Tuesday, 23 May 1989

The SPEAKER (the Hon. Ken Coghill) took the chair at 2.5 p.m. and read the prayer.

PHOTOGRAPHING OF PROCEEDINGS

The SPEAKER—Order! I advise honourable members that I have given permission for the *Age* newspaper to take still photographs during question time today. No additional lighting or flashlights will be used.

LEADERSHIP OF LIBERAL PARTY

Mr BROWN (Leader of the Opposition)—I wish to advise the House that today, as a result of a meeting of the Parliamentary Liberal Party, I was elected to the position of Leader. My colleague and friend, the honourable member for Bennettswood, has been elected to the position of Deputy Leader of the Liberal Party.

There will be no change in the composition of the shadow Ministry this week. However, I shall be announcing changes to the frontbench next week.

DEATH OF CHARLES MUTTON, ESQUIRE

Mr CAIN (Premier)—I move:

That this House expresses its sincere sorrow at the death of Charles Mutton, Esquire, and places on record its acknowledgment of the valuable services rendered by him to the Parliament and the people of Victoria as member of the Legislative Assembly for the electoral district of Coburg from 1940 to 1967.

The death of Charles Mutton on Saturday, 13 May, represents a sad loss to all who knew him and to Victorian politics, in a most interesting era. I suppose, in a sense, it represents the end of an era, as I am sure he must be the last of those who survived the turbulent 1940s.

I have heard descriptions of Charles Mutton such as "colourful", "controversial" and "fiercely determined" and those descriptions aptly applied to Charles Mutton both as a politician and as a man. In the strict sense of the word, he has been unique in Victorian politics in that he was able to be elected to Parliament and re-elected for a considerable period as an independent.

Charles Mutton was born in North Melbourne in September 1890; and he was one of a large family of eight children. He left school on his thirteenth birthday to take up a job at the Excelsior Barbed Wire and Nail Works, and worked for the sum of six shillings a week. Of course, those times, following the depression of the 1890s, were very tough.

Charlie Mutton would supplement his income in those years by doing morning and evening paper rounds. He was self-educated, as so many of his time were and, again like so many of that era, he had a voracious appetite for reading. At the age of nineteen years he went to work in a piggery in Coburg but after two years he returned to the metal trades where he stayed until he took over the family farm when his father died at the height of the depression.

He was one who always had an interest in industry and in politics and in progress associations. He was a member of the Iron Founders Union for many years. He had been a member of the Coburg branch of the Australian Labor Party since 1908; he had

been a union representative at political conferences for several years when the first world war broke out; and he initiated the establishment of a new Labor Party branch in Fawkner in 1917. His years in the metal trades exposed him to the conflicts of the time between labour and management.

He was first involved in elected government in 1925 as a member of the Broadmeadows Shire Council. He became the shire's first councillor elected on a Labor Party ticket and remained on the council for some 28 years before resigning to take on his Parliamentary duties. He was selfless by nature and had a clear and direct empathy with those who struggled through the depression. It was not unusual, so reports indicate, for him to pay membership fees to various unions and other organisations for Labor stalwarts when they were unable to pay the fees themselves.

Charles Mutton was first elected to this Chamber on 13 July 1940. He had been an unsuccessful candidate for Parliamentary office for the seat of Bulla and Dalhousie on three previous occasions. He was elected at a time when the Labor Party was deeply divided. As I understand the position, he was elected by the locals in defiance of the party machine. When he was elected, he threw himself into the affairs of the electorate to ensure that he was re-elected. He continued to beat the party machine election after election because of his capacity to do the types of things that a local member can and must do to win local support.

Anyone with a problem went to his home; it was not uncommon for his lounge room to be full of people with real problems of survival. Charlie Mutton was a strong and determined man but he had a sense of humour. It was reported in an interview many years ago that he declared that he had never had a drink or a smoke but had backed racehorses since he was a child. He said he got arthritis because he had torn up so many bookmakers tickets over the years.

Among his many achievements in the local community was to take part in the setting up of the Coburg Housing Cooperative. He played a major role in attracting the then Housing Commission—established in the 1930s—into the northern suburbs, particularly the electorate he represented. He was involved in the establishment of the then State College of Victoria at Coburg, the Newlands Primary School and the Bellarine Street Home of the Helping Hand Association. Charles Mutton was a constant protagonist of Pentridge Prison. His protestations about the presence of that bastille in his electorate became legendary and continued throughout his political career.

In this Chamber, Charlie Mutton was an Independent Labor Party man, but he always voted with a Labor government believing that that was what he had to do, apart from doing anything else, to ensure his re-election. He always described himself as a Labor person. He regarded his conflicts with the then Central Executive of the Labor Party as being peripheral to his commitment and service as a Labor person. He retired from Parliament on 19 March 1967 after some 27 years as a member of this Chamber.

From 1961 to 1967 he was a member of the Subordinate Legislation Committee and his death is a sad loss. As I said, it is the end of an era; it is a record of a distinguished and long career in public life in this State. I extend the sympathy of members of the government to the family and friends of Charles Mutton.

Mr BROWN (Leader of the Opposition)—On behalf of the Opposition I join with the Premier in expressing the sympathy of the House to the family of Charles Mutton. He was first elected to State Parliament in 1940 as the honourable member for Coburg. His interest in politics, I understand, started at an early age. I am informed that as a young boy he would ride his bicycle twice a day from Fawkner into the city to bring home to his father the news of election results.

When he left school his life was basically one of politics. He claimed that his one interest in life was to be a Labor man, and his Bible was the 1916 Australian Labor Party Constitution. He joined the ALP in 1908 aged only eighteen years. In 1917, at the age of 27 years, he founded the Fawkner branch of the Australian Labor Party and from 1917 to 1940 served continuously as either the secretary or president of that branch.

I am told he recalled often that, during the depression, he paid the membership fees out of his own pocket for those who could not afford to do so, in order to keep the branch in existence. I am sure the Labor Party today would like to see many more such men in its ranks to continue such a valiant effort on behalf of the party.

Charles Mutton served for quite some time in local government. In 1925 he was the first Labor man on the Broadmeadows council. He held that position for 28 years and was elected president in 1935. Therefore, like his Parliamentary service, to serve with local government for nearly 30 years is no mean feat.

With respect to union affiliations, I am advised that in the early days he worked in the metal trades, learning just how tough life could be. I am further informed that this played a large part in shaping his attitudes and leading him into public life. I might say that in that regard he was not dissimilar to me. He was an ironworker with John Payne and Sons from 1911 to 1930 and later became President of the former Iron Founders Union.

His role in State Parliament was, as many honourable members would know, varied indeed. Soon after being elected, he proposed the abolition of State Parliament in the interests of a broader outlook for Australia. I am advised he was unsuccessful in his endeavours in that regard. I am sure all present honourable members would be rather relieved that that was the outcome!

This, as well as another incident which I direct to the attention of the House, attracted much media attention at the time. Charles Mutton created uproar in Parliament by removing his coat to reveal what he referred to as a "bitzer shirt". Because of war time clothing shortages, the shirt comprised high quality material for the collar and cuffs and poor quality material for the rest. Some might make the observation that not much has changed in some ways.

There are some 1500 entries in *Hansard* of his speeches and questions, including the 61 times he raised the question of removing Pentridge Prison from Coburg. This, in fact, was the context of his first question in the House in 1940, and his last question in 1967 was on the same issue.

After a sixteen-year expulsion from the Labor Party—he had won Coburg as an Independent Labor member in 1940—he was readmitted to the party in 1956, having captured 50·82 per cent of the vote in 1943. As honourable members would be well aware, for an Independent to be able to capture that percentage of the vote showed the standing he had in his local community. It is a fact that he had built up a strong local base of support and was known as a very dedicated local member. As the Premier said, Charles Mutton retired from Parliament in April 1967 at the age of 77.

In the wider community, Charles Mutton assisted in setting up the Coburg Housing Cooperative and played an active role in attracting the former Housing Commission to the northern suburbs. He also worked towards the establishment of the then State College of Victoria at Coburg.

Charles Mutton regarded himself as a "battler for the battlers". He once described himself as a "bread and dripping man", one who knew all about hard times. I would agree from what I have been able to establish of his life and work in the community

that he could be described as a man of the people. His interests included racing and cycling. As the Premier said, he claimed the arthritic condition in his hand was due to the constant ripping up of many bookmakers tickets over a long period. He was a champion cyclist whose 1914 record time from Craigieburn to Donnybrook and return on a fixed gear cycle still stands.

Charles Mutton was regarded as unique in Coburg and, in fact, in Victorian politics. Few people would be known as well in the area. As I said, I would describe him as a man of the people. On behalf of the Opposition, I extend our condolences and sympathies to the family of Charles Mutton.

Mr McNAMARA (Leader of the National Party)—I join the Premier and the Leader of the Opposition in the condolence motion for Charles Mutton. He was born on 14 September 1890. He was an ironworker and a poultry farmer. He had an interesting background, being one of the rare people in this place to hold a seat successfully for many years as an Independent. He obviously did that with great support from his electorate. He was concerned with many local issues and was successfully involved in many local organisations.

Charles Mutton was educated at St Mary's and St Francis's. He worked with the Excelsior Barbed Wire and Nail Works between 1903 and 1910. He also did morning and evening newspaper rounds. He worked at a North Coburg piggery. He was an ironworker with John Payne and Sons and, on his father's death in 1930, took over the Fawkner poultry farm.

He was President of the Iron Founders Union and he was active in many local organisations, including the Coburg Cycling Club, and he was a horseracing enthusiast.

His background was not one of any form of privilege. He educated himself. One of the stories of his early life is that during a ferocious drought in 1930 he spent long days from sun-up until after dark obtaining water for the household which had to be carted from a pipe at the local convent. The water cost 6 pence for 200 gallons—about a week's supply—but the cartage cost was 3 shillings.

If that existence was not hard enough to toughen up a thirteen-year-old he also had memories of his father being a strict disciplinarian. His father would not allow him to read the sports pages until he had read all the leading articles in the newspaper.

It is also interesting to note the attitude that drove young Charlie. He read everything he could get his hands on, especially dictionaries, until he became a classic example of a self-educated man. He was a champion sportsman and in 1914 he set a record time from Craigieburn to Donnybrook and return on a fixed gear cycle. His record still stands today. Charlie used to cycle from Fawkner to Broadmeadows to attend various council meetings.

He was a member of the Broadmeadows council from 1925 until 1953 and was its president in 1934–35 and 1947–48. He left Parliament after some 26 years. He truly represented the workers of the State and had a strong affection for them and an understanding of their needs. It is a tribute to him that his enthusiasm enabled him to carry his causes into Parliament.

