initial incapacity certificate. In other words, although the National Party criticises the present system in this House, in its only approach to me it has made a representation to extend the system so that a greater number of people may issue the first certificate of treatment.

In fact, an honourable member in another place led a delegation from the Australian Chiropractors Association on this particular point. The Liberal Party has raised this point also.

The National Party speaks with a forked tongue when its members pontificate on this subject and then make representations to me on matters which would give the opposite effect.

I point out to the honourable member for Benalla and to others who have short memories in relation to the workers compensation scheme that operated in this State prior to the introduction of WorkCare, the unanimous opinion among employers and employees and in their official organisations was that the old system of workers compensation in Victoria was not only costly but also it was inefficient and inequitable.

In the context of the inequities of the old system, it was apparent that there was no emphasis on the prevention of accidents at the workplace and there was no emphasis on rehabilitation. These matters are the cornerstones of the new system of WorkCare.

Many employers—and I say this without exception prior to WorkCare—made strong representations to me about the cost of the workers compensation system and that matter was highlighted in the Cooney report. It was highlighted in the documentation that was made available by the Victorian Government, and there was extreme concern about the increases of labour on-costs, particularly those caused by the cost of the workers compensation scheme. The Cooney report states:

A survey of 100 large companies, conducted by the Australian Industry Development Association, reveals that between 1974–82 on-costs grew at a rate on average some 60 per cent faster than direct wage costs. Further, the rate of growth of on-costs in calendar 1982 was 77 per cent higher than direct wage costs.

Through 1983, and in the years since 1974, workers compensation insurance costs have been the fastest growing component of labour costs.

The savings that have accrued to employers in Victoria have been substantial, indeed. The 2.2 per cent average levy rate over the first eighteen months of WorkCare is only 46 per cent of the 4.8 per cent average levy rate that the employers would have had to pay if the former system had continued.

Mr Micallef interjected.

Mr JOLLY—As the honourable member for Springvale has pointed out, it is less than half of what would have been paid if the old workers compensation system had been allowed to operate.

When one converts that in savings to employers, on the basis of 1986–87, that is a saving in labour on-costs alone of \$715 million as a result of these WorkCare reforms.

I shall now compare rates that apply in Victoria with those in New South Wales. New South Wales, in my view, has an archaic system of workers compensation. It is looking at changing the system because Victoria has led the way with its changes. When one examines the rates in Victoria and New South Wales prior to the introduction of WorkCare, the opposite position existed.

The rate in Victorian abattoirs is 3.8 per cent and in the New South Wales counterpart it is 18.76 per cent. In the clothing area—mentioned by the honourable member for Benalla who was obviously ignorant of Victoria's position—the rate in Victoria is 2.66 per cent, while in New South Wales it is about five times that rate at 11.1 per cent.

In the printing and publishing area Victoria's rate is 3.23 per cent while New South Wales has a rate of 5.14 per cent. In the textile area Victoria's rate is 2.66 per cent and in New South Wales the rate is 13.03 per cent. The metal industry rate in Victoria is 2.66 per cent to 3.80 per cent. In New South Wales the rate is 9.95 per cent to 22.81 per cent.

In the farming and grazing area—obviously a matter which concerns all National Party members, whether they are in the Joh faction or not—the rate in Victoria is 3.23 per cent to 3.8 per cent and in New South Wales the rate is 8.55 per cent.

The rate in the bread manufacturing area in Victoria is 3.23 per cent and in New South Wales it is 9.54 per cent. The road construction area in Victoria has a rate of 3.8 per cent compared with the New South Wales rate of 13.75 per cent. Victorian hotels have a rate of 2.66 per cent compared with the New South Wales rate of 3.98 per cent.

There is no doubt that not only has the new system of WorkCare produced substantial savings for employers in this State, but also the costs are much lower than those in New South Wales.

Mr McNamara interjected.

Mr JOLLY—The honourable member for Benalla should listen for once to fill that empty vessel.

If honourable members compare the position in New South Wales with that of Victoria they will see that Victoria is doing better. As the Government stated when the WorkCare proposals were introduced in this State, one of its aims was to lower the labour on-costs—that has been done—in the interest of increasing employment in Victoria. The Government stated in its documents that its aim was to add to the number of jobs in this State to the order of 25 000 jobs.

In the period from February 1986 to February 1987, Victoria has had an outstanding employment record; it is certainly better when one compares it with the rest of Australia.

In fact, over the past twelve months alone, Victoria has increased its employment rate by 46 700 new jobs.

The increase for Australia was 127 200. In other words, of the new jobs created in Australia over the past twelve months, 37 per cent were in Victoria, yet Victoria has only 26 per cent of the population of Australia. Clearly our employment record is outstanding and one of the contributing factors has been the lowering of labour on-costs brought about by the introduction of WorkCare.

Without exception, employers made representations to me that it was essential for employment and investment in this State that workers compensation costs were lowered. This has been done by the Government and the private sector has responded by creating new jobs and new investment in this State.

I have explained the situation concerning new jobs and the fact that Victoria has the lowest unemployment rate of any State in Australia.

Mr Gude interjected.

Mr JOLLY—If the honourable member for Hawthorn cared to examine the statistics, he would find that in the last 36 months of the Liberal Government in this State—possibly the last Liberal Government in this State forever—on only eight occasions did Victoria have the lowest unemployment rate.

Mr Gude interjected.

Mr JOLLY—The honourable member for Hawthorn does not want to know the figures. When an answer is given, he changes his tune.

For the past 45 months in a row, Victoria has had the lowest unemployment rate of any State in Australia. In part, that is a result of the WorkCare reforms that have been undertaken. The Government has delivered. It has lowered the cost by \$715 million compared with the old scheme. Employers are responding to that because 37 per cent of the new jobs in Australia have been created in Victoria. No-one can successfully deny that Victoria has the lowest unemployment rate of any State in Australia.

I turn now to business investment. The State estimates of private new capital expenditure, according to the latest figures, show that employers are responding in terms of investment as well as in employment. In fact, the increase for Victoria for the September quarter of 1986 was 11 per cent. The remainder of Australia had a decline of 3 per cent. Clearly Victoria has become the investment powerhouse of Australia.

One reason for that increase has been the WorkCare scheme and its effect of lowering costs. How does that translate into value of investment for Victoria? The Australian Bureau of Statistics figures for the September quarter of 1986 indicate that investment in Victoria was \$1588 million. As a matter of interest, that compares with the Queensland figure of \$760 million. For the first time to my knowledge, Victoria has had the highest level of private investment of any State in Australia. New South Wales was below Victoria with \$1566 million.

It has been acknowledged in certain quarters in New South Wales that one of the reasons for the higher growth of investment in Victoria was the WorkCare reforms. It is no wonder that the Metal Trades Industry Association of Australia has been advertising in the local media in New South Wales that fundamental changes should be made to the workers compensation system in that State. In support of that proposition, the association has highlighted the much lower rates in Victoria than in New South Wales. It has done that because it regards that lower rate in the workers compensation system as an important ingredient in investment decisions.

Victoria has led the way in workers compensation reform. Other States are following, albeit at a slower rate. Some changes have been made in South Australia, and New South Wales is considering a number of proposals to reform its workers compensation system.

I remind the honourable member for Benalla of the nature of the changes that have taken place under WorkCare. Honourable members should be aware of the complex nature of the changes and that these changes represent the most significant social and economic reform that has taken place in this State since the second world war.

With respect to accident prevention, a number of organisations have been working to reduce the incidence of industrial accidents and diseases in this State. The Occupational Health and Safety Commission is specifically designed to ensure that a reduction in industrial accidents will be effected, and an education program instigated by the Minister for Labour is working extremely well.

The incentive system that will be developed under the WorkCare arrangements will apply bonuses and penalties to levies that will be developed in the period ahead.

Accident prevention is an important element in workers compensation reform, and proposals are well under way to achieve the objective of reducing industrial accidents and diseases in Victoria.

Another important area is rehabilitation. The Government has instigated a comprehensive rehabilitation program that concentrates not only on returning people to the work force but also on allowing them to live as normal lives as possible after an industrial accident. That objective should be shared by everyone.

Prior to the introduction of WorkCare, Victoria had virtually no rehabilitation program. Since the setting up of the Victorian Accident Rehabilitation Council, a tripartite body consisting of representatives of employers, trade unions and Government, 13 366 cases have been referred for rehabilitation—not 3000 as suggested by the honourable member for Benalla in his longwinded and irrelevant speech. The council is serving as a model for rehabilitation centres. It already has two registered community health centres and ten private rehabilitation providers.

The Government has established a chair of rehabilitation medicine at the University of Melbourne, has funded additional student places at the Lincoln Institute of Health Sciences to accelerate training for allied health professionals, and has established short courses for training allied health professionals to enable re-entry to professional practice.

Rehabilitation is an important aspect of the scheme and the Government indicated in its reform proposals that it would be developed over a three to five-year time frame.

It is important to recognise that, in introducing such a fundamental change to the system, one cannot completely change it overnight.

The honourable member for Benalla indicated that benefits cannot be terminated if people unreasonably refuse rehabilitation. I refer him to section 112 of the Accident Compensation Act, a section that I am sure he has not read. It would assist the honourable member to understand the workings of the Act, if he would examine that section. It provides:

(1) On application by the Commission or a self-insurer, if the Tribunal considers that a worker has unreasonably refused an offer made to a worker of suitable employment or an offer made to the worker of suitable employment which offers increased weekly earnings, or has unreasonably refused an offer made to the worker by the Commission or self-insurer which would have resulted in an increase in his or her employment capacity or capacity for increased earnings, the weekly payment to the worker shall be the amount determined by the Tribunal.

(2) The Tribunal in making a determination under sub-section (1) shall have regard to the weekly earnings that in the opinion of the Tribunal the worker would have earned if the worker had not unreasonably declined the offer.

The point is that increased employment capacity or the capacity for increased earnings is considered and that the refusal of rehabilitation which the tribunal considers to be unreasonable, which would result in increased employment capacity or increased earning capacity, may result in a reduction of benefits. It is important for the honourable member

for Hawthorn to understand that section: I am sure he became aware of it only when I read it out.

One of the advantages of the debate is that the honourable member for Benalla and the honourable member for Hawthorn may obtain a better understanding of the operation of WorkCare and may be able to advise people in the appropriate way when representations are made to them.

I ask honourable members to examine the performance of the accident compensation system. The average levy rate for the first eighteen months is 2.2 per cent, and the Government has indicated that it requires a levy rate of 2.4 per cent over the ten-year period of a fully-funded system. The Government has said that no increase will occur for five years in the average levy paid by employers, so there is a degree of certainty about premium levels when compared with the previous scheme.

Under the previous scheme premiums were escalating rapidly. The levy for WorkCare is a set percentage in average terms, and that levy will be set in accordance with the provisions of the legislation and the operation of the Accident Compensation Commission.

The honourable member for Benalla skirted around the issue and did not debate the substance of the WorkCare system. The honourable member outlined the negatives associated with WorkCare, but did not consider the achievements. One of the achievements is that the average rate of return on funds invested by the Accident Compensation Commission, including unrealised capital profits, is 38 per cent. That is an important factor, because the models that were provided by the Government considered initial returns of 14 per cent, declining to 9.5 per cent. The income from investments is far higher than was originally envisaged; so, in examining the total cost and performance of the scheme, that factor should be taken into account.

One major reason why the commission has been able to earn such a high return is that it has engaged the best fund managers in Victoria—indeed, in Australia—to invest its funds. In other words, the commission is using private sector expertise in the financial area to ensure that the cost of WorkCare to employers is kept to an absolute minimum.

I also indicate to the honourable member for Benalla that, in criticising claims administration agents, he is directly criticising the private sector, because the claims administration agents that operate, with the exception of the State Insurance Office, are in the private sector.

The Accident Compensation Commission is already examining the performance of the claims administration agents. The honourable member for Hawthorn interjects and says, "Big Brother". He cannot have it both ways. In one instance the honourable member says that the scheme should operate within the framework of the Act; but as soon as I suggest that the commission is closely examining the procedures of the claims administration agents, the honourable member talks about Big Brother. It is a pathetic approach. It is typical of the Liberal Party's approach.

The honourable member for Hawthorn is one of the leadership contenders for the Liberal Party. The big advantage that the honourable member has over his Leader is that he does not have a car phone—his expletives have not reached such public heights.

The claims administration agent system will be constantly monitored, and changes will be made to ensure that better performance is obtained from those agents. The commission is acting to ensure that the performance of those agents is upgraded.

If the claims administration agents do not improve their performance, the commission can terminate their contract. That course will be adopted if the commission believes an agent is not performing adequately. I remind the honourable member for Benalla that, in commenting about the agents, he is criticising the performance of the private sector and not the bureaucracy.

I shall now refer to the delays in the system which operated prior to the commencement of WorkCare and illustrate how the system has changed over time.

At the time WorkCare commenced, a backlog of 25 000 cases existed and the average delay was two years. I am advised that the backlog has now been reduced to 16 000 cases and the average delay is less than eighteen months.

I place on record the important role of conciliators, an innovation introduced by WorkCare. The conciliators are clearing up to 35 cases a day, which has resulted in a substantial reduction in legal costs. It is interesting to note that legal costs have decreased from 15 per cent of the employer premium to 1 per cent. That is an extremely important benefit that WorkCare has delivered.

The Government is in the process of reviewing WorkCare. It has invited submissions from a large number of organisations asking them to suggest changes they believe should be made to the scheme. Several organisations have already made submissions. The review is extremely important because the Government wants the system to continually improve. At the end of his longwinded speech, the honourable member for Benalla implied that the new system was better than the old system.

Mr McNamara—I said there were improvements but there are still a lot of faults.

Mr JOLLY—In the spirit of conciliation, I recognise that improvements must be made and that is why the Government is reviewing the scheme. I welcome any constructive suggestions that the honourable member for Benalla might have, but I did not hear any today.

So that honourable members will understand the breadth of the review, I indicate that submissions have been requested from the Australian Medical Association, the Australian Physiotherapy Association and the Australian Chiropractors Association.

Mr Leigh—Mr Acting Speaker, because this is such a wonderful speech, more Government members should be present to hear it. Therefore, I direct your attention, Sir, to the state of the House.

A quorum was formed.

Mr JOLLY—The Government has also requested submissions from the Victorian Self-Insurers Group, the Association of Approved Rehabilitation Providers, the Victorian Hospitals Association, the Private Hospitals Association of Victoria, the Law Institute of Victoria—which has not yet presented its submission—the Trades Hall Council and the Victorian Congress of Employers Association.

Mr Gude—What about the MTIA?

Mr JOLLY—I am sure the Metal Trades Industry Association of Australia will make a submission, as will the Business Council of Australia. I welcome submissions from all interested parties.

The honourable member for Benalla believes the benefits provided by WorkCare are too generous. He obviously wants to drive people into poverty. I do not know whether the honourable member for Hawthorn advocates a reduction in benefits.

I shall refer to a comparison of the level of benefits in 1984–85 for Victoria, New South Wales and Queensland. The payments for death benefits were: Victoria, \$61 750; Queensland, \$47 000; and New South Wales, \$60 000. Presumably the honourable member for Benalla wants to reduce the Victorian death benefit to the level of the benefit provided by Queensland, but the Government is opposed to that.

Payments for benefits for total incapacity up to 26 weeks were: Victoria, 80 per cent of weekly earnings with a limit of approximately \$430; Queensland, the award rate; and New South Wales, the award rate with a limit of \$270. The payments or the benefits or total incapacity for more than 26 weeks were: Victoria, 80 per cent of weekly earnings;

Queensland, the guaranteed minimum wage; and New South Wales, 90 per cent of weekly earnings.

If a person is genuinely injured in Victoria in a way that prevents him from working again, he or she is entitled to a reasonable benefit throughout what would have been his or her working life. In Queensland, the maximum benefit is \$47 000. If one is genuinely injured in that State, one hardly receives any money and is forced into poverty. That is the alternative advocated by the honourable member for Benalla.

In summary I emphasise three points: firstly, the WorkCare system is far more efficient than the old system. Secondly, it is a lot less costly. Employers have benefited from average savings of \$715 million. That is why Victoria is the investment powerhouse of Australia and for the past 45 months has had the lowest unemployment rate of any State in Australia. When the Liberal Party was in government, Victoria had the lowest unemployment rate on only eight occasions out of 36. Thirdly, the system of benefits that has been delivered by the Government is more equitable than the previous system and the emphasis is on rehabilitation.

I thank honourable members for their indulgence; as a result of my speech, they will have a far better understanding of the WorkCare system in this State.

Mr GUDE (Hawthorn)—In the few seconds left to me I shall address the matter of rates. As is his continuing practice, the Treasurer has attempted to deceive. Although the Government has reduced rates in a number of industries, which were selectively quoted earlier by the Treasurer, it is changing the classifications.

At present before the Accident Compensation Tribunal is a test case, which relates to L. Wirski Nominees Pty Ltd, that will throw the system into disarray. Also the Treasurer should examine section 237, which provides for a complaints investigator. This position has not been filled thus far and, should be filled.

In accordance with Sessional Orders, the debate was interrupted.

The ACTING SPEAKER (Mr Kirkwood)—Order! The time appointed under Sessional Orders for Government Business to take precedence has now arrived. The honourable member for Hawthorn has the right to continue his speech, if the motion again comes before the Chair.

The sitting was suspended at 1.2 p.m. until 2.4 p.m.

EDUCATION ACTS (AMENDMENT) BILL

Mr CATHIE (Minister for Education)—I move:

That this Bill be now read a second time.

Its purpose is to amend both the Education Act 1958 and the Teaching Service Act 1981.

The major amendment to the Education Act is contained in clauses 4, 5, 10 and 11. Clauses 4 and 5 provide for the transfer of declared categories of persons currently employed by school councils to employment by the chief executive. Clauses 10 and 11 contain amendments consequential upon the transfer.

The changed mode of employment will result in greater efficiency across the school system as a whole, since it will allow for the redeployment of staff in the declared categories within agreed guidelines for schools staffed in excess and at the same time provide promotion and transfer rights between schools. It will also result in financial savings being achieved through the more efficient distribution of staff resources.

The transferees will continue to be employed under the Education Act and the school councils will still effectively remain as the employer for staff selection, leave and promotional purposes through the delegation of powers by the chief executive.

Clauses 6 to 9 provide for the amendment of the definition "school" as it relates to the registration of non-Government schools, make other consequential amendments and clarify certain terms and provisions in the Act. This amendment has the effect of enabling the Government to exercise control over the standard of education provided for all children of the State, by ensuring that all non-Government schools come within the jurisdiction of the Registered Schools Board.

At present for a school to be registered there has to be at least twenty pupils. When the present legislation was enacted, it was not anticipated that anyone would want to operate a school of fewer than twenty pupils unless it was a small rural school, a special school or one of the other exceptions provided for in the Act.

However, the Government has recently become aware of schools which have fewer than twenty pupils which do not fall into these categories. Nobody can pretend that such schools can offer an effective educational program.

The purpose of clauses 8 and 9 is to close the technical loophole which has permitted unregistered schools to operate even though they have fewer than twenty pupils and do not fall within any of the exceptions set out in the principal Act.