The National Party joins with the government and the Opposition in extending condolences to the family of Charlie Mutton.

Mr GAVIN (Coburg)—I pay my respects to the late Charlie Mutton, who served in the Legislative Assembly for the seat of Coburg for 27 years. He was a controversial figure in the 1940 era and was the second member for Coburg, the seat of Coburg having been created after a redistribution in 1926.

He was born in 1890 and he started work at the age of thirteen years and was paid 6 shillings a week for a 48-hour week at Excelsior Barbed Wire and Nail Works.

Because Charlie Mutton was a champion cyclist, he supplemented and in fact earned more income by delivering the *Age* in the morning and the *Herald* in the afternoon. Many people said it was easy for him because he was a champion cyclist, he did not smoke and he had won many races for the Coburg Cycling Club.

Later he became an ironworker at John Payne and Sons, Victoria Street, Melbourne, where he quickly became a shop steward and soon after he became a member of the State executive of the Iron Founders Union. He was president on four separate occasions of this union which was the precursor to the Federated Ironworkers Association of Australia. Like John Ducker, Australia's most famous ironworker, he had the habit of referring to everyone as "brother" irrespective of rank or position.

He first tasted social action in 1906 when he joined the Fawkner Progress Association when campaigning to have the cemetery situated in Craigieburn and not in Fawkner. The battle was lost because Fawkner got the cemetery, which is situated opposite where I live, and it is where Charlie was buried last Wednesday.

Charlie Mutton joined the ALP in 1908 in Coburg and he started the Fawkner branch in 1917. He was the first endorsed Labor Party member elected to the Broadmeadows council. He won in 1925 on his second attempt and served as a councillor for 28 years for the Campbellfield riding and claimed never to have missed a meeting during those 28 years. He was shire president on two occasions, in 1934–35 and 1947–48.

Because of his role as a councillor he was asked to be the Labor Party candidate for the seat of Bulla and Dalhousie. He stood on three separate occasions in the 1935, 1937 and 1940 State elections. He narrowly lost the seat in 1940.

Outside politics he was interested in cycling, his family and gambling, to which the Premier referred earlier. It is true he was able to buy his house in 1926 after two big wins on horses in 1925 and 1926.

He won the seat of Coburg in a by-election in July 1940 when Coburg was divided on issues concerning Catholicism versus communism. Everyone anticipated the death of Frank Keane who was the then honourable member for Coburg. Frank Keane died in May 1940 after the State election. At the preselection for a candidate there was a bitter battle. Meetings were cancelled because of a number of irregularities. A number of the branches met in secret so that no-one could attend who was not of the same politics. There was the problem of branch stacking and on one occasion James Shorten, a Pentridge Prison warder, presented a list of 108 new members to join the Coburg branch.

Because of the number of irregularities the preselection was called off and it was decided that preselection would be held by the executive. Nineteen candidates fronted the executive at the time. Roy Cameron, a 26-year-old, won preselection by seventeen to five over Jock Hay. Charlie was a candidate.

On the tram on the way home after the preselection meeting the other candidates discussed running someone other than the endorsed candidate. They expressed concern about the candidate not being a local person. They all opposed the executive holding the preselection as they wanted the locals to have a say in the preselection. It was decided that Charlie Mutton would run as an Independent candidate because he had been shire president and had stood on three other occasions for the seat of Bulla and Dalhousie.

Charlie Mutton pitched himself into a bitter election campaign. It is history that the then Labor Leader, John Cain senior did not endear himself to Charlie Mutton or his supporters. John Cain senior made a speech at the Coburg Town Hall but he was not able to complete it because of the uproar. A number of scuffles broke out and punches were thrown.

Charlie Mutton spent 18 pounds on his campaign as the Independent Labor candidate. He used that money running street-corner meetings. He used a bell to get a crowd along. He emphasised that he was a well-known local man.

Charlie was successful, and that may be attributed to the fact that his how-to-vote card was very similar to that of the Labor Party. It was of the same design and colour, and it placed a big emphasis on the word "Labor". His opponent in that election polled 39 per cent; Charlie polled 32 per cent; and the Country United Australia Party candidate polled 28 per cent. Therefore, Charlie won the seat on preferences, and he entered State Parliament at the age of 50 years.

An article in the *Herald* of 15 July 1940 describes his win as:

> . . . a revolt by Coburg electors against the dictatorship of the Central Executive of the ALP.

The consequence of Charlie's win was that he was expelled from the Labor Party, as were all his supporters. Very soon afterwards, because Charlie Mutton still wanted to stay in the Labor Party, he called a public meeting at the Princess Theatre in April 1941, which attracted an attendance of 1200 people. The principle of that public meeting was that the locals should have a say in preselections of candidates for both the Upper and Lower Houses, and the meeting was widely reported in the daily newspapers at the time.

Charlie was fortunate politically in that, in the year after he was expelled from the Labor Party, the Federal member was also expelled. His name was Maurice Blackburn, and he was a famous lawyer who had been the Speaker in this Parliament and was subsequently the Labor member for the Federal seat of Bourke. He was expelled in October 1941 for the second and last time because of his membership of the Australian Soviet Friendship League.

Blackburn and Mutton together formed the Labor Supporters Committee, which developed into a very formidable local machine. They later registered a party under the Companies Act, the Blackburn and Mutton Labor Party, which held monthly meetings at the Coburg Labor Hall in Sheffield Street, Coburg. They had been granted use of the Labor Hall as a result of a court case that the Blackburn and Mutton Labor Party had won. That party had as its president a fellow called Martin Hannah, who was a former Independent member of the Legislative Assembly for the then electorate of Collingwood. The secretary of the party was Harold Nicholls.

Maurice Blackburn was defeated in the 1943 Federal election, but in 1946 his wife Doris won as an Independent Labor candidate the Federal House of Representatives seat of Bourke. In the meantime, Maurice Blackburn had died. Therefore, that was the second occasion in ten years that an Independent Labor candidate represented the area in Federal politics.

Only on one occasion in his sixteen years as an Independent did Charlie Mutton vote against the Labor Party. That was in 1942 when it was proposed that there be fair and equitable electoral redistribution. At the time, the Labor Party supported the then Country Party government against the proposal for a redistribution, even though there had not been an electoral redistribution since 1926—sixteen years previously. Therefore, when Charlie was readmitted to the Labor Party, mention was made of the fact that on the only occasion on which Charlie had opposed the Labor Party he was right and the Labor Party was wrong.

Charlie was readmitted to the Labor Party at the State conference in 1956. Ironically, Roy Cameron, the Labor Party candidate whom Charlie had defeated in 1940, was in the chair as State president; the conference granted Charlie enough credit in continuity of membership to enable him to stand for preselection as a candidate for the Labor Party. He was a member of the Labor Party until his death. He was a member of the Fawkner branch from 1917 to 1940 and from 1956 to 1989.

As a Parliamentarian, Charlie spent sixteen years as an Independent Labor member and eleven years as a member of the Labor Party. It is notable that he raised the issue of the removal of Pentridge Prison from Coburg 61 times. In the 1943 State election, he won 50·8 per cent of the vote as an Independent Labor candidate; Labor won 20 per cent, and there were three other candidates. In 1945, he won 52·1 per cent; Labor won 25 per cent. As an Independent Labor candidate, he was able to win 50 per cent of the vote on numerous occasions and was, therefore, regarded as invincible on his home turf.

The *Argus* of 20 October 1945 reports:

> Coburg politically may be described as a Labor stronghold with an Independent air.

Charlie's long service as a local councillor spanned 28 years. He served as a councillor for fifteen years before he became a member of Parliament. I believe that service helped him as an Independent member of Parliament. He enlarged his role as a local councillor and applied it to the broader scene of State politics. He addressed himself to parish-pump issues—those affecting the local people—and that was clearly his greatest political asset.

Charlie Mutton was a justice of the peace and was well acquainted with the local people and local issues.

As honourable members may discern from his life, he had three fundamental issues in which he believed. The first was the right of local people to have a say in the selection of their members of Parliament; the second was regular and fair redistribution of boundaries of electorates; and the third was that branches of political parties not meet in secret but be open to the public. It is a pity that he had to leave the Australian Labor Party for sixteen years because of those principles.

Charlie Mutton referred to himself as a "bread and dripping man" because he came from a relatively deprived area. Although the Australian Labor Party will have many representatives who come from deprived backgrounds, I doubt that it will ever have a representative who can say that he is a "bread and dripping man".

I extend my sympathies to Charlie's wife, Clarice, and to his family.

Mr TREZISE (Minister for Sport and Recreation)—I did not realise until I entered the Chamber today that Charles Mutton had passed away. I express my regrets to his family because I was associated with Charlie for three years when I first entered Parliament as a young man.

I was a fan of Charlie Mutton. He sat in the opposite corner, where the honourable member for Gippsland South now sits. He had a keen sense of humour and reminded me of the former Speaker, the Honourable C. T. Edmunds. Often when members were under strain in this place Charlie would make a witty interjection.

Charlie Mutton was a man of the people and a representative of the people. He spent hours each day handwriting letters to every person in his electorate who got engaged, who turned 21 or who had recently had a death in the family and so on. He wrote letter after letter to his local constituents. In those days a member of Parliament had to pay for his own stamps, which was an indication that Charlie was a fair dinkum type of bloke.

Charlie loved sport and people and he is a man who will be missed. To illustrate the following he had in the Coburg area, history shows that when Charlie Mutton retired the Australian Labor Party endorsed a Labor Party stalwart for that seat, but Charlie's son Jack, who was beaten for endorsement for the seat, stood as an Independent and beat the endorsed Labor Party candidate largely on his father's reputation. Jack Mutton served the people of Coburg for many years, and the closeness that Charlie Mutton had with so many people in Coburg was a great help to him.

I know that he enjoyed his life and lived to a great age. I am sorry to learn today of his passing, and I extend my sympathy to his family.

The SPEAKER—I desire to support the condolence motion. Charles Mutton clearly had a remarkable life and made a great contribution to the community in the sporting field, in the industrial field, in the union field and in various forms of political activity.

It is amazing to think of an individual whose political activities in one form or another extended from 1906 to 1989. His service in elected public office stretched over 42 years—which is difficult for many of us to comprehend in this day and age.

Charlie Mutton served the people of Coburg for a long period in this Chamber, but in addition to simply being a member representing Coburg he was a member of one of the Parliamentary committees between 1961 and 1967 and undoubtedly contributed to the high regard in which the committees of this Parliament are held.

I extend my sympathies to Charles Mutton's widow and to his family.

The motion was agreed to in silence, honourable members signifying their unanimous agreement by standing in their places.