Clause 12, the final clause, amends the Teaching Service Act to provide for the tenure of office of the Chairman of the Teaching Service Appeals Boards and other circumstances under which the office of chairman would become vacant. This amendment fulfils the undertaking given by the Government that legislation to include these provisions in the Act rather than continue to prescribe them by regulation would be introduced during this session of Parliament.

I commend the Bill to the House.

On the motion of Ms SIBREE (Kew), the debate was adjourned.

It was ordered that the debate be adjourned until Tuesday, April 7.

LAND (MISCELLANEOUS MATTERS) BILL

Mr CATHIE (Minister for Education)—I move:

That this Bill be now read a second time.

The second-reading speech has been prepared in two sections in the interest of saving time. I propose to read the first section which gives a brief outline of the provisions of the Bill. The second section provides detailed information and is incorporated in the copies of the speech circulated for the information of honourable members. As I do not propose to read the second section of the speech to the House, I shall seek leave to have that section incorporated in *Hansard* as part of the second-reading speech to the Bill.

As stated earlier, I shall now give a brief outline of the provisions of the Bill. Firstly, it provides for the revocation of permanent reservations in respect of two parcels of land, the particulars of which are described in the schedules to the Bill. Secondly, it repeals the Port Fairy Land Act 1981.

BOTANIC GARDENS AND RESEARCH INSTITUTE CRANBOURNE ANNEXE

The land referred to in Item 1 of Schedule 1 of the Bill and shown hatched on the plan in Schedule 2 is an area of 3.6 hectares forming portion of the Botanic Gardens and Research Institute Cranbourne Annexe.

Excision from the reserve is required to enable that land to be exchanged for other reserved land to provide each reserve with land more suited to the purposes of the reserves.

WATER SUPPLY RESERVE, COLERAINE

The land referred to in Item 2 of Schedule 1 of the Bill is a water supply reserve at Coleraine known as the Peter Francis Points Reserve.

The reserve is not used for the purpose for which it is reserved and revocation will enable part of the area to be re-reserved to protect the native plants arboretum which is situated on the reserve.

REPEAL OF PORT FAIRY LAND ACT 1981

This Act is no longer required and should be removed from the statutes. The proposed leasing of Crown land for the purpose of boat building has not eventuated and the Government would not wish to sanction such a lease of frontage land to the Moyne River at Port Fairy. I commend the Bill to the House.

I seek leave to incorporate the second section of the printed second-reading notes into *Hansard*.

Leave was granted, and the second section was as follows:

BOTANIC GARDENS AND RESEARCH INSTITUTE CRANBOURNE ANNEXE

In 1970 the State purchased from the Commonwealth an area of about 160 hectares of land at Cranbourne for the purpose of establishing a native flora garden as an adjunct to the Royal Botanic Gardens. The land together with other adjoining purchased land has been permanently reserved and is known as the Botanic Gardens and Research Institute Cranbourne Annexe.

Most of the land purchased from the Commonwealth lies south of an unused section of Ballarto Road, the other portion being an area of 3.6 hectares adjoining the northern side of that road bounded on the north and east by a section of the Cranbourne racecourse reserve proposed to be used for the establishment of a training complex for racehorses and greyhounds. This area of 3.6 hectares has not been used for the purpose of the reserve. Much of that land is lake or swamp and has been subject to dumping and sand extraction.

In view of the proposed realignment and construction of Ballarto Road slightly north of its existing alignment in this vicinity, an area of about 1.5 hectares of the racecourse reserve will become isolated from the remainder of that reserve. The land proposed to be isolated from that reserve is relatively undisturbed bushland interspersed with areas of bare sand left by mining.

An exchange of reserved land of mutual benefit has been agreed between the Minister for Conservation, Forests and Lands and the Minister for Sport and Recreation, and requires Parliamentary sanction of the revocation of the 3.6 hectares of the annexe reserve.

Upon revocation of that portion of the annexe reserve, that land can then be re-reserved for racecourse purposes under the Crown Land (Reserves) Act and in exchange the 1.5 hectares of the racecourse reserve will be re-reserved as an addition to the annexe reserve.

Both reserves will benefit from the exchange. The racecourse reserve would no longer have a strip of botanical gardens land protruding into the south-west corner of the racecourse reserve and the portion of the racecourse reserve to be isolated from the remainder of the reserve by the new Ballarto Road alignment would be of no use for racecourse purposes. The annexe reserve will benefit by the addition of a strip of land south of the new alignment of Ballarto Road which will act as a buffer for the remainder of the reserve and which in any case is more suitable for the purposes of the annexe reserve. It is also intended that the section of Ballarto Road no longer required be closed and added to the annexe reserve.

WATER SUPPLY RESERVE, COLERAINE

An area of 37 hectares of Crown land in the south-east of the township of Coleraine was permanently reserved for water supply purposes in 1874 but now the reserve is no longer required for water supply. The reserve is known as the Peter Francis Points Reserve.

From 1979 until last year, the reserve was formally controlled by the Shire of Wannon as committee of management but now it is managed by the Department of Conservation, Forests and Lands. The shire had informally controlled the land since the 1880s and in 1978 established an advisory committee which included representatives of the shire council, the Wannon Conservation Society, the Coleraine Primary School Council and the Apex Club.

Since the early 1970s Mr Peter Francis and local people have developed an arboretum covering about 16 hectares in the eastern part of the reserve. The arboretum has become recognised as a valuable State botanical asset and tourist feature. The eucalypt plantings are of international significance.

The Land Conservation Council in its final approved recommendations for the south-west II study area recommended that the arboretum area be made a permanent flora reserve to be controlled by the Department of Conservation, Forests and Lands.

The western part of the reserve has been developed as a pine plantation and a small native plant section by the Coleraine Primary School under occupancy approved by the Ministry of Education. The centre-northern section of the reserve is pasture, contains a dam and is used for sheep agistment under the control of the Apex Club of Coleraine as a fund raiser for the advisory committee of the reserve.

It is now proposed that the reserve be revoked by the provisions of the Bill and that immediately after revocation the arboretum area be re-reserved for an appropriate purpose which will satisfy the recommendation of the Land Conservation Council. The remainder of the land except for the Ministry of Education pine plantation area is to remain under the control of the Department of Conservation, Forests and Lands. The education Ministry's pine plantation area will remain under the control of that Ministry until the pines are harvested. The Apex Club will continue to use the grazing section of the land as a fund-raiser for the reserve for the time being. However, the club has been informed that this section will be required for other uses in the future in accordance with a management plan to be prepared by the Department of Conservation, Forests and Lands for all of points reserve. The reserve advisory committee will continue to have an advisory role in the management of the reserve.

The Shire of Wannon, the Rural Water Commission and the reserve advisory committee are all agreeable to the proposal. The Ministry of Education and the Apex Club of Coleraine have been made aware of the proposal and have raised no objections.

The opportunity is taken of expressing the gratitude of the Government and the thanks of the people of Victoria to Mr Peter Francis and all local people involved in the development of the arboretum. It is a magnificent collection of native plants which should be cherished by the people of this State. The future reservation of the arboretum area and the recent appointment of a ranger for the points reserve land will ensure that it will be protected and nurtured for the benefit of future Victorians, Australians and visitors to our country.

REPEAL OF PORT FAIRY LAND ACT 1981

The Port Fairy Land Act 1981 was enacted to enable a lease for the purpose of a boat-building business to be granted over approximately 1200 square metres of permanently reserved Crown land adjoining the Moyne River at Port Fairy. It was intended that a lease of the site be granted to Mr G. Stewart who conducts the only professional boat-building business in Port Fairy and services both the private boating and fishing interests. His business is conducted on freehold land in Gipps Street.

Although the Crown land was rezoned under the Borough of Port Fairy Planning Scheme to allow boat-building on the site, there was some measure of local opposition to the proposed use of the land when the Port Fairy borough council refused to consider Mr Stewart's application for a planning permit in January 1983 on the grounds that further information was required.

In February 1983 Mr Stewart withdrew his application for a permit to use and develop the site and he has not applied for a lease. Mr Stewart decided at that time to take up with the council the possibility of finding an alternative site for his boat-building business. No alternative site has been found by the council and Mr Stewart still operates his business from the Gipps Street property.

The Government does not support use of the site for boat-building purposes because the area available for slipway and boatshed is inadequate. The nearby ports and harbours slipways are not fully utilized, the proposed development is environmentally unacceptable and such development would prevent and impede pedestrian access to and along the river bank. In the circumstances the Port Fairy Land Act 1981 should be repealed.

On the motion of Mr PLOWMAN (Evelyn), the debate was adjourned.

It was ordered that the debate be adjourned until Tuesday, April 7.

INDUSTRIAL RELATIONS (MISCELLANEOUS AMENDMENTS) BILL

Mr CRABB (Minister for Labour)—I move:

That this Bill be now read a second time.

The Bill has as its primary objective the improvement of certain operations and systems of the Industrial Relations Commission. In May 1986 the president of the commission was directed to commence a review of the commission's operations with the aim of identifying any changes to the principal Act that may be required.

The review was completed late last year and the amendments contained in the Bill incorporate recommendations arising from that review.

Many of the amendments are administrative matters which I shall not discuss in detail. I shall, however, comment on the more substantial amendments. These amendments fall into two main categories; structural changes and procedural changes.

STRUCTURAL CHANGES

At present, members of the commission operate within a three-tier structure. President and deputy presidents, commissioners, and chairpersons. The Act now provides for two commissioners and as many chairpersons as are necessary. Currently there are seven chairpersons. The Bill proposes that the commission only comprise a president, deputy presidents and commissioners. This will provide the commission with the opportunity of convening more full session hearings as existing chairpersons will be nominated as commissioners. An increasing demand is being placed on the commission to convene in full session and the availability of more commissioners will allow this to occur. The role of chairperson will remain under the proposed Bill and the role will be taken by commissioners on assignment by the president.

It is also proposed that the composition of a full session is to be changed. Currently the full session must be comprised of the president or deputy president sitting with two commissioners. The Bill provides for a full session of at least three members, one of whom must be the president or any deputy president. This amendment follows from the creation of more commissioner positions and allows more flexibility in convening full session sittings.

Conciliation and Arbitration Boards of the Industrial Relations Commission meet on approximately 1500 occasions to hear unfair dismissal applications. Currently the Act requires half the members of the board to attend cases of this sort. Various users of the industrial relations systems have suggested a reduced quorum for unfair dismissal hearings. This suggestion has been incorporated in the amendments.

PROCEDURAL CHANGES

One of the major amendments under this heading is that concerning compulsory conferences. Settlement of industrial disputes are sometimes delayed because of the refusal of parties to attend discussions. The Bill provides a power to members of the commission to compel persons to attend conferences to settle disputes. The power will be based on that found in corresponding Federal legislation. A penalty of 10 penalty units accompanies the power.

It is apparent that many unfair dismissal hearings could be averted if applicants—those persons dismissed—and employers could have more time to settle the dispute informally. The existing provisions of the Act require an unfair dismissal application to be lodged with the registrar of the Industrial Relations Commission within four days of the dismissal taking place. Originally it was thought a period of only four days would reduce uncertainty as to the consequences of a dismissal.

Practice has shown that the short time available to lodge applications leaves little time for employees and employers to discuss the consequences of the termination. It is proposed that dismissed employees be given ten days to lodge applications with the commission.

The remainder of the provisions in the Bill, as I have said earlier, are fundamentally administrative and I direct honourable members to the clause notes.

On the motion of Mr REYNOLDS (Gisborne), the debate was adjourned.

It was ordered that the debate be adjourned until Tuesday, April 7.

AGRICULTURAL ACTS (AMENDMENT) BILL

Mr JOLLY (Treasurer)—I move:

That this Bill be now read a second time.

The main purpose of the Bill is to make a number of minor amendments to individual Acts: the Marketing of Primary Products Act 1958; the Tobacco Leaf Industry Stabilization Act 1966; the Wheat Marketing Act 1984; the Swine Compensation Act 1967; and the Broiler Chicken Industry Act 1978.

A number of the proposed amendments concerning the Tobacco Leaf Marketing Board, the Tobacco Quota Committee and the Tobacco Quota Appeals Tribunal are a result of the Public Bodies Review Committee's reports concerning these bodies tabled in Parliament on 22 October 1986. Among other matters, the reports recommended that the Tobacco Quota Committee be abolished and that the responsibility for tobacco quotas be transferred to the Tobacco Leaf Marketing Board. Further, the reports also recommended that the Tobacco Quota Appeals Tribunal be abolished and that the functions of the tribunal be referred to the Administrative Appeals Tribunal.

By virtue of the operation of section 4P (4) of the Parliamentary Committees Act, both of these bodies will cease to exist on 22 October this year, and it is, therefore, necessary to take legislative action for the changed responsibilities recommended by the Public Bodies Review Committee to be given effect.

THE MARKETING OF PRIMARY PRODUCTS ACT 1958

The opportunity is being taken in the Bill to make amendments to the Marketing of Primary Products Act 1958 to insert new requirements for submitting annual reports, together with updated financial and audit provisions. Marketing boards have been given the standard borrowing powers in order to facilitate their functions.

The Tobacco Leaf Marketing Board has been given objectives for the marketing of tobacco in line with the report of the Public Bodies Review Committee.

THE TOBACCO LEAF INDUSTRY STABILIZATION ACT 1966

The Tobacco Leaf Industry Stabilization Act 1966 has also been amended to take account of the recommendations of the Public Bodies Review Committee's report into the tobacco industry.

A provision has been included in the Bill for the Tobacco Leaf Marketing Board to report on its administration of the tobacco quota system in its annual report.

THE WHEAT MARKETING ACT 1984

The report of the Public Bodies Review Committee concerning the Victorian Wheat Advisory Committee tabled in Parliament on 7 May 1986 recommended the abolition of the Victorian Wheat Advisory Committee as a statutory body. Again, by virtue of the operation of the Parliamentary Committees Act, the Victorian Wheat Advisory Committee will cease to exist as a statutory body as from 7 May 1987, and the opportunity has been taken in the Bill to formally repeal those sections of the Wheat Marketing Act 1984 which relate to the committee.

SWINE COMPENSATION ACT 1967

Discussions have been undertaken over several years, and agreement has been reached with representatives of the pig industry and a number of Government agencies concerning surplus moneys held in the Swine Compensation Fund. The Bill proposes to amend the Swine Compensation Act 1967 to authorise the Treasurer, on the recommendation of the Minister for Agriculture and Rural Affairs, to make payments from the fund for projects for the benefit of the pig industry. Sufficient moneys, based on departmental advice, will

be retained in the fund at all times to meet any future contingencies in the pig industry. In any case, such funds will never be less than \$500 000.

The Bill proposes to establish a Swine Industry Projects Advisory Committee. The function of the advisory committee is to advise the Minister for Agriculture and Rural Affairs on any proposed projects for which payment from the Swine Compensation Fund is sought and on any other matter referred to it by the Minister.

BROILER CHICKEN INDUSTRY ACT 1978

The Broiler Chicken Industry Act 1978 is to be amended to replace a reference to the Arbitration Act 1958 with a reference to the Commercial Arbitration Act 1984. This reference was not changed at the time the Commercial Arbitration Act 1984 was passed.

Overall, the amendments contained in the Bill incorporate recommendations of the Public Bodies Review Committee and include several amendments of a housekeeping nature.

I commend the Bill to the House.

On the motion of Mr AUSTIN (Ripon), the debate was adjourned.

Mr JOLLY (Treasurer)—I move:

That the debate be adjourned until Tuesday, April 7.

Mr AUSTIN (Ripon)—On the question of time, an adjournment of the debate until Tuesday week gives honourable members only a short time to consider the measure. Five Acts are amended by the Bill and, therefore, five different groups of people will have to be contacted, many of whom are situated well away from the metropolitan area. Therefore, I seek an adjournment of the debate until Tuesday fortnight.

Mr FORDHAM (Minister for Industry, Technology and Resources)—I give an undertaking to the Deputy Leader of the Opposition that, if he requires additional time, it will be made available.

The motion was agreed to, and the debate was adjourned until Tuesday, April 7.

ANIMAL PREPARATIONS BILL

Mr JOLLY (Treasurer)—I move:

That this Bill be now read a second time.

The report of the Public Bodies Review Committee concerning the Stock Medicines Board was tabled in Parliament on 8 May 1986. The committee recommended that there is a need to provide a uniform registration system for animal preparations and for greater control over the sale and use of stock medicines, stock foods and stock pesticides.

Its report recommended that the Stock Medicines Board be abolished and be replaced by another statutory body with wider powers and responsibilities. By virtue of the operation of section 4P (4) of the Parliamentary Committees Act 1968, the Stock Medicines Board will cease to exist on 8 May this year unless Parliament passes legislation to ensure the continuation of the board.

The Bill adopts all of the key recommendations for legislative change made in the report of the Public Bodies Review Committee.

The purpose of the Bill is:

to establish a single registration system for all types of animal preparations;

to provide for greater control over the sale and use of animal preparations; and

to continue the Stock Medicines Board in existence, pending the establishment of the Animal Preparations Board.

Part 2 of the Bill deals with the registration of animal preparations. Provision has been made to exempt from the requirements of the Bill substances that pose no hazard to the public, any animal or to any trading arrangements. Offence provisions are included in this Part dealing with the sale or use of an animal preparation that is not registered or exempted within the meaning of the Bill.

Part 3 establishes the Animal Preparations Board. The functions of the board are to make recommendations to the Chief Administrator of the Department of Agriculture and Rural Affairs concerning animal preparations. This includes registration, composition, labelling, sale and use, and standards of animal preparations. Annual reporting of the activities of the Animal Preparations Board is provided for, to enable future evaluation of the effectiveness of the activities of the board.

Under Part 4, the Chief Administrator of the Department of Agriculture and Rural Affairs is empowered to appoint authorised officers to administer the legislation.

Part 5 of the Bill deals with the regulation-making powers, and Part 6 concerns repeals, consequential amendments and saving provisions arising from the Bill. The Stock Medicines Board is to continue in existence until the Animal Preparations Board is established.

The Victorian Government believes there should be a single national registration system for animal preparations. Discussions are being held with the Commonwealth and other States concerning the introduction of a uniform registration system. The Government hopes these discussions will result in a single national system as soon as possible. In the meantime, the opportunity has been taken to build into this Bill the necessary flexibility to enable the adoption of any nationally agreed procedures and standards for the registration process. For this reason, much of the detail of the proposed legislation will be by prescription and proclamation.

In view of the agreement of the opposition parties to the report of the Public Bodies Review Committee and reform of the legislation, I seek the cooperation of this House in ensuring that the Bill is dealt with expeditiously.

I commend the Bill to the House.

On the motion of Mr AUSTIN (Ripon), the debate was adjourned.

Mr JOLLY (Treasurer)—I move:

That the debate be adjourned until Tuesday, April 7.

Mr AUSTIN (Ripon)—On the question of time, an adjournment of the debate until Tuesday week may provide sufficient time, but I again ask the Deputy Premier to give the same undertaking as he gave in regard to the adjournment of the debate on the Agricultural Acts (Amendment) Bill.

Mr FORDHAM (Minister for Industry, Technology and Resources)—I give the Deputy Leader of the Opposition the same undertaking.

The motion was agreed to, and the debate was adjourned until Tuesday, April 7.

STATE TRUST CORPORATION OF VICTORIA BILL

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

That this Bill be now read a second time.

The Bill effects some historic reforms in the law relating to Government trustee services. It is a first, not only for Victoria but also the whole of the English speaking world.

The principal purpose is to reform the Public Trust Office to allow a more entrepreneurial and commercially oriented Government trustee, while strengthening its capacity to fulfil its statutory responsibilities to provide services to its publicly represented person clients.

Consistent with Government policies under the economic strategy giving emphasis to Melbourne as a commercial centre, the Bill looks to the stimulation of the trustee industry in Victoria and the positioning of a State Trust Corporation of Victoria as the centre of growth in this sector. At the same time, it seeks to advance the social justice strategy by enhancing vitally important trustee services to the State's disadvantaged. In terms of both these elements a re-invigorated Government trustee can bring important benefits to the Victorian community.

The Public Trustee Act has been amended several times over the years. It was in many aspects outdated, cumbersome and unnecessarily complex, and required a complete rewriting. In essence, the Bill effects such a rewriting of the Act: it allows for a reorganisation of the Public Trust Office with the objective of strengthening the top management structure to provide a new direction. This new direction combines a more professional market-oriented approach to developing new business with a more concerned, sensitive and client-oriented approach to the delivery of Government trustee services to disadvantaged persons.

The Public Trustee has recently commissioned an extensive marketing, organisational and financial study by the consulting firm of Peat Marwick Mitchell Services. That study has recommended this new direction as both commercially viable and appropriate. It has found that cost and revenue projections upon which a reorganisation and expansion is predicated would ensure that the proposed new Government trustee would be self-funding while still able to contribute to the funding of the Guardianship and Administration Board and the Office of the Public Advocate.

In addition to the Public Trustee, trustee services have also traditionally been provided to the community on a commercial basis by trustee companies and solicitors. Banks are now entering the field. For a variety of reasons, an increasing number of people wish, or are compelled by their circumstances, to have their affairs administered by a trustee and the trustee industry is seen as a growth area.

Also, disadvantaged members of the community often require a trustee to administer their affairs and often they have no one else to turn to but the Government trustee. This especially applies to the intellectually, mentally or physically disabled and lower income groups whose estates are not commercially profitable. The Government's recent mental health legislative package signifies a major policy development in the care of the disabled. The Guardianship and Administration Board, as an impartial body, will determine whether a disabled person's affairs should be placed in the hands of an administrator, and may appoint the Government trustee, a private trustee company or an individual as administrator. This will lead to an initial decline in work referred to the corporation, since the Public Trustee has hitherto been the sole authority. However, by cooperating with the Guardianship and Administration Board, establishing high credibility with the board, endeavouring by efficient and responsible service to retain existing clients and actively seeking to extend its services to new clients, it is believed there will be a net increase in represented persons' work for the Government trustee over a five-year period.

In seeking to improve its market position, in fair competition with solicitors and private trustee companies for the provision of trustee services to the general community, it is considered that the Government trustee would be more responsive and flexible, and have a more commercial public image, if it were adequately distanced from the Government.

It is, therefore, considered appropriate that the Public Trustee as a statutory corporation sole be replaced with a State Trust Corporation of Victoria as a multi-member statutory corporation responsible to the Attorney-General. Since one form of statutory corporation will be replaced by another, no additional statutory body will be created.

In replacement of the existing statutory corporation role known as the Public Trustee, the Bill provides for membership of the corporation comprising six part-time directors and one full-time managing director, all appointed by the Governor in Council. Three of the part-time directors will have financial or trust administration expertise, two will be chosen from nominees of agencies concerned with the welfare of disadvantaged persons

and one will be elected by the staff. This will provide top-level expertise with a wide range of skills at the decision-making level, permit outside interests to impact on decisions at the time they are made, provide continuity balanced with gradual change of membership, create a public image of a commercial board and a market-oriented organisation and accommodate the views of community interest groups seeking a more open and responsible organisation.

The Bill establishes the State Trust Corporation of Victoria as successor to the Public Trustee. It repeals the Public Trustee Act, while allowing a transitional period for the review of existing protected person cases by the Guardianship and Administration Board.

It reforms the law relating to the Government trustee, especially by simplifying and modernising the powers. It will continue to provide a Government guarantee to certain classes of investment with the Government trustee. This is a long established characteristic of a Government trustee, rendering it attractive to the public.

The corporation is empowered to accept appointment as trustee, executor, administrator, guardian, next friend, agent or attorney for any citizen of Victoria who wishes to use its services.

The corporation may accept appointment by the Guardianship and Administration Board as the administrator of the affairs of disabled persons. This is a continuation of the responsibility the Government has accepted for some 600 years.

The corporation will have power to provide a wide range of investment services by way of a number of common funds, subject to the Trustee Act. It will be a financially autonomous entity, with power to set its own fees and commissions for services provided at a level competitive with solicitors and private trustee companies, while being required to report to the Government annually. Operating surpluses, if any, may be paid into the Public Account at the discretion of the Treasurer.

The Bill also provides that the Minister may direct funds held by a court on trust to be transferred to the corporation on trust.

The Public Trustee now has statutory assets pursuant to various sections of the Public Trustee Act amounting in the aggregate to some \$17 million net, comprising premises and equipment at \$12 million and operating reserves of \$5 million. The Bill provides that these assets are transferred to the corporation at its commencement, providing a sound financial base.

Market research has indicated that there is a large and increasing market for trustee services. Peat Marwick Mitchell Services have prepared a five-year plan that allows for considerable growth, including the establishment of a regional network in major metropolitan and country centres throughout the State.

The Government considers this to be a significant piece of legislative and administrative reform. By creating a commercially oriented, client sensitive Government trustee corporation it is promoting better, more accessible trustee services for all Victorians.

I commend the State Trust Corporation of Victoria Bill to the House.

On the motion of Mr LEIGH (Malvern), the debate was adjourned.

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

That the debate be adjourned until Tuesday, April 7.

Mr LEIGH (Malvern)—I believe this is a significant Bill and I ask the Minister to grant the Opposition additional time.

Mr MATHEWS (Minister for the Arts) (*By leave*)—Yes.

The motion was agreed to, and the debate was adjourned until Tuesday, April 7.

MELBOURNE AND METROPOLITAN BOARD OF WORKS (AMENDMENT) BILL

Mr McCUTCHEON (Minister for Water Resources)—I move:

That this Bill be now read a second time.

The purpose of the Bill is to make a number of miscellaneous amendments to the Melbourne and Metropolitan Board of Works Act 1958.

Since coming into office the Government has insisted upon all public statutory authorities, such as the Board of Works, acting in an efficient and cost-effective manner. It requires these bodies to regularly review their procedures and operations as well as the legislation under which they operate and to seek to alter those procedures and operations and update such legislation where this is in the best interests of the community they serve.

Water is a precious resource that must not be wasted. Melbourne's water consumption has been growing at 3 per cent compound per annum and doubling the requirement for water every twenty years. To double Melbourne's water supply system over the next twenty years would require massive capital expenditures between \$1 billion and \$2 billion. This is an expensive and undesirable option which would mean a large new financial burden on the average consumer.

The choice was either to pay substantial amounts for additions to the system or to conserve water. I am sure that we have all had the experience of seeing sprinkler systems working in the pouring rain or of water flooding over footpaths or down street gutters. Obviously the most economical solution is to make better use of our current water resources and eliminate the waste.

Since the 1982 drought, the Government and board have been implementing a long-term program to change community habits and conserve water. Education programs in schools, campaigns featuring "Wally", mandatory introduction of dual flush toilets in new and replacement situations are some highlights of the program. Consequentially last year—1985–86—water consumption was well below the consumption which would have occurred if the wasteful habits of the 1970s had continued.

The experience of the 1970s highlighted the deficiencies of the old method of charging for water. For the large majority of consumers their water bills were based solely on the value of their property and often the amount of water paid for solely on a property value basis was far in excess of needs. This provided an incentive to waste water, meant that consumers had little control over the water bill and gave no signal to the community of the rapidly increasing consumptions.

Mr DELZOPPO (Narracan)—On a point of order, Mr Acting Speaker, I seek your ruling on the question of relevance. I have examined the Bill and believe the second-reading speech of the Minister has nothing to do with the Bill in referring to pricing and Government policy. I suggest what the Minister is saying is not relevant to the Bill and he should be ordered to speak on the Bill.

Mr McCUTCHEON (Minister for Water Resources)—On the point of order, Mr Acting Speaker, the Bill makes provision for the application of the Government's water pricing policy to flats and units which is not possible under the Act.

The ACTING SPEAKER (Mr Kirkwood)—Order! There is no point of order and I ask the Minister to continue his second-reading speech.

Mr McCUTCHEON—An appropriate pricing policy is a key element in the long-term strategy to conserve our water resources. Indeed, there is strong community support for pricing systems which are based on payment for water used. Consumers will then get a direct benefit for conserving water and have a direct incentive not to waste water.

The new pricing system involves a charge free threshold quantity of 150 kilolitres for all dwellings and a stepped pricing policy under which any quantity of water used between 150 kilolitres and 350 kilolitres is paid for at 15 cents per kilolitre and over 350 kilolitres at 45-60 cents per kilolitre on 1987-88 values. In addition, there will be a 15 per cent reduction in the property-based water rate.

The new system is designed to encourage conservation and also has the advantage of giving users a measure of control over their water bills. The effect of the new water charging system and the 15 per cent reduction in water rates on residential flats and units, whether subdivided in strata or not, is that the majority of flat and unit dwellers will receive a reduction in their total water bill since they are low consumers of water.

One of the amendments contained in the Bill relates to the bodies corporate of residential strata and cluster subdivisions. Frequently, for structural reasons, flats and units in Melbourne, or Australia for that matter, are not individually metered. Currently, the body corporate of a residential cluster or strata subdivision is primarily responsible for the payment for all the water used in the subdivision.

The water meter for the subdivision is read in similar fashion to a householder's but a water by measure account is only sent to the body corporate where the actual cost of the water used in the subdivision exceeds the aggregate of the water rates paid by the individual unit holders. The body corporate divides the amount payable among the unit holders, collects the money and pays it to the Board of Works.

Under the new pay-for-use water pricing system a block of residential flats or units in a cluster or strata subdivision will receive a charge free threshold amount of 150 kilolitres of water per annum for each flat or unit and 200 kilolitres at 15 cents per kilolitre in 1987-88.

Accordingly, for a subdivision of, say, six units, the charge free quantity for the subdivision would be 900 kilolitres and the body corporate would be sent only a water by measure account for any quantity used in the subdivision in excess of 900 kilolitres. That account would then be divided by the body corporate among the individual unit holders in the same way as the previous system.

Section 106A of the Melbourne and Metropolitan Board of Works Act currently provides a quantity of water for flats and units based on the total value of the property. The purpose of this amendment is to ensure that the body corporate of residential cluster and strata subdivisions flats and units is treated in the the same manner as a householder. The amendment will also facilitate the separate metering of individual flats and units where it is feasible and desirable.

Currently the Melbourne and Metropolitan Board of Works Act enables persons in necessitous circumstances to be granted relief from Board of Works rates. The Bill includes an amendment to expand this entitlement to relief so that it also applies to all charges levied by the Board of Works, including water by measure charges.

Other amendments remove doubts about the ability of owners and occupiers of lands abutting streams to obtain approval to construct bridges or crossings over those streams and removes doubts about the effect of the Credit Act 1984 on the mandatory acceptance of payments by way of interest-bearing instalments for works undertaken by the Board of Works.

Honourable members will appreciate that the continued control of plumbing standards for water supply and sanitary purposes are vital to the health and safety of the community. The Bill also varies the Board of Works by-law making powers in relation to water supply and sanitary plumbing.

The provisions of the Bill are to enable the Board of Works to amend its regulations to conform with the proposed standard plumbing regulations. The standard regulations are part of the ongoing reform initiative that was commenced by the Building Control Act in

1981. They will streamline and simplify plumbing controls throughout the State while at the same time preserving the integrity of water supply and sewerage systems and providing controls to protect members of the public from poor quality or unfinished plumbing work.

I commend the Bill to the House.

On the motion of Mr DELZOPPO (Narracan), the debate was adjourned.

Mr McCUTCHEON (Minister for Water Resources)—I move:

That the debate be adjourned until Tuesday week.

Mr DELZOPPO (Narracan)—On the question of time, Mr Acting Speaker, I seek an undertaking that if the Opposition requires further time, the Minister will grant an extension.

Mr McCUTCHEON (Minister for Water Resources) (*By leave*)—Yes.

The motion was agreed to, and the debate was adjourned until Tuesday, April 7.

COMMUNITY SERVICES BILL

Mr FORDHAM (Minister for Industry, Technology and Resources)—On behalf of the Minister for Consumer Affairs, I move:

That this Bill be now read a second time.

The Bill, which amends the Community Welfare Services Act 1970, is a reduced version of the Community Services Bill 1986 which was introduced in Parliament in the spring session 1986 but lapsed when Parliament was prorogued at the end of the year. Major sections of the 1986 Bill have been transferred to the proposed Children and Young Persons Bill, which is to be introduced later in this session.

Those parts of the 1986 Bill and of the Community Welfare Services Act 1970 that are concerned with the statutory responsibilities of Community Services Victoria and with the proceedings of the proposed Children's Court have been transferred to the proposed Children and Young Persons Bill.

It is intended that the Community Services Act will provide the legislative base for the department's broad responsibilities in relation to the provision of generalist services for children and young people, families, older people and people with disabilities, and for the department's relationships with the non-Government sector.

The Bill represents a partial step towards the preparation of a comprehensive Community Services Act that will be further developed by Community Services Victoria during the oncoming year, with a view to introduction in autumn 1988.

Together with the proposed Children and Young Persons Bill, the two Bills represent a major part of the Government's legislative response to the recommendations of the Child Welfare Practice and Legislation Review, the Carney report, and demonstrate the Government's concern for the wellbeing of Victoria's children and families.

Objectives of the Legislation

The general thrust of the Carney report was to increase the rights of families and children and the accountability of service providers. These goals are acknowledged in the Bill in the section that outlines the objectives of the department and the principles that should govern the provision and future development of community services under the Act. These include: the redress of social and economic inequities; priority in service provision to those in greatest need; the promotion of choice and maximum participation by people in decisions which affect their lives; and the protection of the rights of individuals in their relationship with services and service providers.

Child-care Agreements

The Bill provides for the introduction of child-care agreements to provide support for parents who seek assistance in caring for their children for a short time. The Bill will provide for written child-care agreements, for a limited period, which may be renegotiated for a further limited period.

These time limitations will ensure that children who are the subject of child-care agreements do not “drift” into long-term care, as has happened too frequently in the past. The agreement aims to place parents and agencies on an equal footing so far as possible.

An essential condition of any agreement should be that the agency is required to work with the family towards the early return of the child to the care of the family. The details of child-care agreements will be developed by the department in consultation with service providers.

The Bill amends a number of provisions in the Community Welfare Service Act that have become obsolete or outdated. It also changes the name of the Act, and of the department to the name by which it is now known, Community Services Victoria. This change, along with the statement of objectives and principles, reflects the changed philosophy of a department providing broadly-based community services rather than the residual social welfare system and department of the past.

The Government recognises the need for a comprehensive and integrated approach to bring together the recommendations of the major reviews, which, in the past few years, have examined the provision of community services in Victoria.

The work will continue, not only in Community Services Victoria, but also in cooperation with other Government departments and the non-Government sector, to review and assess objectives as well as service delivery and the legislative base, in the light of the Carney review’s recommendations and social justice principles.

I commend the Bill to the House.

On the motion of Mr LEIGH (Malvern), the debate was adjourned.

It was ordered that the debate be adjourned until Tuesday, April 7.

HOUSE CONTRACTS GUARANTEE BILL

Mr FORDHAM (Minister for Industry, Technology and Resources)—On behalf of the Minister for Consumer Affairs, I move:

That this Bill be now read a second time.

Since it came to office in 1982, the Government has greatly improved the rights of consumers in many areas, including travel, credit, motor vehicle sales and fair trading. This Bill will add to that proud record.

The Bill is concerned, in essence, with contracts to build and improve houses. It will dramatically increase the scope of the guarantee for building work; it will reform the law in relation to the content and form of house building contracts; it will reflect the Government’s commitment to co-regulation, to efficient administration, and to rules that are clear and simply expressed.

In 1974, the Local Government Act 1958 was amended to include provisions relating to house builders’ liability. The purpose of the legislation was to give people who built or bought a new house a guarantee against the bad workmanship of the builder and against the builder failing to complete the contract.

The guarantee was to be given through insurers or private companies, which also had the function of “recognising” builders. Despite some amendments, the legislation has remained little altered since its enactment.

The legislation and the scheme set up under it have attracted much criticism. They are complex and limited in their scope, and it is widely agreed that they need overhaul and reform.

The legislation was reviewed by the House Builders' Liability Working Group, which reported in September 1984 to the then Minister for Local Government.

Responsibility for the legislation passed to the Minister for Consumer Affairs in March 1985, and officers of the Ministry were instructed to commence a more extended review of the legislation in order to take into account some matters that had long concerned the Ministry and its Minister. These include: the amount and coverage of the guarantee, and how to cover alterations and additions; the administration of the scheme, so as to achieve equity for builders and consumers and genuine co-regulation; the introduction of controls over the terms and performance of some aspects of building contracts; closing the numerous loopholes in the legislation; and making the legislation straightforward and easier to administer.

The provisions in the new Bill follow extensive consultation with industry, consumers, Government agencies, and professional groups.

The Bill will provide for: a single \$40 000 limit on claims for all new homes built in Victoria and for all alterations and additions carried out by approved builders; more flexible provisions about when and how claims can be made; easing of the restrictions on the right of people to build and sell their own homes; clearer rules about the terms in building contracts, including variations and progress payments; a limit on deposits for all building work to 10 per cent of the contract price where the work is worth \$20 000 or less, and 3 per cent where it is worth more; and the right of consumers and builders to appeal from decisions of the guarantor both to an internal committee and then to the Administration Appeals Tribunal.

In addition, the Bill will overhaul some outdated procedures in relation to building contracts and building approvals.

An especially important reform, and one to which I particularly direct the attention of honourable members, is the extension of the Act to alterations and additions. This is a long-awaited improvement, and a significant milestone in the expansion of consumer rights. Building work, including home improvement and renovation, is for most consumers the greatest single financial commitment of their lives.

The scheme will continue to be largely self-funding, although the new legislation will refine the co-regulatory arrangements and strengthen the ability of Government to supervise and control the operation of the scheme.

The board of the approved guarantor will be chaired by a person appointed by the Minister, and the legislation will lead to much closer cooperation between the Ministry and the guarantor in relation to publicity, dealing with claims, and the contractual relations of builders and consumers.

I commend the Bill to the House.

On the motion of Mr PESCOTT (Bennettswood), the debate was adjourned.

Mr FORDHAM (Minister for Industry, Technology and Resources)—I move:

That the debate be adjourned until Tuesday, April 7.

Mr PESCOTT (Bennettswood)—I ask the Government that, if more time is needed, it will be granted.