ADJOURNMENT

Mr CAIN (Premier)—I move:

That, as a further mark of respect to the memory of the late Charles Mutton, Esquire, the House do now adjourn until 3 p.m.

The motion was agreed to.

The House adjourned at 2.40 *p.m.*

The SPEAKER took the chair at 3.3 p.m.

QUESTIONS WITHOUT NOTICE

SPENDING BY GOVERNMENT

Mr BROWN (Leader of the Opposition)—I ask the Premier: is it a fact that during the final year of the previous Liberal government——

Honourable members interjecting.

Mr BROWN—There is an old saying, "He who laughs last . . . "

Honourable members interjecting.

Mr BROWN—Is it a fact that during the final year of the previous Liberal government the total cost to run Victoria was $5900 million but last year the Cain government spent $12 000 million to mismanage this State—an increase of 102 per

cent? I ask: if this is a fact, how does the Premier justify this massive increase when our trains do not run on time, capital works are falling behind and public hospital waiting lists remain a national scandal and people know they are not getting value for money?

The SPEAKER—Order! The latter part of the question is out of order because it expresses an opinion.

Mr CAIN (Premier)—I had thought the new Leader of the Opposition might do better than that for his first question. He seems merely to have trotted out the same old hackneyed stuff we have had for the past seven years. I was interested that he harked back to those bad old days of Liberal governments in this State. I hesitate to think what this State and this nation would be like if there had not been changes of government in 1982 and 1983. We would have had economic chaos right across the country.

I was interested that the Leader of the Opposition cast his mind back. If the Leader of the Opposition, in the weeks and months ahead, in preparing for the next sessional period—I am not sure whether he is a seat warmer—should have an opportunity of comparing what has occurred in this State over the past four or five years with what it was like in the early 1980s, he will embark on this job with due trepidation because he will see, if he analyses the position carefully, that what has been achieved by this government in the past six and a half years is to make this State the fastest growing State in the country, and the State with by far—I think it has been so for 71 months now—the lowest unemployment of any State in the country.

We have a better record than any other State in respect of the level of taxes and charges, all the things about which people are concerned. People are far better off than they were in 1982, and they all recognise it. If there is any doubt of their recognition, have a look at the results of the last three State elections and the Greensborough by-election. If one wants to know what the people think, that is where the answer is. People have consistently endorsed this government's approach to those issues. They have continued to return this government for the kind of administration they want.

I welcome the opportunity for the Leader of the Opposition to learn more about this State and its comparative position with other States. He will see that we are far better than anywhere else.

RELOCATABLE CLASSROOMS

Mr STEGGALL (Swan Hill)—Will the Minister for Education confirm that a study conducted for the Ministry of Education facilities committee has discovered a total of 492 surplus relocatable classrooms in and around the Melbourne area? Will she explain why none has been allocated to country schools where there is a reported shortage of 142 classrooms? Is it a fact that the Minister is seeking to distance herself from the fiasco by establishing yet another smokescreen committee?

Ms KIRNER (Minister for Education)—If the honourable member for Swan Hill had been paying attention during a recent debate on the motion for the adjournment of the sitting, he would have heard the answer to that question. I gave the answer some two weeks ago now. It is quite correct to say that we do have a shortfall of portables, not only in country areas but also in some metropolitan areas.

In the past Ministry policy was not to transport portables across regional boundaries. My view is that the policy has to be changed, but is has to be done on an equitable basis and, of course, honourable members opposite are the first to get upset if a portable is shifted in the middle of a school term, and quite rightly so. The government

is setting up an independent audit of the portables available and those portables will be shifted to appropriate schools at the end of term.

FAMILY BUDGET PLEDGE

Mrs GARBUTT (Greensborough)—Following last week's Premiers Conference, will the Premier assure the House of the government's strong and continuing commitment to the family budget pledge?

Mr CAIN (Premier)—I thank the honourable member for Greensborough for her first question. As the Minister for Property and Services has interjected, that was a great victory at Greensborough.

It has been said that some things never change, and I suppose Premiers Conferences are one of them. Each year the Treasurer and I go to Canberra and are told we need to tighten our belts. This year our share of general revenue grants was slashed by $136 million and in the net result our share of borrowings by $251 million.

Despite those reductions, I assure the House that the family budget pledge will be honoured by the government. The Premiers Conference has become one of the great rituals of Australian politics. In a sense it is a bit like another annual event, a Liberal leadership challenge. That seems to happen once a year but perhaps it is a little earlier this year.

I take the opportunity of congratulating the Leader of the Opposition on his election this morning. I shall afford him the same respect and consideration that I afforded to his predecessor and that I shall afford to his successor. I understand the Leader of the Opposition is the king. I am not sure who the king-maker is, whether it is the Deputy Leader of the Opposition, Michael Kroger, the Leader of the National Party or who it might be. Some say he is just keeping the seat warm.

While I am in a generous mood, I pay respect to the former Leader of the Opposition, who has been a worthy opponent since 1982. It has perhaps been his misfortune to lead a party that is unable to offer a coherent and credible alternative to this government and to preside over a party that was unable to unite behind him or to come to terms with its ten years in the wilderness. However, I pay him a tribute and I wish him the best.

I emphasise that every State Budget is difficult to prepare and this one will be no exception; but it will not affect the family budget pledge. The total cost of basic items provided by the government will be the same in June 1992 as in June 1988 for a typical family. That assurance has been given and the pledge, nearly already at the halfway point, is in good shape. The halfway mark will be reached in July 1990 and on that date on average a family with two children and a car will be paying less than they did at the outset of the pledge.

The pledge is in marked contrast to a lack of any clear indication of direction, philosophy or policy of those opposite. That is the difficulty the Opposition has faced for a long time. The government will continue to provide clear direction and guidance to this State, not just in economic matters but in other matters, and the people will continue to respond to that kind of leadership, guidance and clear indication of where we are going.

PUBLIC SECTOR DEBT

Mr BROWN (Leader of the Opposition)—I direct a further question without notice to the Premier.

Honourable members interjecting.

Mr BROWN—The long-suffering taxpayers don't find this boring.

Honourable members interjecting.

Mr BROWN—I can assure you that they will hear plenty of it under me! Is it a fact that the Victorian public sector debt has increased from $11 400 million in 1982, when the Labor government commenced its mismanagement of this State, to $23 600 million at present? If this is a fact, will the Premier inform the House what benefit the people of Victoria have derived from the doubling of the public debt and how he intends to repay the money without further increases in taxes and charges and without a reduction of services to the community?

Mr CAIN (Premier)—It is a pity that the new Leader of the Opposition did not take time during earlier years to listen to what was being said about debt. It is nonsense for him or anybody else to suggest that the level of State debt is other than responsible and appropriate.

Honourable members interjecting.

Mr CAIN—Honourable members opposite can go on shouting as much as they like. That is what the Leader of the Opposition's predecessor did.

The SPEAKER—Order! There is too much interjection, which is making it difficult for the Premier's answer to be heard and is distracting the Premier.

Mr CAIN—The Leader of the Opposition can shout as much as he likes. It got his predecessor nowhere, and it will get him nowhere. If the honourable member looks carefully at the figures, he will note that, as a proportion of the Victorian non-farm gross domestic product, the State public sector debt is now approximately 28·5 per cent. It will be reduced to approximately 27·9 per cent by June 1989. That is well below the levels that we experienced in the years of Sir Henry Bolte.

If the Leader of the Opposition wants to make comparisons and make all those sweeping statements about the level of public sector debt——

Mr Stockdale interjected.

Mr CAIN—The noisy honourable member for Brighton will go on chanting in the way that he does, and he will get nowhere, either. I do not know whether he will still be shadow Treasurer in the next shadow Ministry.

I repeat: the level under the Liberal government in 1971 amounted to 44 per cent, compared with 28 per cent at present. If the Leader of the Opposition is suggesting that the current level is irresponsible or too high, let him tell me what he believes is a fair comment on the level of debt in 1971 under Sir Henry Bolte.

It should be understood that when the Labor Party came to government, this State was going out the back door. I acknowledge that we primed the economy and considerable growth was and is occurring, just as it was occurring in 1971 and the years around that time. However, the debt level under Sir Henry Bolte went to 44 per cent. If the Opposition wants to go back and put this State in the doldrums again and say that we should spend nothing, it should say so. But I am going out there to do what I can to create jobs, development and growth.

I know it is attractive to those who are slaves to the new right to talk about small government. We know who put the numbers together this morning—it was the new right. The same people who rolled Ian Macphee did a deal with the new Leader of the Opposition.

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

The SPEAKER—Order! It is probably not surprising that, given recent events, there is a fair bit of interjection this afternoon. Nonetheless, there is far too much interjection, which in turn, is distracting to the Premier. I uphold the point of order and ask the Premier to return to his answer to the question.

Mr CAIN (Premier)—I make this point: the government has the economy going better than any other State in the Commonwealth. The unemployment figures, the employment growth—all the data—show that to be the position.

I mention one other figure to support the case I have put to show that the current level of debt is responsible. This year the State debt will be 28 per cent of the gross domestic product, representing the lowest figure for all but two years of the past two decades. In historic terms it is a very low figure and despite that the government has been able to get the economy going.

If the Leader of the Opposition wants to impress anybody he should not bleat about the level of debt unless he is prepared, as a corollary to or consequence of that, to say that he is going to run the economy out the back door as it was in 1981, which is what would happen. If the Leader of the Opposition wants to lead the party that will do that he will end up a greater failure than his predecessor!

STATE BANK VICTORIA

Mr W. D. McGRATH (Lowan)—I direct to the Treasurer's attention his previous declaration to the House during the National Safety Council of Australia (Victorian Division) scandal that the State Bank operated in a fully commercial framework, competed on equal terms with private banks and was not placed in shackles—to use the Treasurer's words. Will the Treasurer now explain, firstly, why the Premier directed the State Bank to alter its interest rate policies on home loans in direct contravention of the Treasurer's earlier declaration and, secondly, why, if the bank was not placed in shackles by the government, the management of the bank responded so quickly to the Premier's directions?

Mr JOLLY (Treasurer)—The facts of life are these: John Cain, the Premier of this State, did not direct State Bank Victoria at all in respect of the matter raised. The Premier has had a consistent record in inducing all banks to limit increases in interest rates and attempting to have all banks reduce interest rates, unlike honourable members opposite.

At the press conference, State Bank Victoria was acknowledged by the Premier as having the best record of any bank over a long period in respect of interest rates. It is also important for honourable members to note that approximately 42 per cent of home loans allocated by State Bank Victoria are at the level of 13·5 per cent, and that percentage of home loans is higher than those granted by any other bank operating in the State.

It was clear that the Premier was concerned that a number of members of the public had misinterpreted the newspaper advertisement. Consequently, the Premier made it quite clear that regardless of whether it was the State Bank or any other bank the matter should be clarified. The State Bank considered the matter and issued a new advertisement that made it quite clear that its prime rate was 16 per cent. The bank also indicated that approximately 80 per cent of customers above the deregulated 13·5 per cent rate received loans at the rate of 16·25 per cent or less.

I advise also that it has been the view, as expressed by other banks, that other banks were lending at 16 per cent to all customers. It has been brought to my attention that some customers at Westpac Banking Corporation have loans at interest rates of 16·75 per cent. Clearly there is an area of concern there. I shall be continuing to examine the positions of other banks to ensure the information provided is consistent and readily understood by all home borrowers.

RURAL ARTERIAL ROADS STRATEGY

Mr KENNEDY (Bendigo West)—I ask the Minister for Transport to give the House details of the further progress he is making in the development of the government's rural arterial roads strategy.

Mr KENNAN (Minister for Transport)—I thank the honourable member for his interest in both road and transport issues, which stands in stark contrast to the interest of the Leader of the Opposition in transport, who, despite the fact—and I notice his embarrassment—that he was previously the Opposition spokesman on transport, has not asked a question on transport since 23 November of last year! Six months! This is the six-months "anniversary" of silence. Of course, government members thought that was because he was so embarrassed about his monumental failure in transport; but perhaps it was because——

Mr DELZOPPO (Narracan)—On a point of order, Mr Speaker: having suffered the Minister's dangerous index finger, I put it to you that he is debating the question. I refer you to Standing Order No. 127, and I ask you to bring him back to order.

The SPEAKER—Order! I have been listening to the Minister's introductory comments. I believe it is appropriate at this stage for him to proceed to a substantive answer to the question. I uphold the point of order.

Mr KENNAN (Minister for Transport)—I was about to observe that this is the first time a sausage has become a butcher!

Honourable members interjecting

Mr DELZOPPO (Narracan)—Mr Speaker, I put it to you on a point of order that for some time now the Minister has been referring to the Leader of the Opposition in a derogatory way. I find the term——

Honourable members interjecting

Mr DELZOPPO—I find the words that he is using offensive, and I ask you to ask him to withdraw them.

Mr Crabb—Which is offensive, "sausage" or "butcher"?

The SPEAKER—Order! The Chair can only speculate as to who the Minister for Transport may have been referring to. I suggest that, whomever the Minister was referring to, he should refer to that honourable member by his or her correct title.

Mr KENNAN (Minister for Transport)—I thought it was a matter of notoriety; but I was referring, of course, to the Leader of the Opposition—in case there was any doubt about it. I withdraw the remarks that the block finds so offensive.

Honourable members interjecting

Mr KENNAN—We have a butcher; we have to have a block!

Mr RICHARDSON (Forest Hill)—On a point of order, Mr Speaker: I direct to your attention Standing Order No. 108, which specifically prescribes that honourable

members should not make derogatory remarks about other honourable members. Clearly the Minister has made a derogatory remark. I ask you to bring him back to order in accordance with Standing Order No. 108.

The SPEAKER—Order! The honourable member for Forest Hill has taken exception to the expression used by the Minister.

Mr Richardson—No, I did not.

Honourable members interjecting.

Mr Richardson—It is the Standing Order!

The SPEAKER—Order! And he has done so by invoking Standing Order No. 108 and seeking my ruling on it. I uphold the point of order. I ask the Minister to come to his answer to the question asked by the honourable member for Bendigo West, and to observe the provisions of the Standing Orders.

Mr KENNAN (Minister for Transport)—I shall proceed with my answer to the question and try to ignore those highly provocative interjections that have been distracting me. In June of last year, as my colleagues in the corner would be aware—the erstwhile colleagues in the corner so far as the Liberal Party is concerned—the government developed a policy called Vicroads 2000, which was a project to try to identify key rural arterial roads and to work through, in consultation with Victorian regions and local government, those issues to enable us to do what we have done with METRAS in the urban areas, so that there is a long-term plan for identification and priority of those roads.

Since then, as the honourable member for Bendigo West directed to my attention, twelve regional workshops were held in August and November last year and a number of regional issues papers were released as a result of that. In the next fortnight the Road Construction Authority will release a number of Statewide discussion papers addressing those important issues affecting the State. The government will be seeking submissions—and I know it will receive submissions from the National Party—and comments from local government, community groups and residents on the draft strategies.

In September the government proposes to release a final draft strategy with a view to a strategy being released in December laying out the plans.

Mr W. D. McGrath interjected.

Mr KENNAN—This year, 1989. The emphasis of the Vicroads 2000 strategy will be consistent with the government's economic and social justice strategies and our strategies for rural development, tourism and conservation. It is important in this context to note that in the planning for this we are not into wasteful, overdesigned urban metropolitan projects, as is the Liberal Party.

Mr Leigh—Tell us about the South-Eastern Arterial Road car park!

The SPEAKER—Order! I caution the honourable member for Malvern. I do not wish to take further action against him today, but he has been a consistent, loud and provocative interjector. I ask him to cease interjecting.

Mr KENNAN—I do not wish to reflect on your ruling, Mr Speaker, but the honourable member was certainly a lot more articulate in his comments than at the opening of the South-Eastern Arterial Road project last August.

The government is not in the business of inequitable road funding, but that is what the Liberal Party is about. The Liberal Party proposes to deprive rural areas by wasting money on overdesigned projects in the city that will not provide any more roads for

the dollar. As honourable members in the corner party know, last week I opened the Dimboola bypass, a 5 kilometre section of road costing $5·3 million. It cost $1 million a kilometre. At the opening of that bypass the mayor of the local municipality said, "You must remember that there are other road needs in the country". I replied, "I do, but the Liberal Party does not". If the Liberal Party had its way, it would be tipping tens and hundreds of millions of dollars into overdesigned urban freeways. Victorians would not have the Dimboola bypass, the Morwell bypass, the Ballarat bypass, or the duplication of the Hume Highway. The Opposition's transport policy has been a complete failure.

Mr DELZOPPO (Narracan)—Mr Speaker, the House has been very patient with the Minister in his reply. I suggest to you that he is now debating the question, and under Standing Order No. 127 I ask you to bring him back to order.

The SPEAKER—Order! I have been listening carefully to the Minister's reply since the last point of order was raised. At this stage I do not believe the Minister is debating the question.

Mr KENNAN (Minister for Transport)—I was pointing out to the House that the government is concerned with effective road policies. The Liberal Party does not support that. It does not support this distribution across the whole State. Its transport policy is miserable.

I am reminded of a comment made 25 years ago when there was a succession of government leaders in South Vietnam. Bob Hope said, "It's a great democracy. Everybody gets a chance to be leader!" It is the same in the Liberal Party: even if one is a recognised failure, one is encouraged and gets the chance to be Leader in Victoria! The government is not into the simple, rent-a-crowd policy of the Liberal Party. Honourable members should recall the extraordinary performance of the Leader of the Opposition with the Fitzsimons Lane bridge episode.

Mr DELZOPPO (Narracan)—Having listened further to the Minister's reply, I put it to you, Mr Speaker, that he is now debating the question. Under the provisions of Standing Order No. 127, I ask you, Sir, to bring him back to order.

The SPEAKER—Order! The Minister for Transport had commenced a further set of remarks that may have led him to appear to be debating the question. I uphold the point of order and I ask the Minister to round off his answer.

Mr KENNAN (Minister for Transport)—I assure the House that in carrying out and finalising the strategy, the government will deliver the best road result for all Victoria and not just certain sections of it. The Vicroads 2000 policy is about ensuring that we get as many roads as possible built in the right places, in the most cost-effective manner and in the manner that is best for the local regions in economic and tourism terms, so that all the dollars spent in this State are spread fairly and equitably across Victoria and not just in Melbourne.

TRICONTINENTAL CORPORATION LTD

Mr PESCOTT (Bennettswood)—Will the Treasurer advise the House when he first became aware of the dire financial straits of Tricontinental Corporation Ltd and what representations he made in an effort to rectify that situation?

Mr JOLLY (Treasurer)—Firstly, I congratulate the Deputy Leader of the Opposition for being the runner-up in the annual Liberal Party leadership contest. After today's effort, I expect it to be a far more regular event.

So far as Tricontinental Corporation Ltd is concerned, as I have said, State Bank Victoria made a commercial decision consistent with those of other major banks to fully integrate Tricontinental Corporation Ltd into the operations of the State Bank.

The Chief Executive of the State Bank made it clear that an independent examination undertaken by Coopers and Lybrand revealed that the net worth of Tricontinental was of the order of $95 million. It should also be understood that for the 1988–89 financial year there is an expectation that the Tricontinental organisation will make a small profit. If the Deputy Leader of the Opposition had cared to read the statement issued by the Chief Executive of State Bank Victoria, Mr Moyle, he would have known that that was the position.

It should also be understood that over the past four years the profit performance of Tricontinental has been strong. The return to the State Bank on its investment with Tricontinental is of the order of 36 per cent a year, even if the organisation has only a break-even position this financial year. Consequently, there has been a clearer, more positive and stronger investment return for the State Bank.

The Deputy Leader of the Opposition, by interjection, keeps asking when did I know. I was advised by the Chief Executive of the State Bank at the end of last week about the position of Tricontinental Corporation Ltd and the expected profit. The same applies to the net worth of Tricontinental. Its net worth indicates that its assets are worth more than its liabilities, and that is a strength.

Honourable members interjecting.

Mr JOLLY—The Deputy Leader of the Opposition has not been on the frontbench for very long and it is often necessary to undertake some economic education in this place. Members of the Liberal Party have been slow learners. The government does not know how long the Deputy Leader of the Opposition will be in that position; he obviously wants to be the Leader of the Opposition but he may well return to the backbench.

We will just have to wait for the next six-monthly leadership challenge. However, I repeat, clearly in relation to Tricontinental the Chief Executive of State Bank Victoria has advised me that he expects Tricontinental to make a small profit this financial year.

EQUAL OPPORTUNITY IN EDUCATION

Mrs HIRSH (Wantirna)—I ask the Minister for Education to inform the House, in the development of the Victorian certificate of education curriculum, what progress is being made in promoting equal opportunity in career choices for students?

Ms KIRNER (Minister for Education)—I am pleased to inform the House that rapid progress is indeed being made in the development of the VCE—Victorian certificate of education—curriculum to promote equal opportunity. The first task obviously in encouraging—the honourable member for Brighton is interjecting and has mentioned soft options.

The SPEAKER—Order! I suggest that the honourable member for Brighton cease interjecting. He has not given the Minister an opportunity of answering the question or barely to start answering the question before he has commenced a barrage of interjections.