The motion was agreed to, and the debate was adjourned until Tuesday, April 7.

SHOP TRADING BILL

The debate (interrupted on the previous day) on the motion of Mr Fordham (Minister for Industry, Technology and Resources) for the second reading of this Bill was resumed.

Mr ROWE (Essendon)—When the Bill was before the House last night, I indicated that the retail industry in Victoria is a significant industry in all respects, whether one looks at it in terms of its impact, its employment or its sales. It is a dynamic industry; it is an industry with growth potential in my electorate. It is an important industry. It has an enormous impact in tourist potential and development. In terms of the broader debate about the regulation of the industry and shop trading hours, it should not be forgotten that, by any measure, it is a complex issue.

I reject the simplistic attitude that can be taken and often has been taken on the general regulation of the industry. A huge number of people are employed in the industry.

I congratulate the Minister for introducing the changes that are before the House today.

There is diversity in the views held by different organisations, not the least of which are the employee organisations in the industry, which seek to protect the rights and interests of their members, the various employer organisations, the small retail organisations and there is also the interest of the consumers. The Government has endeavoured to bring those groups together and take them along a path somewhere in between, taking account of the various views of the competing interest groups.

When proposed legislation is introduced, there will always be one group in the community that believes the changes will not be in its interest and will object to the review taking place.

We are all pleased that the review undertaken by Mr Robert Miller and his committee was of such a comprehensive nature. It provided the Government with the insight into the industry and its need for regulation in the broader context. The Government appreciated having that report before it when it was preparing this Bill.

I note the comments made by the Minister in his second-reading speech that the Bill does not address all of the issues in the Miller report, particularly the inclusion of hardware stores in the list of exempted shops. However, the Minister indicated that that will be taken up as a matter of Government policy in a general review of trading hours. That is an important point in the Minister's second-reading speech that needs to be considered.

It is not easy for a Government to regulate any area of industry. The retail industry is a significant and large industry and to set out the objectives of regulating this industry is no easy task. I fall into the category of those who believe there should be as little regulation as possible in this industry, which is no different from any other industry in this State or in this country.

I would seek to lower the level of regulation and increase the competition in the industry. I would want some regulation. That is the important difference between the view of the Government and that of the Opposition.

The Government believes it is appropriate to have regulation of the industry in the general interest of the community. However, that regulation should not impose unnecessary burdens or costs on the industry and, in particular, on the community. This is an area in which the Government should be congratulated as it, more than any other Government, has cut through the bureaucratic maze and nonsense.

The Regulation Review Unit was set up by the Government. The former Government had plenty of stunts and phone-ins about cutting red tape but it did not do anything to address the issue.

There is no use in saying that there should be no regulation of industry but if there is to be regulation, the areas of concern should be identified. The Government must ensure

that the regulations do not create a bureaucratic nightmare. The Government established the Regulation Review Unit, and that should not be forgotten by honourable members opposite.

I recognise that this is a complex and sensitive issue. In the electorate of Essendon the retail industry is the major single industry in that area. The Moonee Ponds business district, which the Government has seen fit to foster and support, is thriving.

I have spoken to individual traders and shopkeepers—perhaps the more traditional people in and around Puckle Street, Moonee Ponds—and they have indicated their opposition to an extension of shop trading hours. I understand their views. They are people who have worked, in many instances for decades, building up their businesses. In many cases they own the freehold of their shops and they do not want to see the imposition of extra hours biting into their leisure time by virtue of the competition of others who have extended their shop trading hours.

On the other side of the coin, there has been an amazing change over the past decade in the Moonee Ponds business district. Multinational traders are moving out to that centre and have made investments of millions of dollars. They want the changes in the industry, but they have a different perspective.

Those multinational businesses have enormous amounts of capital tied up in investments and they want to receive the maximum return on their capital. It makes sense that anyone in business would want to obtain maximum benefit from that business. That is the attitude that large businesses would take on this issue.

It is only a matter of time before change occurs. I do not know when but it is certainly the way that industry is moving. As I said at the outset, it is a dynamic industry.

No good comes from harking back to the past and regretting that small grocery shops, greengrocers and corner stores have disappeared from the community. That would have occurred irrespective of what this or any other Government did about shop trading hours. The changes that have already occurred in the retail sector have meant a decline in the number of corner stores.

We should not be apprehensive or fearful about change in the retail industry. However, we should ensure that people within the community are not unnecessarily or unreasonably disadvantaged by that change. An apparatus or a regulatory framework that holds back inevitable change must not be created. That is the sort of comment that I receive in my electorate office.

I recently telexed the Minister for Industry, Technology and Resources requesting permission for the Moonee Ponds market complex to trade on a recent Sunday in conjunction with the Essendon festival. Needless to say, I was participating in the festival as the local member. I walked around the festival area on that Sunday and saw ordinary people from the community and their families participating in the festival and also window-shopping or making purchases in a relaxed environment at the market that operated that day. Since then, the owners of the market complex have indicated that they would like an extension of Sunday trading.

The Bill allows that extension of trading to occur, but in a sensible way. The Minister's second-reading speech indicates that his department will set guidelines and criteria to allow this to occur. That is a sensible way to handle that complex issue of the operation of markets in the metropolitan area.

I congratulate the Minister for the fair system being set up by the Bill and I am sure it will be supported by a large proportion of the Victorian community.

Since the turn of the century, the single most important factor affecting employment has been the growing proportion of married women joining the work force. That has meant a changing scene in individual households. It has created pressures on shopping time. It is

all very well to say that, if a wife is working, some of her household tasks should be shared by other members of the family. More often than not, that does not occur.

At the turn of the century, less than 6 per cent of married woman participated in the work force. Nowadays the majority of married women work. That places different pressures on households, and people want also to shop as a family unit. Some regard it as a form of recreation. This issue must be responded to by the Government.

I place my final point within the perspective of the electorate I represent. Essendon is a well established area. One needs only to drive along the streets to see the renovation of houses that is occurring throughout Moonee Ponds, Ascot Vale and Essendon.

Mr Leigh interjected.

Mr ROWE—Yes, it would be fair to say that there is a lot of pink primer around Essendon. In fact, a rough estimate is that a quarter of the population of that area have undertaken some form of renovation or improvement to their homes. The local council has issued a booklet that informs people how to renovate their homes in accordance with the requirements of the different architectural periods. That booklet reflects the needs and attitudes of the people in the electorate I represent. I am sure the Minister would be aware of similar occurrences in his own electorate.

I am sure the Government will take on board the needs of people when it reviews the shop trading hours issue from time to time.

Mr LEIGH (Malvern)—Once again a Shop Trading Bill is before Parliament, and once again the Government—as has previous Governments, I must concede—avoided the issue. Before I speak on that issue, I must comment on what the Government and, unfortunately, the National Party seem to be saying. In fact, I am confounded by the attitude of the National Party for several reasons. The first is that every National Party electorate in this State has a tourist zone that already has extended trading hours.

Mr Maclellan—They want to keep it to themselves.

Mr LEIGH—Could it be, as has been suggested by the honourable member for Berwick, that it is greed; and that they do not want anyone else to have the opportunity of extended trading hours?

Mr Maclellan—I did not say, “greed”.

Mr LEIGH—I was confounded when the National Party voted with the Government on the Grocery Prices Bill, yet it claims to be a free enterprise party. The honourable member for Murray Valley has tourist zones in his area and is grateful for that, but he does not want other communities to have the same benefits.

I was delighted to hear representatives of the National Party comment about penalty rates, because it illustrates that the National Party is beginning to understand and appreciate the policies of the Liberal Party. After four years, the National Party has finally grasped Liberal Party policy.

The National Party, with its approach, will out-socialise the socialists. As a member of the Liberal Party, I am upset to have to say that about another conservative party, but that is the case.

The honourable members for Niddrie and Essendon highlighted the hypocrisy of the Government in their comments about the Shop Trading Bill. In 1984, the honourable member for Niddrie, then the Minister of Public Works, did not allow weekend festivals to be conducted. The Minister for Labour objected to the conducting of festivals on weekends. The Armadale festival has been conducted in my electorate for a long period, but the honourable member for Niddrie, when he was the Minister of Labour and Industry, banned that festival. However, at the same time, he did not ban the Clayton festival which was conducted in a Labor electorate. His attitude was inconsistent. I am staggered that the honourable member for Niddrie could put the peculiar argument that he put yesterday.

Is the Minister for Industry, Technology and Resources going to implement the report of Mr Miller and authorise a thorough review of the problem? Of course he is not.

Mr Penhalluriack is one of the victims of the Government. He is a person who opened his hardware shop at weekends and broke the law. I agree with the Government that a person who breaks the law should pay the penalty. Mr Penhalluriack, because of the actions of the Labor Party and the National Party, was fined \$500 000 for opening his shop on weekends. Has he ever paid that fine? No. He has not paid that fine because the Director of Public Prosecutions intervened and said that he thought the fine was ridiculous and that a shop trader should not have to pay \$500 000 for opening his hardware shop on a weekend.

Is this a Government that is cracking down on crime? What is the Government doing about burglaries? In my area the burglars who are brought before a court are given bonds and are allowed back into the community to "knock off" someone else's property in order to obtain more money. What happens with criminals? The Government allows "lifers" such as Peter Lawless, a convicted killer who was jailed for life, to be released from prison. That is the Government's philosophy.

The proposed legislation supports the concept of fining or gaoling shopkeepers who dare to break the law while the real criminals of our society get off scot-free. They are the real problems on which the Government and the Minister for Industry, Technology and Resources should concentrate.

In his report to the Government, Mr Miller set out the various stores that should be allowed to open on weekends. Mr Miller said that the range of shops permitted to trade on weekends should be expanded by including shops that sell foodstuffs and grocery items and traders selling hardware, petrol, records and tapes, souvenirs, video cassettes and so on. Some of those shops are included in the schedule to the Bill, but hardware stores have not been included. A person can buy alcohol on a Sunday, or have a drink on a Sunday at an hotel; but if he wants to renovate the family home, he cannot go out and buy nails from a hardware store.

The honourable member for Essendon, in his contribution to the debate, said that, in his electorate, many of his constituents were renovating their homes and were using pink primer, but they are not allowed to buy that paint on a Sunday! The honourable member would have helped his community by supporting the Opposition. The honourable member said that many women were now in the work force, whereas at the beginning of the century only 6 per cent of women were in the work force. It is obviously more important now for those people to be allowed to shop during the weekend.

The Minister for Industry, Technology and Resources is ducking his responsibility. The honourable member for Essendon said that he could foresee the day when hardware stores will be included in the schedule to the Bill. I do not understand the difficulty. A typewriter is all that is required to amend Schedule 1 of the Bill. It is not difficult. The Minister can obtain a ballpoint pen, change the schedule and then move an amendment. What is the difficulty? The Minister, like so many other Ministers of the Government, and not just of this Government, is frightened by the pressure groups and about losing votes. The Minister is frightened of the hard decision. I have no doubt that the Government will lose enough votes at the next election, so that will not be a problem.

The honourable member for Essendon, in his contribution, said that hardware stores may be included in the schedule one day. Does the honourable member mean the year 2020, 2010 or next year? The honourable member was not prepared to tell the House the year to which he was referring.

I shall now refer to my esteemed colleagues in the National Party who dealt in detail with red meat sales. I note that no member of the National Party is in the Chamber at present. In all supermarkets on a Friday afternoon, for example, at 5.30 p.m. the screens in front of red meat produce are pulled down. One can purchase chicken or fish, but one

cannot purchase red meat because the Minister for Industry, Technology and Resources will not allow it. The Minister is saying to all my constituents, "You cannot buy red meat after a certain time because I am playing God."

Since it has been in opposition, the Liberal Party has been consistent in its policy on shop trading hours. When one examines the anomalies involved in trading hours, one must reach the conclusion that no matter what the Government does, in any attempt to regulate trading hours, problems will be caused.

Honourable members know what it is like to shop in larger stores such as Myers or Coles. Sometimes they are so crowded that it takes all day to get service. Many people in the community are prepared to shop in smaller stores and pay a bit more for goods to get service, and they have the right to make that decision.

Mr Miller, the former honourable member for Prahran, should be congratulated for the honest report he produced. I am sure the Minister was a bit unhappy about it. At page 136, the report warns that:

The political sensitivities of recommending that hardware be permitted to be sold all weekend are not lost on any member of the unit.

The report defines the "political sensitivities" as the Government being:

... portrayed by some as having acceded to the demands of small, vocal groups who were blatantly prepared to break the law, to attempt to embarrass successive Governments, and to highlight their cases by whatever strategies they thought appropriate.

I remember the case of Mr Greco at Dandenong who sold billiard tables and books. On weekends, he would give away billiard tables with books that were purchased for \$1500. That is how he got round the law. Is the Minister suggesting that the Bill will solve that situation? It does not; it simply compounds the problem. Mr Penhalluriack still has outstanding fines worth \$500 000, but the Government is not willing to collect the money. Mr Penhalluriack will go to gaol rather than pay the fines and the Government is frightened of the circumstances.

The Bill is riddled with inadequacies. It puts pressure on local councils by allowing them to decide whether shops can remain open outside normal trading hours. To some degree, local councils and local members are currently consulted about that, but if someone wants to trade on a weekend, what does that have to do with me as a politician? I believe it has absolutely nothing to do with me and it has less to do with the local council. If an individual believes he can make a go of it, it is up to him to make that decision.

Mr Simpson—What does Tom Evans say?

Mr LEIGH—It is up to the people to make the decision. It is easy for politicians to say, "No, we are not going to let you do that" or, "Yes, we will let you do that." It is not my role nor is it the role of the Minister to attempt to play God with small business.

It is unfortunate that this Minister is responsible for shop trading hours because he is the one who, day after day, informs the community what a wonderful State this is and how good the Government's economic strategy is. The Opposition knows he is not correct. As the Minister responsible for small business in the State, he has a responsibility to come up with better measures than those contained in the Bill. Who will the Bill advantage? It does not help anyone.

Mr Simpson—Small businesses—they will survive.

The DEPUTY SPEAKER (Mr Fogarty)—Order! The honourable member for Niddrie is out of order and out of his place.

Mr LEIGH—During the Committee stage, I want the Minister to inform honourable members when Mr Penhalluriack will be required to pay his fines. What is the point of passing Bills if the Government is not prepared to enforce the legislation?

The Bill applies to shops that have twenty or more employees. The National Party is trying to out-socialise the Government by foreshadowing that it will propose an amendment to change that number to ten. I caution both the National Party and the Government because that provision will cause people to be sacked from their jobs.

The Bill is an example of the nonsense the Cain Government comes up with to overregulate society. The honourable member for Essendon claimed he believed in less regulation. One does not have to be a member of Parliament for a long period to realise that the Government does not advocate less regulation; it wants more regulation. If the honourable member for Essendon is not aware of that, he should attend some of the caucus meetings.

This Government is one of the highest taxing, overregulating and overbearing Governments the State has had for many decades and it is heading towards defeat. Shop trading hours was one of the major issues that destroyed the former Liberal Government, and the Liberal Party has learned a lesson from that. If the Government continues to initiate legislation such as this Bill, its future is non-existent. Gradually, more and more people are opposing the Government's policies.

As the honourable member for Essendon said, times have changed. These days everyone works, but the Minister wants to put in place trading hours that were appropriate during the earlier part of this century. He wants to play God.

Honourable members interjecting.

Mr LEIGH—I shall not respond to interjections such as that made by the honourable member for Richmond. I should like to know what he really thinks. In the four years I have been a member of this place, I cannot recall many occasions on which the honourable member for Richmond has spoken.

The DEPUTY SPEAKER (Mr Fogarty)—Order! The honourable member should address his remarks through the Chair.

Mr LEIGH—The honourable member for Richmond makes a speech once every two years, as the honourable member for Hawthorn said. That is disgraceful! His constituents are aware of his performance in the House.

The Bill is nonsense and will be unenforceable in the future. The community will judge the Government for what it is: it is too cowardly to make decisions in the best interests of the public. The Minister for Industry, Technology and Resources does not have the guts to make these decisions because his department makes the decisions for him. The State is overgoverned by bureaucrats.

The Minister is a good example of a character in the television show *Yes, Minister*. That is a pity. If he is really the person who is supposed to look after the interests of small business, he should start doing so for a change.

Mr FORDHAM (Minister for Industry, Technology and Resources)—I thank honourable members who have participated in the second-reading debate. The Bill is important, and I am sure future generations will view the proposed legislation as an important step in the development of shop trading laws in Victoria.

The honourable member for Hawthorn stated at the outset of his speech that the Opposition supported the Bill on the ground that it is heading in the direction of what it perceived to be community opinion, but the honourable member also said that the proposed legislation does not go far enough. He reiterated the two positions of the Liberal Party on this issue: the first was the commitment to what he described as open trading, seven days a week; and the second was to eliminate penalty rates in Victoria.

It is a matter of regret that no detailed economic analysis was put forward in support of some of the wild and, at times, absurd claims of the honourable member for Hawthorn and his partners that a sudden torrent of benefits would flow automatically from seven-

day trading. It is fanciful nonsense that huge economic benefits would flow to employers, employees and consumers almost as if heaven had arrived on earth!

The Liberal Party is involved in a philosophical binge. It is going through a transitional phase from being in government to being in opposition. It is trying to cleanse itself of honourable members like the honourable member for Bulleen who is proud to be at the forefront of the cleansing of his party's wayward ways of the past. There will be a new Liberal Party and a new approach to the big issues of the day.

In many issues for which I have responsibility one has certainly noticed an enormous change in the attitude of the Liberal Party from when it was in government to now, in opposition. The Liberal Party is now moving to the far right in what I described as a philosophical binge. The community will repudiate these extreme right attitudes in the future as it has done in the past.

The Liberal Party's policy does not account for the effect it will have on small businesses. In reality, hundreds and thousands of small businesses in Victoria would be severely affected by such a dramatic policy change. The Liberal Party has totally ignored the needs, aspirations and legitimate concerns of small business people and that shows the extent to which it has entirely lost its earlier base in the business sector.

The Liberal Party was proud of its standing in the business sector, especially with small businesses. With the reassertion of its policy, I shall ensure that every small businessman in the retail industry receives a copy of the Liberal Party's contribution to the debate. The Liberal Party has lost its way.

The honourable member for Hawthorn said that a Liberal Party Government would remove penalty rates overnight. He totally ignored the background of the establishment of penalty rates, and the difficulties and constraints under which employees have had to work in the past and under which they will have to work in future. The introduction of penalty rates was not the result of a rash decision; it was the result of a lengthy arbitration and conciliation process. The industry recognised penalty rates as a legitimate reward for the labour of employees in the industry.

The Government's attitude stands in stark contrast to the philosophical binge of the Liberal Party. The Liberals are significantly divided on the extension of shop trading hours. Members of the Liberal Party have expressed their concern to me about the loss of the traditional support of small business people because of their party's policy on shop trading hours.

The honourable member for Hawthorn raised a number of other key issues, the first of which was the guidelines for municipal councils. Currently, they are being prepared and I will consult with interested bodies before they are finalised. The scope of the guidelines was referred to in the Miller report, at pages 149, 152 and 155.