Ms KIRNER—Thank you, Mr Speaker. Soft options are, of course, easily understood by the honourable member for Brighton! The soft options are the ones he takes for

any of his shadow Ministry economic positions. I am quite sure he will find out what the soft option is like when he is on the back benches shortly.

The first task obviously in equal opportunity for the VCE is to ensure that all teachers understand the opportunity that the VCE offers to students. That indeed has been a very busy task for VCAB—the Victorian Curriculum and Assessment Board. I am pleased to say that over the last term 80 per cent of teachers have in fact been in-serviced—in-service training—on the VCE. That means 20 000 teachers in the government and non-government systems will have been in-serviced on the VCE by the end of this term.

The second task, of course, is to provide a common credential. This will be the first time in Victoria that there has been one credential for all students that is accepted by employers, the Ministry of Education and universities alike. I am pleased to see the work that has gone on with VCAB and with the university institutions and the employers in developing a common credential. In the past previous governments have allowed all kinds of credentials to develop—Tech 12, STC—all with useful parts to them but all grading students according to different approaches.

The third task is to ensure that the community understands what equal opportunity is all about, in education particularly. We might well, of course, hope they might start on the members of the Liberal Party Opposition because there is no doubt at all that one of the reasons that they are currently on the Opposition benches is because thay have no understanding of equal opportunity for women and girls. Indeed, what choices will the new Leader of the Opposition have when he picks his shadow Cabinet next week, as he told us? What choices will he have? The kinds of policies that have been pursued by the previous Leader of the Opposition have allowed him the opportunity of choosing only one woman. I invite honourable members to look at the government backbench and at what equal opportunity has done. May I make one suggestion, Mr Speaker, to the Leader of the Opposition; as the Deputy Leader of the Opposition is a shadow Minister without portfolio——

Mr DELZOPPO (Narracan)—On a point of order, Mr Speaker, I draw to your attention Standing Order No. 127. The Minister does not have the latitude to advise the Opposition on one thing or another nor to debate the question. I ask that she be brought back to order.

The SPEAKER—Order! The question by the honourable member for Wantirna sought information from the Minister in respect of matters falling within her portfolio. Some of the matters which she has addressed seem to stretch that somewhat. I uphold the point of order and I ask the Minister to keep her answer relevant to the question.

Ms KIRNER (Minister for Education)—It would indeed be very useful if those points of view were picked up by the Opposition and we could have a consensus approach. Perhaps the Deputy Leader of the Opposition could in fact be the shadow Minister for equal opportunity. I am sure that that would keep him very busy and keep him from worrying the Leader of the Opposition about future personal opportunities, although it is difficult I imagine for——

Mr DELZOPPO (Narracan)—On a further point of order, Mr Speaker, you have already upheld my previous point of order. The Minister is continuing in defiance of your ruling and I ask that she be brought back to order.

The SPEAKER—Order! The honourable member for Narracan has raised a further point of order on comments made by the Minister subsequent to my ruling on the previous point of order. I uphold the point of order and ask the Minister to keep her remarks relevant to the question.

Ms KIRNER (Minister for Education)—Thank you, Mr Speaker. One of the essential issues in encouraging equal opportunity in undertaking the VCE is to ensure that young women choose to do maths and sciences in year 11 so they may keep their career paths open. In the past few years that has not been the case. I am pleased to say that, under the encouragement of the Ministry, we find now in a recent study of district provisions that 90 per cent of young girls are choosing to do maths in year 11, which will enable them to keep their career paths open. I fully appreciate that the National Party also does not have an understanding of equal opportunity.

The SPEAKER—Order! The Leader and Deputy Leader of the National Party should cease interjecting.

Ms KIRNER—It is very interesting indeed that now the Opposition is at least beginning to pick up the words "equal opportunity", even if it does not understand the concept, because certainly when the National Party had a real chance to influence government girls were studying maths in VCE only at the level of 40 per cent. Now at year 11 they are studying maths at a level near 90 per cent. That is because of our deliberate encouragement.

May I also say that the other issue that is essential for achieving equal opportunity for girls in the VCE is to ensure that technological studies are available in all schools. One of the things that happened under previous governments was that technical schools and high schools were divided. Technical schools were for boys to learn things through the use of their hands. High schools were for girls to do business studies. Taking up the interjection of the honourable member for Forest Hill, at least being called a dill is preferable to being called a stupid woman, and who looks stupid now, Mr Speaker?

Finally, in talking about technological studies, one of the biggest advances that we have made as a government is to determine that from 1 January next year there will be no such thing as technical schools and high schools to divide students and layer students. There will in fact be secondary colleges that offer, through their comprehensive curriculum, technology studies to all students regardless of their sex.

PETITIONS

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

Caging and trapping of birds

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 respectfully shows their opposition to the cruel and unnecessary caging of birds and the breeding and trapping of birds for trade. Birds cannot live a natural life confined as ornaments in a cage.

Your petitioners therefore pray that the caging, trapping and selling of birds be made illegal immediately.

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

By **Mrs Ray** (1390 signatures)

Duck hunting and shooting

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 respectfully shows their opposition to the cruel and unnecessary slaughter of wildlife during duck shooting. Hunters themselves claim that up to 30 per cent of animals they shoot escape wounded. These animals are left to suffer and die alone.

Your petitioners therefore pray that the duck hunting season and the hunting and shooting of ducks in the State of Victoria be made illegal immediately.

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

By **Mrs Ray** (60 signatures)

Alpine grazing leases

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 respectfully sheweth:

that mountain cattlemen and their traditional grazing leases in the Victorian high country are an integral part of the heritage and management of the high country; that their contribution to the management of the high country over 150 years far outweighs any dubious claims of damage; that the concept of huge national parks, current management practices, and World Heritage listing is against the best interests of the high country and its active enjoyment by all Victorians.

Your petitioners therefore humbly pray that:

the Minister for Conservation, Forests and Lands abandon forthwith the proposal to evict eleven mountain cattlemen from their alpine grazing leases.

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

By **Mr Kennett** (28 signatures)

Price marking of goods

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

The humble petition of the undersigned citizens of Australia respectfully sheweth:

That your petitioners are gravely concerned that the introduction of computerised price scanning into supermarkets has resulted in the removal of individual price marking of goods and that this will disadvantage consumers in the marketplace and severely handicap their rights as shoppers.

Your petitioners most humbly pray that the Minister should ensure the retention of individual price marking of goods in shops using price scanning computers.

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

By **Mr Harrowfield** (18 signatures)

Mornington Bowling Club

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 respectfully sheweth:

That we are gravely concerned at the decision of the Minister for Conservation, Forests and Lands that the Mornington Bowling Club Inc. relocate off the foreshore reserve in the Esplanade in ten years time.

Your petitioners therefore pray that the government take immediate action to rescind this direction, which will cause considerable distress and expense to the members of the Mornington Bowling Club Inc.

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

By **Mr Cooper** (385 signatures)

Improvements to road and rail intersections in Somerville

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 respectfully sheweth:

that 593 residents of Somerville petitioned this Parliament on 17 September 1987 seeking action to improve the dangerous conditions that exist at the road and rail intersections in Eramosa Road, Somerville before lives were lost;

that following no action to improve the intersection as requested a life has now been lost at the rail crossing on 17 March 1989.

Your petitioners therefore pray that heed be immediately paid to this petition to implement the plans that have been in existence for at least nine years so that the chances of further loss of life at these intersections will be significantly reduced.

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

By Mr Cooper (40 signatures)

Foreshore land in Flinders

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 respectfully sheweth:

we are concerned about the commercial development of foreshore land in the Shire of Flinders from Safety Beach to Dromana, north—on the seaward side—of the Esplanade, and from Dromana to Sorrento, north—on the seaward side—of Nepean Highway. This will lead to the destruction of the treed, natural foreshore land and beach in this, the most popular tourist area in Victoria.

Your petitioners therefore pray that the Victorian government will alter the planning scheme for this area and zone the area as "recreational, not for commercial or higher density housing development".

To meet the need for increased facilities for the resident population and tourist visitors to the area we support the further progressive, high-density development of land on the southern side of the Esplanade and Nepean Highway.

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

By Dr Wells (266 signatures)

Flinders planning scheme

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 respectfully sheweth:

we are concerned that the current building height limits in the Shire of Flinders planning scheme will lead to unacceptable reduction of the current level of amenity enjoyed by residents and visitors.

Your petitioners therefore pray that the Victorian government change the Shire of Flinders planning scheme to ensure that:

1. No new commercial development at all nor new housing development above two storeys is permitted on the foreshore between Safety Beach and Portsea;

2. Building height limits from the water's edge to 1·6 kilometres inland in the shire be brought in line with planning controls covering the rest of the eastern Port Phillip Bay coastline making the normal height limit two storeys and exceptionally three storeys.

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

By Dr Wells (153 signatures)

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

LEGAL AND CONSTITUTIONAL COMMITTEE

Law relating to charitable trusts

Mr THOMSON (Pascoe Vale) presented a report from the Legal and Constitutional Committee upon the law relating to charitable trusts, together with appendices, extracts from the proceedings and minutes of evidence.

It was ordered that they be laid on the table, and that the report, appendices and extracts from the proceedings be printed.

PAPERS

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

Benefit Associations—Report of the Registrar of Friendly Societies for the year 1987–88.

Planning and Environment Act 1987—Notices of approval of amendments to the following planning schemes:

All Planning Schemes—No. S1.

Eltham Planning Scheme—Nos L2, L3.

Keilor Planning Scheme—No. L10.

Metropolitan Region Planning Scheme—Nos R26, R51, R54, RL34.

Preston Planning Scheme—No. L7.

Richmond Planning Scheme—No. L2.

Romsey Planning Scheme—No. L7.

South Melbourne Planning Scheme—Nos L4, L8.

Sunshine Planning Scheme—No. L1.

Tambo Planning Scheme—No. L22.

State Employees Retirement Benefits Board—Report for the year 1987–88.

Statutory rules under the following Acts:

Associations Incorporation Act 1981—SR No. 102.

Fisheries Act 1978—SR No. 103.

Hospitals and Charities Act 1958—SR No. 98 together with a copy of the Health Insurance (Variation of Fees and Medical Services) Regulations under the Commonwealth Health Insurance Act 1973 as required by section 32 of the *Interpretation of Legislation Act* 1984 to accompany the Statutory Rule.

Optometrists Registration Act 1958—SR No. 73.

Professional Boxing Control Act 1958—SR No. 105.

Public Service Act 1974—PSD Nos 16, 17, 18.

Sport and Recreation Act 1972—SR No. 106.