The honourable member for Hawthorn then described—in a balanced manner—the development of trading laws in the State. His comments were in contradiction to the earlier statements and philosophical arguments developed by his Leader.

The second key issue he raised was the fees that are to be determined by regulation rather than legislation. I assure the honourable member that no proposal to increase the fees has been put forward by me. Whenever possible it is hoped that the fees will be decreased. We are certainly looking at market stalls in particular, for rationalisation of past practices. The fees will be subject to the scrutiny of the Legal and Constitutional Committee and will be covered by the Subordinate Legislation Act. Further, they will be subject to community opinion, which is the biggest restraint on Government, to ascertain the impact they will have. The Government has made an overall commitment to minimising any price increase in any sector of Government activity.

The honourable member for Hawthorn then referred to markets and the requirement that names and addresses of proprietors be displayed. The Government does not withdraw

from that provision because it is in the interests of consumers. With respect to market fees, some of the anomalies between weekday and weekend markets need to be rationalised. The Miller report highlighted this aspect. The Government will work in that direction.

The issue raised about the exemption of bona fide charities will be pursued by the Government. Existing arrangements for exemptions will be continued in future. This matter was referred to specifically by Bob Miller and the Government commented on it when the report was released publicly.

The honourable member for Hawthorn outlined two areas that the Opposition proposed amending. The first was provisions relating to hardware shops and the second was the number of employees that make a shop exempt. Those amendments will be considered during the Committee stage.

In summary, the Liberal Party has totally ignored small traders—the important role they have played in the past should continue into the future. The philosophical bankruptcy of the Liberal Party was demonstrated when it put forward this wonderful policy of deregulation of the marketplace. The Liberal Party has had two opportunities of voting in favour of the philosophy; it had the opportunity of deregulating the margarine industry but, when it came to the crunch, members of the Opposition refused to support the measure. Obviously, it suited them at that time, and goodness knows how seriously one can take them now.

The honourable member for Frankston South who, I suspect, was looking for anomalies rather than trying to help overcome them, referred to markets and whether they are to be included in the definition of “shop”. The answer is that they are, just as they are in the current Labour and Industry Act. The honourable member also asked whether a stall activity at a school fete would come within the notional definition of a “shop”. The answer is that it could be, and is, under the existing Labour and Industry Act, which was enacted when the Liberal Party was in office.

Similarly a garage sale could notionally come under such a definition. It would be impossible to so define to exclude those activities, but I provide the honourable member with an assurance that the Government has no intention of attempting to govern stalls in school grounds or attempting to address in any sense the person who might wish to hold an annual garage sale of the kind the honourable member understandably referred to in his contribution.

The most important point made by the honourable member for Frankston South concerned his definition of “a reasonable person”. He referred to some learned tomes that he had obviously researched as to how the Government will be dealing with that issue. The honourable member did not need to go into that in the sense of drawing on the British experience and all the other comments on the notion of “a reasonable person” because it was referred to by Mr Miller on page 45 of the report where he quoted Mr Justice Crockett of the Victorian Supreme Court where this issue has been addressed. It provides an appropriate basis. We sought further advice following the Miller report and were told that this will be able to work properly. I understand the concern of the honourable member and obviously it is a matter that will require continuing surveillance.

My final point concerns members of the Liberal Party who have demonstrated that they hold three different positions. The honourable member for Hawthorn suggested a position of evolution, not revolution. The honourable member for Frankston South supported the South Australian position, which has a preferential arrangement for small business rather than any general position. The Leader of the Opposition has his own interesting position which is that, within a week of coming to office, the Liberal Party will arrange for all shops to be open seven days a week. It will be a fascinating exercise to see how he intends to change the law in seven days. Fortunately that position will never arise.

In the 4 minutes remaining, I shall refer to matters raised by the honourable member for Murray Valley who supported the Bill, but stressed some apprehensions he has about

it. He was concerned about what he saw as an opening of the floodgates. I have no intention of being the person responsible for opening the floodgates. The honourable member went to some length to criticise the Liberal Party philosophy and the amendments foreshadowed by the honourable member for Hawthorn.

The honourable member for Murray Valley highlighted the importance of small business in the past and the traditional support his party has given to small business retailers and the need to continually assist and protect them in the future. He also dealt with exemptions. I assure the honourable member that, in essence, the powers that are proposed in this Bill are no wider than those already within the Labour and Industry Act. They have been reassessed and readdressed, but they are not in any sense wider. The guidelines, which are currently in preparation, will be made in consultation with interested parties and I shall be happy to consult the honourable member for Murray Valley and, if he is interested, the honourable member for Hawthorn, when finalising those guidelines which are an important part of the provisions to be determined under clause 8.

The honourable member for Murray Valley referred also to the problems of small butchers. I understand the comments of the honourable member, although I did address that issue during the second-reading speech. The honourable member also made reference to the four extra shopping days. He asked when those days would be and how the Minister would exercise that power.

The example we faced last December where, I think, there was an overwhelming consensus on the desirability of providing an additional opportunity for shopping, highlights the need for a provision of this kind to allow the Minister of the day to respond quickly in such circumstances. I should certainly not see that extending to a Sunday; it is essentially a Saturday exercise and would apply only in special circumstances of the type that were experienced last December.

The honourable member for Murray Valley referred also to registrations and expressed concern about the possibility of a duplication of registration fees. The honourable member raised an excellent point. No duplication will take place. In response to his legitimate concern there will be one single form only and one single fee only.

The honourable member also asked why, in clause 31, the Bill seeks to expunge convictions after five years. I refer him to page 175 of the Miller report. The honourable member referred to a number of amendments which, again, I foreshadow that the Government will not be supporting.

I commend my colleagues, the honourable members for Niddrie and Essendon for their contributions to the debate. The honourable member for Niddrie knows more about the proposed legislation than any other member in this House. I very much welcome the counsel and the advice I have received from him in the past and which, no doubt, I shall continue to receive from my friend and colleague in the future.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1

Mr LIEBERMAN (Benambra)—The clause encapsulates the policy of the Government—that is, it wants to regulate the right of people in this State to work and to introduce a maze of laws and regulations all of which will inhibit the free choice of individuals.

It is unfortunate that the Minister, in grappling with his huge dilemma in trying to get the Government to face the reality of what society requires, chose to apply a right-wing label to people who speak against the Bill. I find that unfortunate because I am speaking as a liberal—a person who believes the right of the individual is paramount. When one considers that the clause envisages that people may go to gaol, have their property taken from them by a sheriff, brought before the courts and prosecuted and have the onus of

proof in relation to the matters alleged reversed, I believe it is my duty as a liberal to speak out.

Mr Fordham—You did not do that when you were in Government.

Mr LIEBERMAN—I am happy to comment on the matter. It is my responsibility to speak out on these matters and reflect what ought to be the proper approach by Parliament without fear or favour. It is wrong and unfair for people to throw around tags of left or right wing when one advocates those views.

I realise simply that the rights of the individual are paramount. If my neighbour, competitor, friend, acquaintance or a person whom I do not know wants to live and work in Victoria and chooses to work at a time when I do not want to work, I have no right to assert that this Parliament, in 1987, should be requiring and legislating that that person's choice should bring about a prosecution and a hearing before the courts, requiring him to argue his defence because the onus of proof has been reversed exposing him to the possibility of fines and imprisonment.

Further, it is appropriate that I should say, as a member of the Liberal Party, that I find it offensive that taxpayers' money should be used to employ decent people in the Public Service—people of integrity—and then to demean them by putting them in the unfortunate position of spying on their fellow citizens to assemble evidence of illegal trading, so that those traders can be brought into court. I must say that I find those principles, which this Bill endeavours to enshrine, inappropriate to our society.

In saying that, I readily acknowledge that I have been a member of a Government and of a political party which, over the years, supported the notion of regulation. I acknowledge—and I say it quite simply and humbly—that I was wrong. I am prepared to say that I was wrong, to be criticised for that and to face the consequences of saying now what I believe should be the position.

The solution to the problem for small business people—and I come from a family of small business people, so I have some knowledge of the problems of small business—is to give them the opportunity of ridding themselves of penalty rates that are unfair and burdensome; to allow employers and employees to come to their own arrangements whereby they work an agreed set of hours, and to ensure that the employees who agree to work more hours than the agreed set hours are given good and generous overtime payments, by arrangement with and with the approval of, where necessary, the Industrial Relations Commission and the Australian Conciliation and Arbitration Commission. That is the concept I envisage for small business.

The other point I raise is that, as a member of Parliament representing a country area situated on the New South Wales–Victorian border, I constantly see the problems faced by small business because of different trading laws between the States; I see the nonsense of it brought home more often than do other honourable members who live in the metropolitan area and who do not see the anomalies as vividly as I do in my home town.

The position is that clause 1 fails. I am sure the Minister for Industry, Technology and Resources will pick up my point, take it on board and review the measure. The clause, which sets out the objects of the Bill, fails to provide that no business, especially small business, in Victoria shall be disadvantaged by any provision or regulation under the Bill that has the effect of commercially disadvantaging, in the competitive world of retailing, any retailer or business person in Victoria, particularly in relation to other laws in other States.

I hope the Minister will ensure that, in the next review of the measure, these points will be addressed. I hope he asks Mr Robert Miller to conduct the review, because he is a tremendously competent person who did a great job on his last report on shop trading. I hope the Minister asks Robert Miller especially to examine the anomalies that exist between the States and the need to ensure that Parliament does not make it more difficult for small businesses situated along Victoria's borders with New South Wales and South

Australia to compete where other States have regulations and laws that give people the right to work when Victorians may not have that right.

I hope the objects of the Bill will be reviewed, perhaps even as speedily as during the time the Bill is between here and another place.

The fact that I have acknowledged my position in relation to policy is a matter to which I should like to refer when speaking about the red meat trading hours issue. I noticed that my friends and colleagues in the National Party, as I understand it, are now supporting the notion that there should no longer be restrictive provisions in that area. I am not saying this to embarrass my friends in the National Party.

Mr Jasper—It does not embarrass us at all.

Mr LIEBERMAN—I do not wish to do that. There is nothing wrong with a political party reviewing its policies and changing them. That is very healthy. It is good that, in the past year or so, the National Party has found itself able publicly to support the livestock industry and the beef producers in their campaign to allow red meat to be sold in supermarkets during particular times. That is something for which I commend the National Party.

I notice that National Party members still oppose deregulation in other areas and I can understand their dilemma. However, I shall make a prediction now: that, in the space of two, three or four years—or perhaps even sooner—the National Party will support the policies of the honourable member for Hawthorn, when he is Minister; and, under his leadership, the laws will change responsibly to meet the demands of the community and to lift from business the yoke of over-regulation and needless interference with people's rights and decisions.

I am sure all honourable members in this Parliament would like to ensure that small businesses, in particular, prosper. No member of the Opposition would want it otherwise.

Mr Simpson interjected.

Mr LIEBERMAN—The proposition put forward by the honourable member for Niddrie, in his enthusiasm, is that because I am speaking about deregulation I must be against small business. He knows that is not my position. However, I ask the honourable member for Niddrie to share those thoughts with me, accepting the fact that he is opposed to deregulation.

I am saying that deregulation and a review of penalty rates are essential. I am prepared to bet that the honourable member for Niddrie does not sincerely support the notion of public servants paid by the taxpayer spying on fellow Victorians with a view to prosecuting them because they were found working.

Honourable members interjecting.

Mr LIEBERMAN—I do not think the honourable member supports that idea. I believe I know him fairly well—we have been in Parliament together for eleven years—and that is why I do not think he seriously wants one of Her Majesty's public servants to be occupied with and to have the job specification of spying on his fellow Victorian to catch him working, then dragging him into court and giving evidence that might lead to that person's initiative incurring a penalty.

Mr Simpson—I support the law.

Mr LIEBERMAN—That is not what we are talking about. We are talking about the nub of the debate, the proposed new law that will affect the rights of people in this State.

I realise the objects of the Bill will require the introduction of certain penalties, proceedings and prosecution rights. As a member of the Subordinate Legislation Subcommittee of the Legal and Constitutional Committee, I am absolutely alarmed and

sickened to note that clause 24—to which I refer only in passing—provides that a Victorian citizen who has been caught working——

Mr SIMPSON (Niddrie)—I raise a point of order, Mr Acting Chairman. The Committee is dealing with clause 1. The honourable member for Benambra is now attempting to discuss clause 24.

I suggest that he obviously missed the opportunity of making a contribution during the second-reading debate and is now trying to use this opportunity of making that contribution. I, therefore, suggest, Sir, that you bring him to order forthwith.

Mr LIEBERMAN (Benambra)—On the point of order, Mr Acting Chairman, I was making a fleeting reference to clause 24, as it relates to clause 1, which provides:

The purpose of this Act is to provide for the regulation of shop trading hours and for the registration and classification of shops and for related matters.

I submit that, provided I make only a fleeting reference, I am entitled to refer to the regulations that are envisaged by the Bill; and that is all I am doing.

The ACTING CHAIRMAN (Mr Kirkwood)—Order! Clause 1 is a very wide clause and I disallow the point of order.

Mr LIEBERMAN (Benambra)—I was saying that, as a member of the Subordinate Legislation Subcommittee of the Legal and Constitutional Committee, I am alarmed that we are eroding the rights of individuals more than should be permitted. I am using moderate, sober language although, frankly, I should like to use much more colourful language.

I ask honourable members to read the Bill between now and when we come to clause 24 because clause 24 (1) (e) states:

The onus of proof that the requirements of this Act with regard to the registration of shops have been complied with as to any particular shop is on the defendant.

Paragraph (g) states:

It is not a defence that the occupier of a shop was not in the State when the alleged offence was committed.

Paragraph (f) states:

The onus of proof that a shop is not within a particular municipal district or locality mentioned in the summons is on the defendant.

What sort of State are we turning into?

The ACTING CHAIRMAN—The honourable member is going into detail and I ask him to come back to the broad principles in clause 1.

Mr LIEBERMAN—I shall not say any more on that, but I hope that before we deal with clause 24 honourable members on the other side of the Chamber will read it or get a copy of the Bill. If they do not have a copy of the Bill now they should be ashamed of themselves. I shall be interested to hear the comments of the honourable member for Niddrie.

I commend the Minister for Industry, Technology and Resources for moving along the tortuous path of deregulation. I can understand that there must be enormous personal difficulties and pressures on him, being the Deputy Leader of a political party, from various factions and sections of the community to regulate further rather than progressively to deregulate. I commend him for that.

I have some knowledge of the battle he has been fighting and hope he will not be deterred. While he has to fight the political battle between the Government and the Opposition on this issue in what remains of the Cain Government for the next two years or less, I hope he will continue to take the counsel of Robert Miller and people like him and heed the comments of the honourable member for Hawthorn about getting rid of laws

that provide that if one is caught working one is likely to be branded a criminal, likely to be brought before the court, likely to have the onus of proof reversed or likely to face a heavy penalty, loss of property and maybe even gaol.

I hope the Minister will keep fighting, as I suspect he will. If he does not, one thing is clear, the honourable member for Hawthorn, when he is the Minister, will attend to the necessary protection of the rights of citizens as they should be.

Mr REYNOLDS (Gisborne)—I welcome the move to relax some of the rules, laws and regulations controlling shop trading hours. Anything that frees up this area has to be good. Having said that, the Bill does not go far enough because as soon as a regulation, level or benchmark is put into an Act it disadvantages someone on one side of the line, whether it be on the downside or upside.

The discrimination in the Bill against hardware shops particularly interests me. I was a hardware merchant, irrespective of the fact that the honourable member for Warrnambool suggested yesterday that Opposition members had no such experience. I know the honourable member for Frankston South spent a lot of time behind the counter of a chemist shop and I spent a lot of time behind the counter of a hardware shop; more than twelve years! On that basis, I believe I have a little experience in running a hardware business.

In the 1970s Friday night shopping was introduced and as the proprietor of a hardware shop at that time I feared that I would be seriously financially disadvantaged. My takings levelled out while it was a novelty for customers to go to the larger shopping areas. I was not geared to open on Friday nights and decided to see what would happen. A few months later my takings began to rise because the people who had gone to the larger shopping areas for Friday night shopping came back. I was terrified that it would cause the demise of my business, but it did not happen, it levelled out and people shopped where they chose. My figures were down for a little while but then they resumed their progressive climb.

That is the problem with extending shopping hours. Small shopkeepers who do not remember the Friday night shopping experience are saying that the big shops will open and they will have to open. They do not have to open on a Friday night. I know of shopkeepers in this Chamber who did not open when Friday night shopping was introduced—they did not go broke. One does not have to open on Friday nights, but let them have the choice.

On many occasions a hardware shop proprietor is called on to provide a service out of hours. I did that in my hardware shop. I had a Labor member of Parliament come to me and demand service on a Saturday afternoon or a Sunday.

Mr Simpson—You broke the law!

Mr REYNOLDS—I openly broke the law and it was for a Labor member. The reason was that a pipe had burst in his house and he had no water. He needed a fitting and I agreed to give it to him. I did not sell that fitting to him, I gave it to him and he paid me on the Monday.

There were plenty of people who called at my shop after hours demanding service either because they were in trouble with the job they were doing or because something had broken down. I should have been fined or gaoled. Before chemist shops were allowed to open seven days a week, the honourable member for Frankston South also broke the law by providing medicine in cases of emergency.

What should happen with shop trading hours is to let the shops choose when they want to open. If I could have chosen to open and had people who were prepared to work for me who did not require penalty rates I should have been quite happy for them to have worked for me and I should have had the opportunity of being open on a Sunday morning to provide a service for people who wanted to purchase goods. That is what it is all about,

freedom of choice. People should be allowed to work when they want to work. If they are prepared to work on a Sunday morning at ordinary rates of pay, they should be allowed to do that.

We must come back to freedom of choice without the penalty loadings if staff work beyond the 38-hour week.

The clause was agreed to, as was clause 2.

Clause 3

Mr GUDE (Hawthorn)—In the second-reading debate I referred to clause 3, which provides for certain definitions, and I suggested to the Minister that some consideration should be given to a definition covering souvenir shops. At present confusion may occur because of the diversity of sales that can take place. I ask the Minister to consider that matter while the Bill is between here and another place.

The clause was agreed to, as were clauses 4 and 5.

Clause 6

Mr JASPER (Murray Valley)—I move:

1. Clause 6, line 23, omit "20" and insert "10".

In the second-reading debate I referred honourable members to the number of employees permitted for a shop to be an exempt shop. The maximum number of employees working in an exempt shop and selling exempt goods, as listed in the fifth and sixth schedules of the Labour and Industry Act, is twenty. Members of the National Party believe this figure is too high. At first we thought it should be four but we reached the conclusion that perhaps a total of ten full-time and/or part-time employees was the most realistic figure for a shop to be an exempt shop.

With the maximum level set at twenty employees, the National Party believes a larger range of businesses will be able to open on Saturday afternoons and Sundays and trade beyond the present 133 hours from midnight on Sunday to 1 p.m. on Saturday. Honourable members should protect small businesses that employ fewer than four employees—the true corner store small business, restaurant or cafe.