Supreme Court Act 1986—SR No. 101.

* * * * *

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 25 October 1988:

Agricultural Acts (Amendment) Act 1988—Section 14; 22 March 1989 (*Gazette* No. G.11, 25 March 1989).

Building Control Act 1981—Items 54, 55, 56 and 70 of the Schedule; 4 April 1989 (*Gazette* No. G.12, 22 March 1989).

Borrowing and Investment Powers (Amendment) Act 1989—27 April 1989 (*Gazette* No. S21, 27 April 1989).

Community Services Act 1987—Items 1 to 13 of Schedule 2; 15 March 1989 (*Gazette* No. G11, 15 March 1989).

Crimes (Custody and Investigation) Act 1988—15 March 1989 (*Gazette* No. G11, 15 March 1989).

Health (Amendment) Act 1987—Section 9; 1 October 1989 (*Gazette* No. G19, 17 May 1989).

Health (General Amendment) Act 1988—Section 7 on 1 July 1989, Section 45 on 1 October 1989, and Section 17 on 31 December 1989 (*Gazette* No. G19, 17 May 1989).

Health Services Act 1988—Sections 18 to 69 (except section 27), 135 to 138 (inclusive), 140, 141, 142, 144 to 154 (inclusive), 156 to 159 (inclusive), 166 to 176 (inclusive), 177 (1) except paragraphs (*b*) and (*c*), 178, 180, 182 to 192 (inclusive) on 14 May 1989; Section 27 on 1 July 1989 (*Gazette* No. G17, 3 May 1989).

National Parks (Amendment) Act 1981—Section 3 (5); 19 April 1989 (*Gazette* No. G15, 19 April 1989).

Sale of Goods (Vienna Convention) Act 1987—Part 2; 1 April 1989 (*Gazette* No. G12, 22 March 1989).

AUDITOR-GENERAL'S REPORT

Ministerial portfolios

The SPEAKER—Order! I have received the following communication from the Auditor-General:

Dear Sir,

Report on Ministerial Portfolios May 1989

In accordance with the Audit Act 1958 suspected or actual theft, wilful damage, arson, irregularity or fraud in connection with the receipt or disposal of money, stores or other property notified to me by departments or public authorities were included in the above report tabled by you on 9 May 1989.

It has been drawn to my attention that the initial advice received from the Ministry of Education in relation to an irregularity at the Northcote High School has proved to be incorrect.

Consequently I forward a corrigendum to my report (refer Table 3.7D on page 75—Northcote High School) as follows:

Amend the words "canteen manager" under the heading "nature of misappropriation" to "school bursar".

Yours sincerely,

C. A. BARAGWANATH

Auditor-General

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:

Intellectually Disabled Persons' Services (Amendment) Bill

Ombudsman (Amendment) Bill

Fire Authorities Bill

Legal Professional Practice (Amendment) Bill

ADJOURNMENT

Mr ROPER (Minister for Planning and Environment)—I move:

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

The motion was agreed to.

RACING (AMENDMENT) BILL

The debate (adjourned from April 20) on the motion of Mr Trezise (Minister for Sport and Recreation) for the second reading of this Bill was resumed.

Mr GUDE (Hawthorn)—The Racing (Amendment) Bill is a small Bill that amends the Racing Act. The amending Bill will change the number of people appointed to the Greyhound Racing Control Board by reducing the number of members of the board from six to four and providing that, in addition to the chairman of the board, there shall be three other members.

The Bill provides for a process of quorums and the appointment of an executive director and that one of the persons appointed to the new board have experience in the greyhound racing industry. The Bill also provides that the executive director of the board will have a vote in decisions of the board and will not be subject to the provisions of the Public Service Act.

These changes to the Act are important because they relate to the capacity of the individual who will be chosen as the executive director. It is obviously the desire of the Minister for Sport and Recreation that the new board will have a more professional and flexible approach in conducting the affairs of the greyhound racing industry, and the appointment of an executive director from outside the Public Service will allow the board to pay an appropriate emolument to attract the right person to this high office.

The racing industry has a significant impact on and is a major part of the State's economy. The total turnover of racing in Victoria in 1987–88 exceeded $3 billion—dare I say, nearly as much as the unfunded liability of WorkCare—so gambling, in more ways than one, involves large sums of money. The turnover of the greyhound racing industry was $204·5 million, or 6·8 per cent of the total turnover of the racing industry for that year.

The Greyhound Racing Control Board is a statutory body established pursuant to provisions in the Racing Act. The administration of the Act is the responsibility of the Department of Sport and Recreation, and it is handled by the departmental racing and gaming division. The functions of the board are set out in section 75 of the Act and they are to control the sport of greyhound racing; to carry out research into aspects of greyhound racing; to assist in planning future development to promote the sport of greyhound racing; and to exercise such powers, functions and duties as are conferred on it under the legislation.

The proposed legislation allows me to consider some of the achievements of the board. Greyhound racing made a record Totalizator Agency Board off-course turnover of $204·766 million for the 1987–88 season, which surpassed the previous best turnover by almost $16 million. That is an enormous achievement. Greyhound racing is probably the fastest growing of the three racing codes. The turnover in 1987–88 represents an increase of approximately 55 per cent since the 1981–82 season, so honourable members can see that there have been significant improvements and changes in the industry.

The industry involves large sums of money and some of the reasons for its success are the direct results of the initiatives taken by the board. The board purchased radio station 3UZ, which ensured future broadcasting of greyhound racing and provides for better coverage and promotion of sport in general. The promotion of the industry in 1988 by television commercials was another initiative that has been well received.

In the short time that I have had the responsibility for this portfolio as the Opposition spokesman, people involved in the industry, including administrators, have been complimentary about the quality and standard of those television commercials. The sport has benefited because of coverage by Sky Channel and, in a sense, is complemented by enabling legislation covering Pubtab, which the Minister introduced in Parliament not so long ago.

Recently I was in Sale to present the Sale Cup at a greyhound meeting. It was highlighted to me then that the industry was pleased with the introduction of twilight meetings, especially in country areas. The board subsidises late openings of strategically located TAB agencies on Monday and Thursday evenings. Honourable members can see that the changes have been evolutionary.

As a result of contacting people involved in the industry about the proposed legislation, I was informed that in 1985 the Greyhound Racing Control Board proposed central grading as a means of addressing complaints from owners and trainers and this was rejected in favour of providing clubs with a choice of central grading or club grading. I have received mixed comments on that issue but generally the representations I have received have been in favour of retaining central grading or club grading. It removes confusion and a number of clubs were positive about the support they have received in the grading process.

The industry, as part of this evolutionary change, has been the subject of a number of studies. In 1981 a report was prepared to assist forward planning and to assure the most effective use of the resources of the greyhound industry. That review made 97 recommendations. The report was the basis on which the greyhound industry has been developed. It was the first real move to recognise it as an industry rather than a sport. I hope the family approach to greyhound racing is not lost; the breeding, training and racing of dogs are activities from which many families and dog owners derive great pleasure.

It would be a shame if that were lost to the industry. The sheer pleasure and enjoyment that owners and trainers obtain from their involvement in the industry is not matched in the other codes of racing. That is not to suggest that people involved in harness racing and the gallops do not have a great love for their sports, but the same very close personal relationship does not appear to exist.

Another conclusion drawn was the need to consolidate resources, and the provisions of the Bill enhance that prospect. I am reminded that another inquiry into the greyhound racing industry is proceeding at the moment; I understand that Touche Ross and Co. has that consultancy.

In the 1981 report a strong emphasis was placed on the need for administrators of the sport to identify savings at the regional rather than the club level. The process used was to examine the sport more as an industry, and it was decided that administrators should actively cooperate with the Greyhound Racing Control Board. The Bill makes specific reference to direction in terms of the role to be played by the new executive director. That role will be enlarged and will become more important. Presumably, it will be built on the previous report.

If I had to be critical I would say that it is a pity the Bill has come before the House prior to the Touche Ross and Co. report being made available for the consideration

of the community because it could be argued—although, on balance, perhaps not in a totally valid way—that the Bill pre-empts the findings of that inquiry. The 1981 report recommended that the Greyhound Racing Control Board and the Greyhound Racing Grounds Development Board be restructured, and that both should be given additional precise powers to initiate industry decisions. The obvious intention of the Bill is to build on that process.

A report of the racing industry drug control working party has been made available. I have had the opportunity and privilege of visiting many greyhound racing communities where people have considerable pride in the strict way in which they administer and run greyhound racing. One probably never will have an industry that is totally free of those who may want to give an advantage to one dog or horse over another, but many steps are being taken to minimise the extent of that. The further consolidation of the board and its policy directions should enhance controls in that respect, thereby not only ensuring fairness in terms of the owners and trainers but also, most importantly, ensuring some certainty for punters in terms of propriety.

The racing industry's total turnover in 1987–88 exceeded $4 billion; $204·5 million—less than 7 per cent—of that amount is attributed to greyhound racing. A rapid increase in interstate investments has occurred since 1982–83, and in country racing since 1981–82, to the extent that investments in country regions could overtake those in the metropolitan events over the next few years if the trend continues. Total offcourse investments in 1982–83 decreased for metropolitan meetings but dramatically increased for country greyhound meetings in 1985–86. The sport has seen a change in its support, and that is significant when considering the structure and representative role of the board.

The new Greyhound Racing Control Board will have Bill Collins as chairman, a deputy chairman, an executive director and a person who is to be experienced in the greyhound racing industry. Given the most important and growing role of non-metropolitan greyhound racing, it is important that the board include to represent the industry a person who has a clear and detailed understanding of the non-metropolitan racing industry. That is not to say that the person must live in the country, but he or she must have a clear understanding of what the industry needs.

I suspect that the situation in the country reflects the results of the introduction of twilight meetings at country clubs as well as the upgrading of facilities. The club at Sale has invested extensive funds in this way, and I understand that the same situation applies at Traralgon, although I have not yet visited that course. The availability of more Totalizator Agency Board facilities must be an important factor in this situation.

Another significant development in the code is the way punters at metropolitan and country greyhound racing meetings consistently invested more through the oncourse system at meetings during the period 1982–83 to 1987. I do not have the exact figures but have seen graphical proof to that effect.

Another area of interest relates to stake moneys which appear to have been limited in availability in the metropolitan area in the period 1980 to 1986 compared with increased stake moneys since 1981. Those involved in the industry are concerned at the level of stake moneys available in Victoria because they are not as generous as, for example, those available in New South Wales. The new board should address that problem because if interest, growth and development in a sport of which gambling forms part are to continue, it is important that the stakes attract the best available participants. That has occurred through increased prize money for other major events such as the Melbourne Cup, which is obviously the pinnacle of horseracing events. It is an area where there has been a massive infusion of funds.

In debate on the Bill that introduced Pubtab, I referred to appropriate figures. I am concerned at the reduction, having obtained the information under freedom of information legislation provisions. That information was tabled in the House on a previous occasion, and a reading of *Hansard* will supply the figures. The decline that has occurred is relevant to the point I made about the surety of the field, the position with respect to central grading, the prize money and the encouragement provided for the industry to be involved.

If the costs of breeding, maintaining, transporting and entering dogs in events reach a stage where the potential benefit in prize money does not go anywhere near reimbursing those involved, there will, of necessity, be a reduction in quality and in the number of people investing.

I am concerned about the reduction in litter size and I hope the Greyhound Racing Control Board will address that issue and assist the industry to further develop, not only in a numerical sense—that is not everything—but also in the quality and standard of dog produced.

The central grading method has been brought to my attention by a number of clubs and associations during the course of my discussion and consultation on this Bill. In a letter of 2 May 1989 under the heading "Central upgrading", the Bendigo Coursing Association said:

> This method of selecting race fields came into existence during the presidency of Mr Brian Halpin and has proved a good success. Some seven greyhound clubs use the service provided by the board and other clubs request the board to fill in for them whilst their grader is on annual holidays.
>
> The cry to get rid of this service comes from people who do not understand, as they claim it is too costly. Central grading does cost the salary of one grader and a part-time assistant. All the costs are taken up in the operation of the computer system in operation to register the greyhounds' performance, ear brands etc.

That organisation is making a plea to the Minister that he invite the board to pay particular attention to this area. If there are fears within the industry—as the letter would indicate—perhaps the Minister can allay those fears in his response to this debate or, alternatively, an appropriate comment from the board may be the correct way of dealing with it. The club, together with others, makes the valid comment with respect to the structure of the board that:

> In our opinion, we feel that it does not matter whether the board consists of four or seven members provided that the gentlemen selected are experienced, non-political and non-biased.

One could add that the club has some understanding, knowledge and professionalism, because, if the sport is to be further developed, it is not the time to appoint somebody as a reward for past services. I hope that is not the intention of the Minister, but on behalf of the clubs I seek his comments in that regard.

Concern has been expressed about the pink guide which is prepared by the board, and the gold guide produced by the board's competitor. With little modification, the pink guide would be at least equal, if not superior, to the gold guide offered by the private sector. If the new board is to go into this area in its own right, it should ensure that it gives the private sector the opportunity of becoming involved to enable the best possible guide to be made available to the industry, the patrons and the punters who support this growing industry.

A number of clubs have expressed concern about the Totalizator Agency Board's distribution and any proposal to alter the present distribution formula. At the present time, the fund is distributed with the first cheque being for the Greyhound Racing Control Board's operations. The two city clubs receive 48 per cent and the eleven country clubs receive 52 per cent. Whatever the Minister's views are with regard to the distribution, it is important that he makes some comment about the measure

because country clubs are fearful that, if the ratio is altered in favour of city clubs, there will be a significant injustice to country clubs. On balance, I go along with that view because of the development of country clubs and the effort they are putting into it. That is not to say that the metropolitan clubs are not doing their part. It is important that the board does not rush into making changes in the distribution of funds. It is important for the clubs because their livelihood is involved; they need that income to carry out their functions. One must not ignore the problems with respect to the greyhound racing clubs. It is no secret that the financial arrangements of the greyhound club at Sandown have received a good deal of attention and inquiries have been undertaken.

The new board could exercise far greater control over the financial administration of the clubs. With the money that is involved in the industry, it is not only fair but proper and decent that that should take place.

Regular auditing of the funds distributed by the board would in many ways provide the board with the opportunity of judging whether those funds had been used wisely, properly, in the interests of the industry and in the direction that the board proposed. I know that the clubs, according to their constitution and rules and the legal requirements of company law in this State, are required to produce annual reports, annual accounts and so on. There is a vast difference between reality and the glossy reports that seek to paint the best picture of the organisation. Concern has been expressed in the industry in the interests of punters and the people who support the clubs, and indeed in the interests of the administrators of those clubs which suffer public criticism, that there should be an inquiry. There is a role for the board to play in exercising closer control of financial administration.

The Liberal Party seeks an undertaking from the Minister with respect to the structure of the board and the prospective flow-on to other codes. Concern has been expressed that this "small board" approach may be thrust upon other sections of the racing industry. I seek a response from the Minister on whether other sectors of the industry are performing adequately in carrying out their role with their different boards.

Each code has a different board structure. Is the Minister satisfied that a good job is being done and that no change is required, or is some new board structure being proposed by the department?

Once again, if that response could be elicited from the Minister it would allay fears that exist at present. My own view is that if a good job is being done and if things are going well, one should not tamper with a winning formula; but woe betide those who fall by the wayside—those who are not doing the job they ought to be doing!

I also raise with the Minister the question of the size of the Greyhound Racing Control Board. I should like to know whether it is his intention to review the operations of the new board and, if so, at what time. It is fair so say that a lot of goodwill, support and hope is being attached to the future success that may be derived from this board structure, but I wonder whether he plans some review of the new board's performance in the light of the Touche Ross and Co. inquiry, and as development takes place.

It would be unfortunate indeed if the Act is changed and we are locked into a situation simply because we do not want to fall back to making any other changes if things do not go right. If it can be shown that an increase in the number of members on the board, or a decrease in the number, will bring about a better and more responsive board for the industry, I wonder whether the Minister will be planning further changes or whether he will feel that legislative change is something that ought to be left for five or ten years.

I have mentioned a couple of times that an inquiry is being conducted by Touche Ross and Co. for the board, and it is important that I place on record its terms of

reference because the changes proposed in the Bill will have a significant impact on the outcome of that inquiry. As I said earlier, if I have any criticism it is that the passing of the Bill now is pre-empting the inquiry; but that does not mean I am critical of the inquiry. The inquiry is the sort of thing that I have been saying, in different ways, needs to take place.

Briefly, the terms of reference are: firstly, to examine the existing financial situation of the industry both at board and club level; secondly, to determine whether existing arrangements of each club and the board are administratively sound and cost efficient; and, thirdly, to recommend strategies to achieve optimum cost efficiency in the industry, included in which will be an assessment of the cost efficiency of central grading compared to club grading.

From those terms of reference the House will understand why some of the responses to the Bill received by the Opposition have referred to things like club gradings. The industry is conscious of the review process that is taking place. The Opposition supports the Bill and wishes its passage well, and wishes the industry well. We hope the new board will have a successful future.

I am tempted to suggest names of people who might fit into some of those categories for board membership but perhaps that is not something I should canvass at this time. The Minister, from conversations we have had, would know of my support and preference in some areas and I suspect that we share a common view on that point.

I trust that the Bill will bring to the industry the success that it would want, and that greyhound racing develops much further into the 1990s.

Mr WALLACE (Gippsland South)—The Bill is a small one, containing only nine clauses. There are three main clauses within the Bill—clauses 4, 5 and 7. They are the important ones. As always, some changes have to be made and heaven forbid if those changes are not made, particularly given the fact that a greyhound racing Bill was debated some 31 years ago. For that reason alone, there have to be changes.

In the country racing area there are about twelve clubs and in the metropolitan area there are two clubs, which are extremely important—the Sandown Greyhound Racing Club and the Melbourne Greyhound Racing Association. I shall not list the country clubs as there are about a dozen of them.

The greyhound racing industry involves the average man and woman in the street. It is his or her opportunity of being involved either as an owner, a trainer, or a punter. On numerous occasions I have attended different club meetings, particularly at Sandown Park Racecourse and Olympic Park. The enjoyment felt by the spectators at these meetings is obvious. Each race is a real team event and the twilight meetings are certainly enjoyable.

Last year 207 000 people attended these meetings, with the stakes totalling approximately $2 million. In the country areas, with twelve clubs, approximately 185 000 people attended meetings, which is not far short of the figure in the metropolitan area, and the stakes totalled $2·5 million. That figure alone stands to show just how important the greyhound racing industry is to the economy, to the sporting facilities that promote it and also to the people.

I shall quote from a letter I received via the Minister, which sums up the situation fairly well. It is from the Sale and District Greyhound Racing Club and it is addressed to the Minister. It states:

> The Sale and District Greyhound Racing Club Inc. wishes to make strong protest against the proposed legislation to change the composition of the Greyhound Racing Control Board.

The present seven-person board has been responsible for the huge upsurge in greyhound racing in recent years. Their planning and forethought has improved the image and popularity of the sport immensely.

That is a fairly good example of what is being said in the community. The letter continues:

The smaller outer circle of clubs, of which ours is a classic example, wallowed for many years in the quicksand of our pittance of a distribution with little or no chance of improvement. The introduction of central grading and a more equitable distribution scheme gave our clubs the ray of light . . .

And a ray of hope, I suppose, almost without exception, to those smaller clubs. They are the thoughts of a number of clubs around the State and over the past few years the greyhound racing industry has had a marked upsurge in support. I suppose the Minister for Sport and Recreation can take some credit for that fact because he has seen numerous changes, but the administration side of the industry needs to be examined.

Already there has been a marked improvement in the administration of the greyhound racing industry. The industry really has its act together and has put the sport right where it belongs—up in the top bracket. In these terms, the relevant clause I should like to deal with is clause 4.

Clause 4 (1) amends section 69 (2) of the principal Act to change the structure of the Greyhound Racing Control Board by reducing the number of members from six to four and providing that, in addition to the chairman, the other members shall be a deputy chairman who shall be a person experienced in business or marketing, an executive director, and a person who has experience in the greyhound racing industry.

The National Party will be proposing a minor amendment to enhance the Bill. The amendment will apply to clause 4 (1) (*d*) and the words "in Victoria" will be proposed to be added after the word "industry" in the provision that one member shall be a person who has experience in the greyhound racing industry. I shall elaborate later on the reasons for the amendment. However, it is important that those words are included.

The 1988 annual report of the Greyhound Racing Control Board states that in the metropolitan area 107 meetings were held, whereas 568 meetings were held in the country. Therefore, vastly more greyhound racing meetings are held in country areas. The metropolitan area attracts $2 million in stakes whereas in the country the stakes are $2·5 million.

It is extremely important that the members appointed to the board have appropriate experience. I am sure the names of prospective members that have been bandied about reflect that experience. However, the point I wish to make is that, because 568 meetings are held in country areas compared with only 107 in the metropolitan area, the enormous amount of country experience needs to be harnessed. Country interests need to be able to put their case. I hope board members, who have experience in the greyhound racing industry, will take this point into account.