I refer the Committee to page 46 of *Shop Trading Anomalies and Penalties—Victoria*, which indicates the number of shops and the number of staff employed in those shops. Some 97 per cent of all shops registered in Victoria have between one and ten employees. The National Party sees no need to extend the number of staff to twenty, which would expand the number of these shops to 873 shops or an additional 1.9 per cent.

I ask the Committee to consider lowering the number of employees to ten and I seek a response from the Minister for Industry, Technology and Resources. I point out to the Government and the Committee that we are attempting to ensure that true small businesses are permitted to trade on Saturday afternoons and Sundays. The maximum number of twenty employees as listed in the Labour and Industry Act is too high; the number should be ten.

Mr FORDHAM (Minister for Industry, Technology and Resources)—I thank the honourable member for Murray Valley for his contribution and I understand the concerns he has raised. The issue was carefully considered by the Government. The Miller report recommended 30 instead of twenty employees and the honourable member for Hawthorn proposes to move an amendment to that effect.

The Government believes twenty is satisfactory. That figure was established in 1983 when the honourable member for Niddrie was the Minister of Labour and Industry. The Government decided that the figure was a fair balance between the various competing interests. This has operated adequately for small businesses and has provided for a

completely diverse retail sector. The Government does not propose to change the figure at this stage.

Mr GUDE (Hawthorn)—The Opposition proposes to extend the exemption from twenty to 30 employees. I cannot help but note the absolute hypocrisy of the honourable member for Murray Valley and the National Party in this debate.

The Miller report contains a map of Victoria that demonstrates that representatives of the National Party are exceedingly well served by exempt areas. Electorates that have the benefit of open trading in some form include Wangaratta, which is in the electorate of the honourable member for Murray Valley——

Mr Jasper interjected.

Mr GUDE—Has the honourable member not read the Miller report? Other electorates include Warrnambool, Portland, Lowan, Swan Hill, Mildura, Shepparton and Gippsland East. Is there any need to go on? The honourable member for Murray Valley ought to be ashamed of himself. He is attempting to put to the Committee and to the Victorian electorate, which he purports to represent, a privileged position. He wants to protect the many privileges he has in the bush. He does not care about people who conduct businesses in other parts of the State. He does not have any comprehension of the needs of small business in metropolitan Melbourne.

I am aware that some members of the National Party do not share his enthusiasm for a reduction to ten employees and they are embarrassed about the direction the honourable member is taking his party in this debate. I oppose the amendment moved by the honourable member and request the Minister to consider lifting the number of employees from twenty to 30.

Mr JASPER (Murray Valley)—I did not intend to comment further on my amendment but I have been prompted by the contribution of the honourable member for Hawthorn. The honourable member has the gall to speak about hypocrisy. Has the honourable member for Hawthorn ever run a business?

Mr Simpson—Never!

Mr JASPER—Has he ever been in business?

Mr Simpson—Never!

Mr JASPER—Does he understand what business is all about?

Mr Simpson—No!

Mr JASPER—It is ridiculous for the honourable member for Hawthorn to criticise my experience in small business and to say that I have no understanding of it when I have had experience with small business from a young age.

I am certain members of the Committee would better understand my experience than the honourable member for Hawthorn, who was a member of this place for a while, left it and has now returned. The honourable member brought into doubt my integrity in representing small businesses and in representing the views of the National Party as its small business spokesman. The honourable member for Hawthorn is the one who has little understanding of what small business is all about.

Perhaps he should go out into country Victoria to see what is going on. He should do what the honourable member for Niddrie did when he was the Minister and even before he was the Minister. He went out to the country areas and travelled around Victoria.

I ask the honourable member for Hawthorn, as the Opposition spokesman, whether he has ever visited the Murray Valley electorate. Has he ever been to Wangaratta and spoken to the business people there? Did he go to Shepparton when the business people of Shepparton voted on extending trading into Saturday afternoon and Sunday? The result

of the vote was that 97 of 103 businesses said they did not want to extend trading into Saturday afternoon and Sunday.

The honourable member for Hawthorn wants to throw open the floodgates and follow along the lines espoused by the Leader of the Opposition. As the Minister said, what an absolute load of garbage from the Leader of Opposition in saying he would open all shops in Victoria to extended trading within seven days!

In an excellent second-reading contribution on the Bill, the honourable member for Niddrie highlighted the fact that Victoria has virtually the longest trading hours in the world.

Mr Leigh—So what?

Mr JASPER—The honourable member for Benambra says “So what”. I am sorry; apparently the honourable member for Malvern said, “So what”. He has an even worse understanding of the situation!

The honourable member for Hawthorn spoke about country areas that had extended trading. This is true, but it is limited. They do not have it for 52 weeks of the year; Wangaratta certainly does not.

The people in the municipalities that have extended trading hours have been granted those hours on the basis that they are tourist oriented areas. A totally different argument has been put forward by the honourable member for Hawthorn.

If the Government were to do what is suggested by the honourable member for Malvern, small business in country Victoria would be really hard hit, as would businesses around metropolitan Melbourne. The National Party believes there should be support for small business as contained within the Bill. Small businesses should be supported against the large supermarket operators and large chains because small businesses are the backbone of the economy and, if they are not thriving and expanding, we are in trouble.

Rather than launching into a second-reading speech on this point, I shall conclude my remarks by saying that the amendment I am putting forward should be supported by Parliament in order to look after the great bulk of small businesses. Nearly 90 per cent of small businesses in Victoria employ fewer than four persons, and more than 97 per cent of them employ fewer than ten persons. They are the ones who should be supported and they are the ones in the deepest trouble—working the hardest for the least return.

Mr GUDE (Hawthorn)—One or two remarks made by the honourable member for Murray Valley need some correction. First of all, he asserted that I know nothing about small business and that I have never run a small business. I inform the honourable member that that is not correct and that he should know better. The facts are that I have owned my own business; I employed three people and I did so for several years.

He then asked whether I had ever been to Wangaratta. I have been to Wangaratta on a number of occasions as the Assistant Director of the then Victorian Chamber of Manufactures—now the Australian Chamber of Manufactures—with the specific task of visiting manufacturers and businesses in that area. As the Opposition spokesman on small business, I have been to Wangaratta and to Wodonga in the past twelve months. I also make the point that when I was a board member of the Small Business Development Corporation of Victoria, as is still the practice—and an excellent practice—the board went out to various regions of the State to talk specifically with the business community and on a number of occasions since—I cannot recall precisely how many—I have done just that.

Additionally, when I was Parliamentary Secretary of the Hamer Cabinet, that Cabinet—as does the Cabinet today—visited a number of areas throughout Victoria talking to the communities, and particularly talking to businesses. Therefore, I have some personal knowledge of what is going on in business and I resent the implications of his remarks. They were unfounded, and I have now put them to rest.

Despite remarks made by the honourable member for Murray Valley, the fact remains that the majority of businesses in the State want this exemption extended to 30 employees. It was recommended, after all, by the Miller inquiry. Nobody could claim that Mr Miller has any particular bias against the Government. Indeed, the opposite ought to be the case.

After an exhaustive inquiry in which many people were interviewed, he has come down with a sensible, sane and responsible recommendation that, although it does not really go far enough, the Liberal Party is prepared to accept. The Government has embraced all but two of the recommendations and it is reasonable and proper for that particular recommendation to be adopted. Again, I restate the Liberal Party's support for the Miller inquiry recommendation.

The amendment was negatived.

Mr JASPER (Murray Valley)—I raise one more point in relation to clause 6, which refers to a business that "a reasonable person" would expect to be carried on. I raised the matter with the Minister during the second-reading debate. We now have the types of shops listed in Schedule 1 of the Bill, which were previously listed in the Fifth Schedule of the Labour and Industry Act. The Sixth Schedule listed the types of goods that could be sold.

The types of goods are no longer listed and the Government is now, therefore, listing the types of shops but not the types of goods. As I mentioned previously, it is framed so that the types of goods to be sold are those that "a reasonable person" would expect to be sold in a particular shop.

The honourable member for Frankston South raised this issue during the second-reading debate, and the National Party requires a response from the Minister as to how he will determine what goods will be sold by those shops in the Fifth Schedule of the Act and now in Schedule 1 of the Bill.

Mr FORDHAM (Minister for Industry, Technology and Resources)—As the honourable member for Frankston South will confirm, I referred especially to this issue during the second-reading debate and I referred to page 45 of the Miller report dealing with this issue.

The concept of "reasonable person" was recommended by Mr Miller, who has been so lauded by honourable members on all sides of the Chamber. He referred, in turn, to a Mr Justice Crockett of the Victorian Supreme Court who, in turn, had referred to this concept. The Government has since received further legal advice and it is assured that this course is not only appropriate but is the best way of moving forward with the issue.

I shall be pleased to arrange, while the Bill is between here and another place, for a detailed briefing on the matter—because I understand the legal complexities of the situation—so that the honourable member for Murray Valley can be satisfied as to the background and circumstances in which this concept is being used.

The clause was agreed to, as was clause 7.

Clause 8

Mr JASPER (Murray Valley)—I move:

2. Clause 8, line 13, after "district" insert "that are more than 32 kilometres from the General Post Office, Melbourne".

Section 80A of the Labour and Industry Act deals with shops that can be determined as being in tourist and holiday areas. It also details exempt shops that can trade on Saturday afternoons and Sundays, and with the applications that may be made to the Minister about which there are two particular points.

The first point relates to section 80 (3) of the Labour and Industry Act, which states:

An application shall be made only in respect of—

(a) an area the whole of which is more than 32 kilometres from the General Post Office Melbourne and which is a holiday resort or part of a holiday resort; and

(b) a period or periods of the year during which the holiday resort usually has a large holiday population.

The National Party believes the restriction should remain. If it does not remain, the City of Melbourne may apply to the Minister requesting that shops in its area should be able to open for trading on Saturday afternoons and Sundays so that it can service the population in the city and tourist needs. That would have a devastating effect on country municipalities and outer metropolitan areas where there are shops that have normal Saturday afternoon and Sunday trading. They are exempt shops listed in the Act. There should be some restriction on the applications of municipalities to the Minister for extension of trading hours.

Guidelines are set down in clause 8 and, in the amendment, we are seeking to restrict the interpretation so that the City of Melbourne cannot apply to the Minister for an extension of trading hours on Saturday afternoons and Sundays. It may be able to put a reasonable case to the Minister and the Minister may find it extremely difficult to reject such an application.

Mr Simpson interjected.

Mr JASPER—The honourable member for Niddrie would agree strongly with the comments I have made because I know his attitude on shop trading hours and the restrictions for trading on Saturday afternoons and Sundays.

The National Party seeks to restrict this clause so that only tourist and holiday areas can apply to the Minister for extended trading hours on Saturday afternoons and Sundays. I seek an assurance from the Minister that guidelines will be set and that this clause will not be the thin end of the wedge.

In my contribution to the second-reading debate I said that clause 8 was the thin end of the wedge and that it would break down the protection of small businesses in tourist and holiday areas.

Mr FORDHAM (Minister for Industry, Technology and Resources)—I make it clear to the honourable member for Murray Valley that the clause is neither the thin end of the wedge nor the opening of the floodgates. I understand the point that he made during the second-reading debate and in his contribution on this clause.

Clause 8 is an attempt to put in a more rational way the ad hoc provisions developed in the Labour and Industry Act over many years by other Governments. It brings together what were previously eight separate sections of the Act into a single clause.

The result of the honourable member's amendment, if passed, would be to close down the present provisions for the City of St Kilda, require the Collins Street precinct to close overnight and also Warrandyte, Sherbrooke and Eltham, which have long been regarded as accepted areas for extended trading hours. All shops within that 32-kilometre area would immediately be affected by that provision.

I am sure the honourable member did not intend to encompass those areas within his amendment. His party is not part of the new National Party that is endeavouring to invade the metropolitan area. They are unashamedly back in their holes in country Victoria. The National Party protects what it has. The honourable member for Murray Valley exemplifies that time and again.

The Government cannot accept the amendment. It would create havoc and chaos rather than preserve what the honourable member believes is the status quo. I give him the assurance he sought that this is not an opening of the floodgates; it is not a backdoor method by which the Government will surreptitiously change the structure of shop trading hours that have been so painstakingly developed over a number of years. The clause is a rational way of expressing the Act and putting it into a form for what is clearly an evolving situation.

Mr GUDE (Hawthorn)—This is one more example of the way in which the National Party is seeking to protect its decreasing interests in country Victoria.

The Minister indicated that the honourable member for Murray Valley was the protector of country interests. I am not sure that the honourable member has got out of his burrow, to be honest. The honourable member for Murray Valley seems to be involved in a vendetta against business in city areas. The amendment moved by him on behalf of his party is not sensible. It is not one that the Liberal Party can accept under any circumstances. We believe, though it is a small step, the change in clause 8 makes more sense.

Of course, the Liberal Party would go further, and this was stated during the second-reading debate. But given that the Liberal Party is not in government and it is not able to introduce and pass legislative reforms for which Victoria is crying out, it is far happier to go forward in this way.

The Minister also said that he was not proposing to open the floodgates. The Liberal Party understands that; it is disappointed that is the case. It understands the limited position the Minister has within his party. However, as I said during my contribution to the second-reading debate, I am pleased that it is the Deputy Premier and not any other Minister who has this responsibility.

Mr FORDHAM (Minister for Industry, Technology and Resources)—I thank the honourable member for Hawthorn; I shall take that as a compliment. One other point I should make to my colleague, the honourable member for Murray Valley, with regard to the issue of guidelines is: I am prepared to consult with him in the preparation of those guidelines and similarly with the honourable member for Hawthorn.

The amendment was negatived.

Mr JASPER (Murray Valley)—I move:

3. Clause 8, page 6, lines 9 to 15, omit sub-clauses (8) and (9).

The National Party is clear in its understanding of what the Government is proposing in this clause. We had, as the Minister indicated, two Saturday afternoon trading days by a specific Act of Parliament in December last year. There was specific debate in Parliament on that matter. Now the Minister is proposing in clause 8 to include four unspecified days for Saturday afternoon or Sunday trading which can be provided for by the Governor in Council.

The National Party is totally opposed to the conditions in clause 8. Should the Minister believe shops should be allowed to open on two Saturday afternoons prior to Christmas, that matter can be debated at the specific time.

However, this clause proposes that shops should be allowed to open for four days in a year at the discretion of the Minister and on his recommendation to the Governor in Council. Those four days could be any Saturday or Sunday—even Easter Saturday and Easter Sunday—as the Minister determines.

That takes away from Parliament its right to specify the days on which shops will be allowed to open. I hope the Minister will respond by stating that he is prepared to revise his thinking and allow these days to be decided by Parliament. As the Bill stands, these days can be gazetted at the request of the Minister and accepted by the Governor in Council as being any four days throughout the year.

The National Party opposes any suggestion that Sundays should be included. I look forward to the response of the Minister, and I hope he will heed my request that these four days should be clearly specified. This is the thin end of the wedge for the honourable member for Hawthorn, who is happy to accept clause 8 as a basis for general trading on Saturday afternoons and Sundays.

Mr FORDHAM (Minister for Industry, Technology and Resources)—The honourable member seems apprehensive about almost every clause in the Bill and its potential impact.

I repeat, this is not the thin end of the wedge. It was outlined in my second-reading notes when introducing the Bill. I specified that there were obvious circumstances in which flexibility was desirable to meet specific needs. One that immediately comes to mind is the pre-Christmas trading days. I give advance notice that I am open to representations on the coming Christmas period.

The pre-Christmas opening in 1986 was a success and no doubt the community has an expectation that it will be repeated this year. The scope to provide that should be there and I would wish, as Minister, to have that scope.

For Victoria's 150th anniversary, the Government had to pass a special Act to allow for extended trading. The Government of the day should have the flexibility to meet circumstances as they arise, without the need to introduce legislation.

I give an assurance that I shall not abuse that situation. I agree with the honourable member for Murray Valley that the potential for abuse is there. However, any Government that did abuse it would face the enormous ire of small retailers across Victoria. Retailers provide the real sanction; not the comments or threats made in Parliament. Any Government that abused that situation would not be in touch with the retailers of this State.

Mr GUDE (Hawthorn)—The Opposition has no concern about clause 8. As I indicated during the second-reading debate, the Opposition is disappointed that the Bill does not go further. It recognised the benefits to the business community when the Act was passed last year. It was a good move by the Government and should be encouraged this year. It created record sales for the retailers at a period when times were tough throughout Australia.

During that pre-Christmas period, Victorians obtained some special advantage. People took advantage of the extra shopping days and came out in their thousands. Those people proved the point being made by the Liberal Party and the business community that an extension of shop trading hours is required.

The Opposition opposes the amendment moved by the National Party.

Mr JASPER (Murray Valley)—I thank the Minister for his explanation of clause 8 and the use to be made of these four days. I have no doubt about the integrity of the Minister. What does worry me is that some future Minister may not use his discretion in a reasonable way.

An assurance is needed from the Minister that these four days will relate only to Saturdays and not to Sundays. The Minister may want flexibility in this matter, but that should not be at the cost of people who do not want an extension of trading hours to Sundays.

Last year only two Saturday afternoons were provided for retailers to operate prior to Christmas. The Bill allows for four days at any time of the year, without any consultation with Parliament. We should not accept the Government doing everything by regulation because that removes from Parliament the power of consulting and determining issues.

The honourable member for Hawthorn made his position clear. He stands with big business. He said that on the two Saturday afternoons of trading last year people came out in their thousands and supported the retailers. He should tell that to the State Chamber of Commerce and Industry (Victoria), which knows that small business lost up to 20 per cent of trade because of the extension to trading hours. They lost that trade to the big businesses that operated on the Saturday afternoons prior to Christmas.

If we continue along this track, small business will be swamped by big business. Small business is finding it tougher and tougher as time passes. It is resilient: it has withstood the pressures that have been placed upon it, but it is becoming exasperated with the situation in Victoria today. Soon more and more people will be reluctant to exercise their entrepreneurial skills and run their small businesses. The Bill does not help them.

The National Party is concerned about this amendment and, although I recognise the comments made by the Minister for Industry, Technology and Resources, the National Party cannot accept that future Governments will have the same attitude.

Mr FORDHAM (Minister for Industry, Technology and Resources)—The honourable member for Murray Valley referred to Sunday trading, but no applications have been made to me concerning Sundays and I can foresee no alteration to my present thinking on that matter. The honourable member understands my views about Sunday trading. Circumstances may change in the future, but I cannot foresee any special circumstances that will affect Sundays.

The amendment was negatived.

Mr JASPER (Murray Valley)—Can the Minister clarify the necessity for the inclusion of the word “may” in clauses 8 (4) and (6) where the expression is used, “the Minister may”?

Mr FORDHAM (Minister for Industry, Technology and Resources)—I have been instructed by Parliamentary Counsel that, under the plain English mode in drafting new legislation, the word “may” is a common phrase and all new Bills will use this word.

The clause was agreed to, as were clauses 9 to 21.

Clause 22

Mr GUDE (Hawthorn)—Clause 22 (1) (b) provides that a trader must not:

... after having been warned by an inspector of the obligation to close the shop and keep it closed, fail to close the shop within one hour after that warning or such longer period as the inspector may direct, and keep it closed in accordance with this Act.

Although the Opposition will not move amendments to this clause, it takes the view the shop could and should not be closed forthwith; that people who are trading in the shop at that time should be allowed to complete their purchases, pay for whatever goods they have bought and then leave the premises. Other people who want to come into a shop that is open in contravention of the Act should be prevented from doing so, and the appropriate officer ought to have that authority.

Mr FORDHAM (Minister for Industry, Technology and Resources)—I shall clarify that matter while the Bill is between here and another place.

The clause was agreed to, as was clause 23.

Clause 24

Mr FORDHAM (Minister for Industry, Technology and Resources)—I move:

1. Clause 24, page 12, line 22, after “tailor” insert “or”.
2. Clause 24, page 12, line 22, omit “or photographer”.

Amendment No. 1 corrects a drafting error. Amendment No. 2 is necessary because photographer shops are listed in Schedule 1 of the Bill as being exempt and, therefore, there is no need for “or photographer” to be included in the list of service shops in clause 24, for deeming purposes.

The amendments were agreed to, and the clause, as amended, was adopted, as were clauses 25 to 28.

Clause 29

Mr JASPER (Murray Valley)—I raise two issues requiring clarification by the Minister. The first issue relates to the changes to the Labour and Industry Act. Subclause (2) refers to the Fourth Schedule of the Labour and Industry Act and subclause 2 (a) omits “SHOP OR MARKET SITE”, leaving “factory” under that provision. I again express the National Party’s concern that the setting of fees is being taken out of the Act and will be set by

regulation. The fee provisions should be retained in the Act so that Parliament has the right to set the fees that can be related to the number of employees of the shops concerned.

I note that amendments will be made to the Subordinate Legislation Act, so some protection may be afforded to business when increases in fees are imposed.

Clause 29 (3) provides:

In the *Labour and Industry Act* 1958, the Fifth Schedule and the Sixth Schedule are repealed.

The schedule to the Bill lists the types of shops to be included under the exemption clauses.

Subclause (4) refers to the Seventh Schedule to the Labour and Industry Act 1958. I suggest that subclause should refer to the Fifth Schedule, because the fifth and sixth schedules of the Act have been repealed.

Clause 30 refers to the Fourth Schedule and the repealing of that schedule. I ask the Minister for clarification of those points.

Mr FORDHAM (Minister for Industry, Technology and Resources)—I thank the honourable member for his assiduous reading of this complicated clause. I responded earlier during the second-reading debate to the setting of fees and I believe, on balance, that the Government's proposal is the right way and that those restraints that I mentioned earlier will be on this Government and any future Government that attempts to abuse the issue of fees.

So far as the numbering of schedules is concerned and the sequential work, I assure the honourable member that the clauses have been double checked, and I am instructed that the problem relates to the fact that there will be movement in the sequence in the Labour and Industry Act and the proposed Shop Trading Act. However, I assure the honourable member that while the Bill is between here and another place I will check up on the detailed numbering referred to and, if he is proved to be correct, that will be both acknowledged and corrected in another place.

The clause was agreed to, as was clause 30.

Clause 31

Mr GUDE (Hawthorn)—This clause will be known as the Frank Penhalluriack clause because it recognises the mistakes of the past. They are evident for all to see. It is a disgrace to the Government and the people of Victoria that a person who sought to provide a service that was so evidently required by the community was put into the position of having his health and that of his family affected.

Mr Penhalluriack has not acted in a criminal way, as might be suggested of some people in the community who have broken the law. It is a small step towards recognising that an injustice has occurred; the provision erases that injustice, and that is appropriate.

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

Schedule 1

Mr GUDE (Hawthorn)—I move:

2. Schedule 1, after "Fruit and vegetable shops" insert "Hardware shops".

The Opposition has considerable difficulty with this matter. It is disgraceful that Victoria does not have the trading opportunities that are available in other States. I shall list the weekend trading hours for hardware stores in other States; New South Wales, Queensland, Tasmania, Australian Capital Territory, Northern Territory, 24 hours a day on Saturday and Sunday; South Australia, 16 hours on Saturday and 6 hours on Sunday; and Western Australia, 7.5 hours a day on Saturday and Sunday.

The Government is being vindictive and spiteful. That is a shame because the independent inquiry headed by Mr Miller was sensible enough and had the foresight to recommend that hardware shops be included in Schedule 1.

I have a ditty that I received from a person who likes to trade on Sundays, and I shall quote it because, in many ways, it typifies what people think about this matter.

RING RING . . . "Mr Fordham here" . . .

"Hello Mr Fordham. I want to open a hardware shop on Sunday to encourage more business."

"Sorry—that's not the sort of business we want! My goodness gracious me no—we only allow souvenirs, records and cassettes shops on Sundays because my Government owns them. Try South Australia . . . or Western Australia . . . or Tasmania . . . or New South Wales . . . or Northern Territory . . . or Australian Capital Territory . . . or even Queensland. They ALL allow weekend hardware shops. But weekend hardware is not the sort of business Victoria wants—my goodness gracious me no! Dirty hands and all that. But we do encourage brothels, bars and betting on Sundays!"

That says it all. The Government has before it a recommendation from a reputable person; the Miller report is first class and the Government has adopted all but two of its recommendations.

The Government is leaving hardware shops out of Schedule 1 because the proprietors of hardware stores who have traded on Sundays have embarrassed the Government by serving a community need. I invite honourable members to visit Frank Penhalluriack's store on any Sunday to take note of the number of people who go there to purchase products.

I am not ashamed to say that I have visited the store, nor am I ashamed to admit that I have purchased goods at the store on a Sunday. I do not have the opportunity of purchasing goods from Monday to Saturday because, like most honourable members, I am busy. However, members of Parliament are not the only people who are busy.

Many women are now in the work force and do not have the opportunity of purchasing products from a hardware store during the week. Not only are they working to bring in an income for their families but also they are working and looking after their families. They are doing two jobs and, therefore, are extremely busy.

The Opposition feels strongly about this matter and implores the Government and the National Party to support the amendment.

Mr FORDHAM (Minister for Industry, Technology and Resources)—I thank the honourable member for Hawthorn for outlining the basis of the amendment. It will not come as a surprise to him or the Committee that the Government will not accept the amendment.

This issue was specifically addressed in my second-reading speech, and I refer honourable members to that for the detailed explanation. In essence, following the publication of the Miller report, the Government received representations from as worthy organisations as the Hardware Retailers Association of Victoria and the State Chamber of Commerce and Industry (Victoria). They pointed out that the specific terms of reference of the Miller inquiry concerned the issue of anomalies and penalties and that the impact of including hardware shops in Schedule 1 went beyond the terms of reference.

When I first introduced the Bill as far back as December last year, the Government assured the Victorian community that reference to hardware shops would not be included in Schedule 1. However, I indicated that that matter would be considered by a review that would be undertaken this year on the general extension of trading hours. That is the context in which that matter will be considered in the future.

I am pleased that the National Party also shares the view of the Government on this matter. The Government is showing an appropriate and proper concern for small business, and the matter should be considered in its proper and full context.

Mr KENNETT (Leader of the Opposition)—I have been tempted to enter the debate at this late stage to appeal to the Minister for Industry, Technology and Resources to apply commonsense to the laws of the State. In 1987 it is quite absurd that the Government, having commissioned a report which recommended the provision included in the amendment moved by the honourable member for Hawthorn, should not accept the findings of that inquiry.

It is stupid for the Government not to accept the amendment when one considers that one can go to a range of service station outlets during the weekend which sell many hardware products. One can go to a convenience store seven days a week and buy the same goods, and it will not be long before one will find a range of hardware products being sold in chemists and milk bars.

It is crazy for the Minister to say, "We will look at it at some time in the future." The Government has had an inquiry and surely it will not waste more taxpayers' money on assessing what should be a commonsense application of what people want.

Hardware stores are different from other shops because, as the honourable member for Hawthorn indicated, many people are driven by economic necessity to do their own chores around the home. In better times under the Liberal Government, people would have been able to afford to employ tradesmen, therefore creating employment, but they must now do those jobs themselves. When doing such jobs on the weekend, many people find themselves without the hammer, nail or screw they need to complete the small chores about the house.

I ask the Minister to consider seriously including hardware shops in Schedule 1. I am shattered to think that the National Party has decided to support the Government again. The honourable member for Murray Valley is a small businessman and, from what I hear, he is a good small businessman. However, I understand that his business can open on a Saturday afternoon. I should have thought the honourable member for Murray Valley would be the first person to say, "All right, maybe the National Party is opposed to Sunday trading but let us allow hardware stores to open on Saturday afternoons."

If one walked in to Jasper Bros Pty Ltd on a Saturday afternoon, I imagine one could buy wrenches, nuts, bolts, screws and a number of other products available at hardware stores. I am not asking the Government to accept anything but a commonsense argument.

I cannot understand why, at this stage, the National Party yet again wants to support the Government on a measure such as this when the public is demanding greater flexibility in purchasing items that they need to do work around their homes on the weekend.

The honourable member for Hawthorn will ensure that the Committee divides on this issue. I cannot think of a better issue on which to divide—I think even the honourable member for Murray Valley will speak on the amendment!

Commonsense should prevail especially when the Government talks about employment and the rights of individuals. I cannot understand why it will not accept the amendment which inserts only two words in Schedule 1—"hardware shops". If it did accept the amendment, it could be a mighty step forward for mankind in this State and a mighty step forward for commonsense!

The Minister for Industry, Technology and Resources is being given the opportunity of lashing out by giving Victorians the opportunity of working on their homes at the weekends. I ask the Minister to prove that he really cares and that he understands that Victorians would like his Government to launch Victoria into the 21st century. He should say to the people that they are mature enough to buy a screw or whatever on Saturday afternoons just the same as they can buy many other services.

Mr JASPER (Murray Valley)—I have listened with interest to the comments of the honourable member for Hawthorn, the Minister and the Leader of the Opposition, who was extremely sanctimonious. Honourable members have debated this major piece of legislation extensively yet the Leader of the Opposition has only just decided to enter the

debate. If he were so interested in extending shop trading hours for all shops to allow them to trade on Saturday afternoons and Sundays, and in opening the floodgates for trading seven days a week, he would not have entered the debate when it is nearly finished.

The Leader of the Opposition said that when the Liberal Party comes into Government it will implement its policy on shop trading hours in one week. What nonsense!

If he were really interested in the Bill he would have listened to the contribution of the honourable member for Niddrie, a former Minister, who has an extensive knowledge of this subject and who presented strong arguments in favour of the proposed legislation.

The Bill is a step in the right direction. Shop trading hours will now be covered by a specific Act and will not be part of the Labour and Industry Act. That is an excellent move. Restrictions need to be placed on the operations of businesses on Saturday afternoons and Sundays. The Leader of the Opposition does not agree with that: he wants shops to be allowed to open at any time they like.

The National Party has debated the Bill at length and had extensive discussions about the amendments it proposed to the Bill and those proposed by the Opposition. I thank the honourable member for Hawthorn for providing the National Party with a copy of his amendments.

If hardware shops were included in the schedule, it would precipitate an enormous breakdown in the number of shops that could open on Saturday afternoons and Sundays. The National Party, as I said, is in favour of the present restrictions. It will not support the amendment.

The Committee divided on Mr Gude's amendment (Mr Stirling in the chair).

Ayes	..	..	..	..	..	24
Noes	..	..	..	..	..	44
Majority against the amendment						20

AYES

Mr Brown
Mr Coleman
Mr Cooper
Mr Delzoppo
Mr Gude
Mr Heffernan
Mr John
Mr Kennett
Mr Leigh
Mr Lieberman
Mr Perrin
Mr Pescott
Mr Plowman
Mr Reynolds
Mr Richardson
Ms Sibree
Mr Smith
(Glen Waverley)
Mr Stockdale
Mr Tanner
Mr Weideman
Dr Wells
Mr Williams

Tellers:
Mr Hayward
Mr Lea

NOES

Mr Andrianopoulos
Miss Callister
Dr Coghill
Mr Crabb
Mr Culpin
Mr Ernst
Mr Fordham
Mr Gavin
Mrs Gleeson
Mr Harrowfield
Mrs Hill
Mr Hill
Mrs Hirsh
Mr Hockley
Mr Jasper
Mr Jolly
Mr Kennedy
Mr Kirkwood
Mr McCutcheon
Mr McDonald
Mr McNamara
Mr Mathews
Mr Micallef
Mr Norris
Mr Pope
Mrs Ray
Mr Remington
Mr Roper
Mr Rowe
Mr Seitz

AYES

NOES

Mrs Setches
Mr Sheehan
Mr Shell
Mr Sidiropoulos
Mr Simmonds
Mr Simpson
Mr Stirling
Mrs Toner
Dr Vaughan
Mr Walsh
Mr Whiting
Mrs Wilson

Tellers:
Mr Cunningham
Mr McGrath
(Warrnambool)

PAIRS

Mr Austin
Mr Evans
(Ballarat North)
Mr Maclellan
Mr Ramsay

Mr Cain
Mr Spyker

Mr Wilkes
Mr Cathie

The schedule was agreed to.

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

ADJOURNMENT

WorkCare assessment of Gobel Carpets Pty Ltd—Eltham copper butterfly—Ministry of Housing bond fund—Latrobe Valley rail service—Liberal Party policy on equal opportunity legislation—Car parking at Werribee railway station—Oakleigh City Council

Mr FORDHAM (Minister for Industry, Technology and Resources)—I move:

That the House do now adjourn.

Mr GUDE (Hawthorn)—I direct to the Treasurer yet another example of the problems existing with the WorkCare legislation that was introduced into this Parliament with such indecent haste prior to the Nunawading Province by-election.

The matter concerns the WorkCare assessment of a company called Gobel Carpets Pty Ltd of 86 Wells Street, Frankston. The company was assessed by the WorkCare agency for the running of a retail business, but the inspectors went around to a storeroom owned by the company where no employees are actually working. The company became aware of this move by the WorkCare agency and informed WorkCare in writing on five separate occasions that there were no employees in the store and there was no need for any WorkCare levy to be payable.

Notwithstanding that, on 18 March the company received seven separate notices of account for a storeroom for people who did not exist! It received not 1 or 2 notices, but 7 separate notices. I have them with me, and the Minister is welcome to have them.

The fact remains that an added intrigue comes into this matter. The company took all reasonable steps to inform the WorkCare agency of the position. Anyone who has heard what I have said would appreciate that that is reasonable. The WorkCare officer is entitled to make a mistake, and nobody goes against him for having done that. However, as he had been advised in writing on five separate occasions, one would have thought that eventually the penny might have dropped, but that was not so in this case.

The company approached the electorate office of the local member of Parliament, the honourable member for Frankston South, and asked whether he could do something about the matter. When an officer of the honourable member's staff contacted the WorkCare agency, one of the first questions asked was, "What political party do you represent?" I should have thought that a public servant doing his or her duty in a proper and efficient way would not be concerned—nor is it any business of any public servant in this area—about what political party was represented by the person making the inquiry.

It is a matter of some considerable concern to the Opposition and to the business, which is being subjected to this sort of harassment, humbug and waste of taxpayers' money, that in the end one can be faced with the crude and rude question, "to which political party do you belong?" As if that ought to make any difference, or have any impact on the final assessment notice!

I return to the point I made earlier: on five separate occasions the company wrote to the WorkCare agency and indicated the situation. I, therefore, ask the Minister to take all due steps to have this matter resolved once and for all, because, in the end, the WorkCare agency representative said to the electorate officer of the honourable member for Frankston South, "Do not be surprised if the company receives up to ten notices".

Apparently, the agency cannot get the computer to work correctly. It seems that that agency cannot get anything right.

I have mentioned similar matters today and yesterday, and this is one more example of the incompetency, extravagance and waste occurring within the Ministry administered by the Treasurer.

Mrs TONER (Greensborough)—The matter I raise with the Minister for the Arts, which I ask him to convey to the Premier, relates to two viable populations of a butterfly species known as the Eltham copper, which, until recently, was thought to be on the verge of extinction.

Fortunately, the species has been found on a single parcel of land in Eltham, in two separate populations. For those who are interested, I have a specimen of the butterfly to show to the House, and it is very beautiful indeed.

Mr Coleman interjected.

Mrs TONER—It is obviously not appreciated by the honourable member for Syndal, because that sort of fauna does not exist in the area that he represents. However, we have a very sensitive environment in Eltham, where this species of butterfly has been discovered.

Sadly, the land on which this butterfly is located is on the verge of being subdivided. Indeed, the subdivision has already been approved by the Minister for Planning and Environment.

Yesterday, along with the Minister for Conservation, Forests and Lands and an officer from the Ministry for Planning and Environment, I met with David Crosby, consultant entomologist; Dr Ross Field, entomologist, from the La Trobe University; Michael Braby, entomologist; and David Cameron, botanist from the La Trobe University. We had a very good reception, and I am pleased with the action that the Minister for Conservation, Forests and Lands has set in process to preserve this beautiful little butterfly.

However, some intervention will be necessary because a developer is ready to move in and make his money from the development of this land. There will need to be a delay in that development, during which time a complete investigation can be undertaken of the life cycle of this butterfly, which feeds on a very small bush called the Sweet Bursaria, which is found in Eltham.

Also, part of the component for the butterfly's survival is that an ant nest is at the base of the Sweet Bursaria tree; there, the larvae shelter during the day and the ants milk the larvae of the butterfly. Therefore, these conditions are essential to the butterfly's survival.

It is not simply a question of picking up the butterfly and transferring it to the butterfly enclosure at the Zoological Gardens; it needs to be preserved in its current environment. Action will need to be taken to encourage the people of Eltham to plant more of this species of bush, Sweet Bursaria, so that the butterflies may move from these select areas.

At one stage, when the butterfly was first discovered 40 years ago by David Crosby, it was in a wider area; it was in the Mallee as well as in Greensborough and Eltham.

Unfortunately, residential development has taken over this area and it appears that this lovely little butterfly may be wiped out for ever unless action is taken now, not necessarily to proceed against the development altogether but, rather, to defer it until proper consideration and study is completed of the life cycle of the Eltham copper.

In the meantime, we should ensure that sightseers do not trample through this area until it is possible for the Premier, with his particular influence, to encourage some people, such as those of the BHP company, for example—who have taken a lot from this community and also given a lot back to it—to give back something more out of the goodness of their hearts to assist in the preservation of this land so that the rest of the residential development can take place, and so that this part can be set aside for the preservation of the Eltham copper butterfly.

The limited number of people in Eltham who are aware of the butterfly and the Eltham City Council are delighted about the discovery and are determined to press for the preservation of the area, but the council cannot do that on its own. The Eltham City Council considers itself, as such, to be the trustee.

Mr COLEMAN (Syndal)—The matter I direct to the attention of the Minister for Housing concerns the apparent abuse of the bond system being operated by the Ministry of Housing. A local real estate agent telephoned me and complained about four separate incidents in which he believes the bond fund has been abused.

The first case concerned a family from New Zealand who inspected a dwelling on the Monday for occupancy on the following Friday. The family went to the Ministry of Housing on the Wednesday and obtained the bond money. When the family did not appear to take up the residence on the Friday, it was revealed that they had flown to New Zealand on the Thursday. They effectively picked up the bond money on the Wednesday and took it with them to New Zealand.

The second case involves a toolmaker who had an income above the qualification level set by the Ministry for access to the bond fund. The toolmaker looked at a house with a rental of \$110 a week. He went to the Ministry and it refused assistance on the basis of income but advised him to make a statement that took the overtime content out of his salary package and also to average his wage over a longer period. When he returned the Ministry said it could help him and he was able to get a bond.

The third case involves a 21-year-old public servant, presumably on full salary. He went to the Ministry and received a bond but two young people are living in the house. The other person is a young executive with a bank.

The fourth case involves a family from the Western District. They looked at a house at \$125 a week. The gentleman concerned was in his fifties. To comply with the estate agent's security procedures, he produced statements that indicated that the family, through a family company, owned considerable property in the Western District. He was able to turn up to the Ministry of Housing and receive a bond to help him to take occupancy of the premises.

If one agent is able to relay four examples in the past fortnight, it becomes obvious that every other agent would have similar experiences. What concerns this agent is that he believes there are a number of proper applicants for assistance who are being refused bond money on the basis that the fund is not being maintained at a high enough level. If these abuses are going on—and obviously they are, from the four cases I have cited—the less

articulate people or those not able to pursue the matter to some effect are being refused bonds although the bond fund has been set up specifically to cater for them.

I ask the Minister to investigate the way in which the fund is being administered and to ensure that the people for whom they were originally provided are the recipients of those moneys.

Miss CALLISTER (Morwell)—I raise a matter with the Minister for Transport concerning the V/Line timetable for services to the Latrobe Valley.

The railway timetable has recently been changed and the 1.45 p.m. service from Melbourne has been eliminated and a later service substituted. The 1.45 p.m. service was popular and well patronised. I know from experience that it was always crowded. A significant number of people used the service to travel between Latrobe Valley towns, and it was particularly well patronised by school students.

I have received many representations asking for the reintroduction of the service. One example of that representation was from a Mrs Williams of Morwell, who informed me that since the discontinuation of that train, her son, who is a disabled student attending a school in Moe, has had to travel for 1 hour 20 minutes by bus from the Morwell railway station. That has put a great deal of stress on her son because of his special problems. I can well understand why Mrs Williams wants the return of a convenient and well-patronised service in the Latrobe Valley.

My constituents appreciate that vast improvements have been made to the railway service in the Latrobe Valley since the Cain Labor Government came to office. Victoria now has modern, air-conditioned carriages that are a significant improvement over the trains that previously existed.

In the past five years a number of timetable changes have occurred but the recent change has produced many complaints about the non-running of the 1.45 p.m. service from Melbourne. I ask the Minister to review the recent timetable and to reintroduce the service, especially because of its popularity in the past.

Dr WELLS (Dromana)—I address my comments to the Premier and refer him to question time this morning when he claimed that the Liberal Party is opposed to the principles and practices of equal opportunity in Victoria.

The Equal Opportunity Act 1977 was the second piece of legislation covering equal opportunity in Australia and was introduced by a Liberal Government. In his second-reading speech, the Premier and Treasurer at that time, the Honourable Rupert Hamer, said:

The Government is firmly committed against discrimination of any kind, whether on grounds of sex or marital status, race, colour, age or religion.

Mr SIMMONDS (Minister for Local Government)—On a point of order, Mr Speaker, the honourable member for Dromana said he wished to take up a matter that the Premier raised at question time today, but he has given no indication of how that matter falls within the responsibility of Government administration. The debate on the motion for the adjournment of the sitting is designed to enable honourable members to make representations about Government administration. The Premier explained what the Government is doing in that area but no case has been made out for what the Premier might do about this matter.

The SPEAKER—Order! I do not uphold the point of order, but I suggest to the honourable member for Dromana that whatever he wishes to raise on the motion for the adjournment of the sitting, he should relate to some responsibility of the Premier in his first minute and not reiterate what occurred this morning at question time. The honourable member should amplify what he believes the Premier, as the responsible Minister, can or should do about the matter that concerns him.

Dr WELLS (Dromana)—I appreciate the possible difficulties of the course on which I have embarked, Mr Speaker. However, as the Premier is the Leader of this State, and is responsible for the administration of the Equal Opportunity Act, it is always incumbent on him to be factually correct in any assertions made about the Act.

I was attempting to seek from the Premier written support for his statement this morning. It is important in terms of the administration of the Act in this State.

The SPEAKER—Order! I should say to the honourable member that it is a fairly tortuous process upon which he has embarked. He should seek some remedy on the matters he is raising, which are the direct responsibility of the Premier. He seems to be attempting to do that, so I shall continue to hear him.

Dr WELLS—The remedy I seek is that the Premier supply written support of his statement this morning that the Liberal Party, its women and its men, are opposed to the principles and practice of equal opportunity.

The SPEAKER—Order! The honourable member is stretching credibility so far as the Chair is concerned. I do not think he can call upon the Premier to write a letter supporting the Liberal Party or supporting a matter raised during questions without notice.

He can, however, call on the Premier to make a statement clarifying or to some extent amplifying Government policy but he is not in order asking for a letter to be written supporting the Liberal Party.

Dr WELLS—In that case, I should be happy to call upon the Premier to make a statement in which he demonstrates how Government policy and practice diverges from that which has been supported in this place with the introduction of the 1977 Equal Opportunity Act, introduced by the Hamer Government, and since that time. There is a difference and I seek the Premier's support on that and his withdrawal of what he said this morning.

Dr COGHILL (Werribee)—The matter I raise for the attention of the Minister for Transport concerns the provision of community car parking at the Werribee railway station.

Most honourable members would be aware of the thriving development in the Werribee area, both residential and in terms of new industries and jobs. The recent experience of the area, reflecting the high growth rate, is an enormous increase in the number of people using what is an efficient and effective electric train service to the Werribee area. The Werribee railway station is the terminus of that electrified service.

Over the past few years, on the eastern side of the railway line, extensive developments of car parks have taken place, but most of those serve the shopping community—the people who come to use the local businesses and local retail outlets—and, in fact, the car park has been regulated by short-term parking restrictions to encourage its use for shoppers so that it is not practical for rail users to use it unless they happen to be on an extraordinarily short and quick journey.

The railway service is used mainly by commuters wishing to catch a train during the morning to take them to either a western suburban station or to the city, and to come home after work late in the afternoon.

The limited car parking available on the northern side of the railway line—where all day car parking is available—is simply inadequate for the demand developing in the area and, given the high growth rates in the area, and the population growth rate of 8 per cent or 5000 people a year, many of whom would normally use the Werribee railway station rather than any other railway station, there clearly will be a need for more car parking facilities in the area.

The particular area about which I am speaking is between the railway station underpass ramp and the Werribee River, which is an area of probably 100 metres in length and approximately 75 metres in depth.

It provides an area for a large number of cars to be parked and obviously would be of benefit to the local community if it could be developed. A number of representations have been made over the years by myself and now by the city council in support of the development of that area for car parking.

I seek from the Minister the provision of funds by the railway authorities or, alternatively, some other funding arrangement so that this area can be developed for car parking rather than being left in its present state.

Currently, in dry weather, it is possible to use some of the present car park but, as soon as there is a shower of rain or during the wetter periods of the year, it is impractical to use the area because of the danger of becoming bogged.

Even in the dryer areas, car parking is disorderly and the surface of the car parking area rapidly becomes rough and consequently, at the least, it is unpleasant to drive across and, at the worst, some damage may be caused to a car in which a driver attempts to travel too quickly through the car park because of the potholes that have developed. That makes car parking even more disorderly as people are disinclined to park on rough ground.

The final point I make is that in developing the car park there are a small number of trees in the potential car parking area which should be preserved because of the attraction that they lend to the area.

Mr LEIGH (Malvern)—I raise, once again, for the attention of the Minister for Local Government, a matter which concerns the City of Oakleigh and the fact that the staff of the City of Oakleigh are denying the democratic process of the city to its citizens. This is a fact!

Firstly, at the council meeting the other night the honorary solicitor of the city had to take the minutes of the council meeting. Also, the staff of the council are denying the electors of that city the process of local government.

It is the responsibility of the Minister for Local Government under the Local Government Act to do something about this situation. How long will the Minister, like the former Minister for Local Government, dither over this rather strange city council. The Minister has the responsibility—

Mr SIMMONDS (Minister for Local Government)—On a point of order, the Local Government Act clearly sets out the responsibilities of municipal councils in respect of the administration of local government in Victorian municipalities. The Local Government Act also clearly sets out the responsibilities of the Minister for Local Government. There is no place in the matter that has been described by the honourable member for Malvern for any action by a Minister of this Government and I suggest that unless he relates the matter he is raising to Government administration he should not be allowed to continue.

The SPEAKER—Order! I am not aware that the honourable member for Malvern is calling for legislation. If he is, he is out of order. I appreciate the dissertation by the Minister on the ambit of the legislation but I do not uphold the point of order.

Mr LEIGH (Malvern)—It is a pity that the Minister does not understand the Act. I do not want him to take legislative action. I want him to sack the Oakleigh City Council.

The Minister for the Arts, the honourable member for Oakleigh, is one of the prime culprits. He is the person who is responsible for ensuring that Councillor Perryman retains his position and that the Australian Labor Party caucus is still going on its merry way disadvantaging the citizens of the City of Oakleigh.

This Minister has a chance to do something that the present Minister for Housing, then the Minister for Local Government, did in respect of the City of Richmond. One must

admit that that was because the Liberal Party at the time had started a public inquiry and the Minister had no option but to sack the council once that inquiry was completed.

The Minister earns \$73 000 year—or whatever it may be—but he does not take his responsibilities seriously. It is his job to ensure that local government acts responsibly. The City of Oakleigh does not act responsibly. It is one of the most irresponsible councils in this State. I am not speaking about the independents; I am speaking about the Australian Labor Party and its councillors who are controlled by this Minister, the man who is primarily responsible for this mess.

After four years of asking, I am becoming fed up because I am now being known as the Opposition spokesman for Oakleigh. That council must be sacked because it is a blight on the Government.

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

Mr MATHEWS (Minister for the Arts)—The honourable member for Hawthorn raised a WorkCare anomaly for the attention of the Treasurer.

The honourable member for Greensborough raised for the attention of the Minister for Conservation, Forests and Lands, a difficulty arising from the diminution of the habitat of a rare butterfly in her electorate.

The honourable member for Syndal raised for the attention of the Minister for Housing a difficulty concerning housing administration.

The honourable member for Morwell raised for the attention of the Minister for Transport, the matter of V/Line timetables for trains in the Latrobe Valley.

The honourable member for Dromana raised for the attention of the Premier the issue of whether the Liberal Party had policies about equal opportunity to match those of the Government.

The honourable member for Werribee raised for the attention of the Minister for Transport the possibility of an upgrading of the commuter car park at the Werribee railway station.

I shall refer all those matters to the relevant Ministers.

Mr SIMMONDS (Minister for Local Government)—The honourable member for Malvern requested me to sack the Oakleigh City Council. The honourable member does not come to terms with the fact that the Local Government Act does not provide for that action to be taken in the circumstances that exist with the Oakleigh council.

He referred to the dismissal of the Richmond council and to the fact that a public inquiry was held as a prelude to that dismissal. Action by Parliament is necessary to enable such a dismissal to take place.

The one thing that the honourable member for Malvern seems to have in common with Councillor Perryman is that they both agree that the Government should sack the council and appoint an administrator.

The City of Oakleigh comprises a majority of independent councillors based on the casting vote of the mayor, after a six-all result in the last election. Honourable members would be aware that, prior to that last election, the Labor Party was in control of the Oakleigh council. As a matter of history, the honourable member for Malvern sought to abort that election.

The City of Oakleigh is the responsibility of the elected councillors. I remind the people who are so incautious in their approach to local government as to seek to remove a local elected council, of what occurred in 1975, when the Federal Government was dismissed

from office even though it was democratically elected by the people. The House would be aware of the circumstances of that dismissal.

No case has been made for the type of action requested by the honourable member for Malvern in respect of the City of Oakleigh. The City of Oakleigh is the responsibility of the Oakleigh council and the citizens of Oakleigh.

Regarding the industrial dispute that occurred in the City of Oakleigh last week, my understanding is that, following a special call of the council terms of settlement were arrived at, notices were processed in accordance with the normal practices and the council established a working party to resolve that dispute.

The contribution of the honourable member for Malvern is to call for the sacking of the Oakleigh City Council, which has achieved a resolution of the industrial dispute.

The continuing problem with the City of Oakleigh is whether or not the decision of the council regarding the building program and services for the staff of that city will be carried out. That, too, is the responsibility of the council.

The motion was agreed to.

The House adjourned at 6.11 p.m. until Tuesday, April 7.

QUESTIONS ON NOTICE

The following answers to questions on notice were circulated—

RURAL OFFICER FOR BALLARAT AREA

(Question No. 1)

Mr A. T. EVANS (Ballarat North) asked the Treasurer, for the Minister for Agriculture and Rural Affairs:

1. What is the name of the recently appointed rural officer to service Ballarat and district, indicating—(a) his qualifications; and (b) his annual salary?
2. Whether this position was advertised; if so, how many applications were received?

Mr JOLLY (Treasurer)—The answer supplied by the Minister for Agriculture and Rural Affairs is:

1. James Reeves:
 - (a) Bachelor of Behavioural Science and Graduate Diploma in Applied Social Psychology;
 - (b) \$32 741.
2. This position was advertised in the *Age* and the *Australian* newspapers; 38 applications were received.

PROPERTIES ACQUIRED FOR POLICE PURPOSES

(Question No. 11)

Mr PERRIN (Bulleen) asked the Minister for Police and Emergency Services:

1. What is the address of each property acquired for police purposes which has been sold since 30 June 1982?
2. How much was obtained for each property?
3. What was the reason for each sale?
4. Whether another property was purchased as a replacement for the property sold?
5. To what use were the funds from each sale put?

Mr MATHEWS (Minister for Police and Emergency Services)—The answer is:

1, 2 and 5. The following properties (listed below) have since 30 June 1982 been returned to the Department of Property and Services for disposal. Where known, the amount obtained from the sale of the property is given. Further details regarding the amount received for properties sold, and regarding the allocation of funds received from the sales of such properties should be sought through the Minister for Property and Services.

<i>Location</i>	<i>Address</i>	<i>Amount obtained for property</i>
Balwyn North	Doncaster Road	Disposed of 7/5/84 Price \$70 000
Bentleigh East	Cnr Warragul Road and Claronga Street	Disposed of 24/3/84 Price \$45 000
Bonang	Bonang Highway	Unknown
Bowenvale	Near Maryborough	Unknown
Bulleen	Lot 147 Pleasant Road	Unknown
Bulleen	Cnr Manningham Road and William Street	Disposed of 19/5/84 Price \$68 000
Dartmoor	Cnr Ascot and Edgar streets	Unknown
Deer Park	Ballarat Road, Cnr Glencairn Avenue (required by MMFB)	Unknown
Dingley	Services Road	Unknown
Forest Hill	Canterbury Road	Disposed of 28/4/84 Price \$100 100
Hamilton	Steel Road	Unknown
Haunted Stream		Unknown
Kingover		Unknown

<i>Location</i>	<i>Address</i>	<i>Amount obtained for property</i>
Lalor	Cnr Duncan and Epping roads (required by Education Department)	Unknown
Lauriston		Unknown
Naradjuka	Near Natimuk	Unknown
Painswick	Near Dunolly	Unknown
Templestowe	Lot 147 Anderson Street	Unknown
Undera	Near Mooropna	Unknown
Warburton	Main Street	Unknown
Wedderburn	Calder Highway—portion of existing police reserve	Unknown
Yambuk	Princes Highway	Unknown
Avenel	Hume Highway	Unknown
Broadmeadows North	144 Blair Street (lot 253)	Unknown
Cobram	13 Pine Street	Disposed of 25/1/85 Price \$30 000
Wahgunyah	Ford Street Lot 11 Section 1 Lots 1 and 2 Section B	Unknown
Jordanville	20 Collins Street	Disposed of 12/12/84 Price \$30 000
Bungaree	Cnr Western Highway and Dunnstown Road	Unknown
Kialla	Goulburn Valley Highway	Unknown
Park Orcharde	2 Arundel Road	Disposed of 8/5/84 Price \$25 000
South Yarra	139 Osbourne Street	Disposed of 25/4/84 Price \$95 000
Montmorency	2 Wilson Street	Disposed of 26/5/84 Price \$50 450
Templestowe	Cnr Verbena and Anderson streets	Disposed of 7/4/84 Price \$47 000
Fawkner	21 Princess Street	Disposed of 3/11/84 Price \$88 000
Broadmeadows	Freda Street, 7 Widford Street	Unknown
North Fitzroy	7 Alfred Crescent	Unknown
Melbourne	629 Bourke Street	Disposed of 7/3/85 Price \$750 000 (Apportioned)
South Melbourne		Unknown

3. The reason for the disposal of the properties listed above is that they were either surplus or unsuitable for future police requirements.

4. The Victoria Police Force has not purchased any property specifically to replace any which has been disposed of.

OBERON SOUTH PRIMARY SCHOOL

(Question No. 62)

Mr DICKINSON (South Barwon) asked the Minister for Education:

Whether he will advise when the upgrade of Oberon South Primary School will commence?

Mr CATHIE (Minister for Education)—The answer is:

All major upgrade projects for each region are set in priority order by the regional board on the advice of its Priority Committee. These projects are then considered on a Statewide basis for submission at Budget time.

While there are severe economic constraints on State expenditure, projects are given Statewide priority on the following bases:

Urgent projects to meet health and safety regulations

Schools in new housing areas

Projects supporting the reorganisation of schools

Other upgrade projects.

The project to upgrade Oberon South Primary School which is high on the region's priority list will be considered on the above bases for funding in the 1987-88 financial year.

REPORT OF EXTENSION EDUCATION SERVICE REVIEW COMMITTEE

(Question No. 67)

Mr DICKINSON (South Barwon) asked the Minister for Education:

In respect of the report of the Extension Education Service Review Committee due to have been completed in 1985:

1. Whether the report has been completed; if so, will the recommendations be implemented; if not why?
2. What amount of Government funds have been allocated for the preparation of this report?

Mr CATHIE (Minister for Education)—The answer is:

1. The report has been completed. The recommendations were not acted upon immediately because they involved structural arrangements which needed to be considered in the context of the Ministry's Structures Review. This is now proceeding.

2. No Government funds were specifically allocated for the preparation of this report.

QUESTION ON NOTICE

The following answer to a question on notice was circulated—

FOOD STANDARDS REGULATIONS

(Question No. 5)

Mr PERRIN (Bulleen) asked the Minister for Transport, for the Minister for Health:

With reference to statutory rule 254 of 1985 relating to food standards regulations which operate from 1 January 1986, whether a regulatory impact statement was undertaken with regard to the regulations; if not, why?

Mr ROPER (Minister for Transport)—The answer supplied by the Minister for Health is:

The Food Standards Regulations 1985 were made before the commencement of those sections of the Subordinate Legislation (Review and Revocation) Act 1984 providing for the preparation of regulatory impact statements.

Therefore, the preparation of a regulatory impact statement with respect to the food standards regulations was not required under the then current provisions of the Subordinate Legislation Act 1962.