Most people involved in the greyhound racing industry live in the country, including owners and trainers. They are the people on whom the greyhound industry relies, because most breeding is carried out in country districts. I should like to ensure that country areas have some protection. I am aware of the problems that have arisen in the past and, because of those problems, changes have to be made.

Clause 6 amends section 75A (7) of the principal Act by substituting the words "executive director" for the word "secretary". This will mean the industry will have a more professional type of operation. That is desirable and reflects a trend whereby the word "secretary" appears to have gone out of favour.

Clause 7 alters the structure of the Greyhound Racing Grounds Development Board from a four-person board to a three-person board by amending section 83A (2) (*b*).

Subparagraphs (ii) and (iii) are replaced by a new subparagraph (ii) which ensures that the member will be a person who represents country greyhound racing interests.

It is important that the Bill is passed quickly without any problems. Earlier, reference was made to the Touche Ross and Co. inquiry. Perhaps the Bill should have been held over until the inquiry was complete. However, in his wisdom, the Minister wanted the Bill to pass, no doubt because of the impending spring carnival and the new financial year. I hope that, when the Bill is passed, it will not be superseded by the findings of the inquiry or strike any problems in that area. Except for the small amendment that I intend to propose during the Committee stage, the National Party supports the Bill.

Mr NORRIS (Dandenong)—I could not let the opportunity pass without making a few remarks on the Bill and congratulating the Minister because, as I see it, the Bill provides for excellent and much needed reform of the administration of the greyhound racing industry.

Mr W. D. McGrath interjected.

Mr NORRIS—If the Deputy Leader of the National Party does not consider that these are reforms, I do not know what he would consider to be reforms. The thrust of the Bill is that the Greyhound Racing Control Board will be reduced from a six-member board to a four-member board. One of the features will be that one of the four members will be the executive director.

I see the basis of the government's thrust in the measure as one of efficiency. I know it is a matter that has been the subject of much discussion within the industry. Although there was considerable opposition to it, the Minister, with his charm and knowledge of the industry, was able to convince those who originally opposed the idea to come around to his way of thinking. I say with confidence that the Minister has the complete support of the greyhound racing industry for the measure.

The four-member board will operate as a very smooth and efficient unit without the sectional interests that unfortunately plagued the operations of the Greyhound Racing Control Board in the past. All honourable members will agree that members of the Greyhound Racing Control Board in the past did represent sectional groups—interests, clubs, and parts of the industry.

Mr Reynolds interjected.

The SPEAKER—Order! The honourable member for Gisborne will have his opportunity.

Mr NORRIS—I certainly hope the honourable member for Gisborne makes a contribution. I notice that he is nodding his head. I know, as does the honourable member for Gisborne, that many members of the board were often brought to book by their clubs or representatives if they did not adopt a particular line at the meetings; they were tightly hobbled. The measure will completely rectify that situation.

I commend the Minister for his extensive consultation with the greyhound industry on the measure. It can be said without fear of contradiction, that the current Minister has been the saviour of the greyhound racing industry. In preceding speeches, other honourable members also complimented the Minister. When one looks back on the state of the industry when the Labor Party came to office, and before this Minister was able to put his splendid and far-reaching ideas into operation, one realises his contribution. I refer to such measures as the introduction of the fixed percentage distribution of the Totalizator Agency Board surplus whereby 8·5 per cent is distributed to the greyhound racing industry. If one examines the absolute figures, one realises

that the market share is significantly below that. The honourable member for Gippsland South mentioned that measure.

Nevertheless, the 8·5 fixed percentage has enabled the industry to continue to go forward, and I agree with the previous speakers, the honourable members for Hawthorn and Gippsland South, that signs are now good. They are excellent. A lot of confidence is now being imbued in the greyhound racing industry. One can only wonder what would have happened if the fixed percentage measure had not been introduced. I am sure the industry would have languished, stakes would have dropped and the availability of money to owners would have been significantly reduced.

The Bill also provides what is in effect a consequential amendment to the structure of the Greyhound Racing Grounds Development Board. The proposed structure will in fact bring the development board into line with the structure of development boards that operate in both the thoroughbred racing industry and the harness racing industry. This is another good measure.

The Bill provides for a three-person board, the three persons being an independent chairman, the chairman of the controlling board or his nominee, and a member appointed by the Minister representing, in the Minister's opinion, the interests of country greyhound racing. It is proper that the Minister should place the greyhound industry on a similar basis to the other codes of racing, thoroughbred racing and harness racing.

The Minister also said in his second-reading speech that the greyhound racing industry has enormous potential for future development. I certainly agree with that assessment. Honourable members who have had contact with the greyhound racing industry will agree that it is comprised of endearing people who are unique. One could say that in many ways greyhound racing is the working persons racing sport. The connotation has always been that the working man or working woman—I suppose working person is correct in modern terms—could have his or her own dog and have a stake in the thrills and the enjoyment of racing.

Honourable members will agree that in the past the industry has been fraught with dissension. A lot of individual barrows have been pushed by small racing groups. Although these people have always been committed greyhound racing people, unfortunately at times they have pulled against one another. Good feeling is high within the industry at the moment and I hope that, with the guidance, patience and perseverance of the Minister, who has always had the confidence of the industry, anyone who wants to will be able to go to a greyhound racing meeting and have an enjoyable night.

I agree with the honourable member for Hawthorn, who complimented the industry on its recent excellent promotion. A television commercial that has been made is one of the best I have seen for any sport. I know there were problems with the first commercial that was made but the second commercial about the young boy and the dog was beautifully produced and the message really hit home. It showed that greyhound racing is a family sport in which one can be involved with satisfaction.

I compliment previous speakers on their remarks and in particular I compliment the Minister for introducing the Bill and the initiatives it contains. I wish the Bill a speedy passage.

Mr REYNOLDS (Gisborne)—I shall speak briefly on several points in the Bill. I have received input and comment from many people connected with the sport of greyhound racing. I call it a sport because 97 per cent of the people involved are part-time participants. It is more a sport than any of the three codes of racing.

I have discussed the Bill with people who have had up to 60 years of experience in the industry and the message that comes through is that this is a Bill created for the wrong reasons. It is not a Bill of principle, it is a personal Bill. By reducing the number of board members from six to four, the services of two or three current members of the board will be dispensed with. I cannot understand how the honourable member for Dandenong could make the comments he did when one considers that the current board was appointed by the current Minister and the Act specified that the Minister must not take notice of sectional interests in appointing those members. For the honourable member for Dandenong to say that there was sectionalised fighting and trouble is an indictment of the Minister. In fact, the honourable member has castigated his own Minister.

The Bill appears to me and to many people associated with the sport to have been created for personal reasons rather than for a principle. There is dissatisfaction in some sections with a couple of the members of the board, but I do not want to go into that aspect at this stage. There is also dissatisfaction within the sport with the performance of some officers. The Bill will allow that to be amended.

The history of greyhound racing administration shows that for 27 years there were nine seven-man boards each serving three years. People across the whole greyhound racing spectrum have told me that that has worked well. The current six-man board was one of the last changes instituted by the previous Liberal government. I shall come back to that later.

In the past eight years the three six-man boards have had problems. Those problems were created because the boards did not consult with the industry when they wanted to bring in major decisions, such as the central grading system. They foisted on the industry decisions that the industry was loath to accept.

I do not entirely blame the board in this instance; the industry on the wider scale deserves to take some of the blame because of its inability to accept the decisions of its board. The ideal put forward by all sections of the industry to the Minister when he asked for an opinion was without exception that the industry wished to return to a seven-man board.

It would appear by the wording of the Bill that the whole industry is wrong. I know that many have accepted the current four-man suggestion.

Mr Trezise—Three man.

Mr REYNOLDS—The Minister should be patient, I shall come to that matter. The current four-man position has been begrudgingly accepted, as reflected in a letter from the Chairman of the Melbourne Greyhound Racing Association:

> Whilst both myself and the Melbourne Greyhound Racing Association still wholeheartedly support the concept of a seven-man representative board, we bow to your authority . . .

I repeat, "we bow to your authority." Those are the words of the Melbourne Greyhound Racing Association.

> . . . and assure you of our total support in order to endeavour to make your proposition work for the benefit of our sport.

The letter was signed by Mr L. G. Foran, Chairman of the Melbourne Greyhound Racing Association. That is democracy at work: "we bow to your authority". That is the way it should happen!

The Minister at a meeting initially offered a three-man board, which he admitted by interjection, but then compromised and said that he would appoint a four-man board. However, the rest of the industry does not want that. I wonder why the Minister

and the government, who talk about consultation and conciliation, did not agree to the interests of the people who know what they are talking about.

It is interesting that, in his second-reading speech—and I shall pick up a few points in it—the Minister proposes a four-man board which will comprise the chairman, who shall be one who has no connection with or financial interest in any greyhound racing course or in any racing greyhound.

Mr Cain—A four-"person" board.

Mr REYNOLDS—The Premier interjects and refers to a four-"person" board rather than a four-"man" board. When I say "man", I mean "human". The appointee can be of either sex. I can understand why Terry McCrann, in an article in the *Herald,* talked about the Premier as being an "arithmetically inarticulate nincompoop"; I thought that was the most apt description of him that I have ever heard.

The fact that the chairman of the board must have no connection with the industry may well preclude some very good people in greyhound racing in Victoria from appointment. It precludes the appointment of people from a section of the industry or the sport, who may be very well qualified to do the job. These are just some of the comments that have been made to me, and I believe that is a logical conclusion. As has been mentioned by many people, the Minister and the department have put forward the names of four people who are likely to be appointed to those positions.

Mr Trezise—We did not put them forward. The industry itself gave six names to us.

Mr REYNOLDS—Did the industry give the Minister six names? And has he not accepted them or given any indication of whether they will be accepted?

Mr Trezise—No.

Mr REYNOLDS—Has the Minister not given any indication of who should be appointed to these positions?

Mr Trezise—We have not finalised anything yet.

Mr REYNOLDS—So, you have not finalised anything, but you have given some indication?

Mr Trezise—Well, yes, but they are not finalised yet.

The ACTING SPEAKER (Mr Shell)—Order! Conversations across the table are disorderly, and the honourable member for Gisborne should address the Chair.

Mr REYNOLDS—Sir, I thought the interjection of the Minister, which was only an aside—and I hope I have been addressing the Chair, and I thank you for your guidance—was very telling. It indicated that, yes, the industry had suggested some names of people who they thought would be appropriate for appointment to the four positions and, yes, the Minister had given an indication that he believed they would be appropriate. Therefore, some indication has been given by the Minister.

One of the people who would obviously feel slighted, whose position is one of the four mentioned, would be the current deputy chairman, because the Bill states that the deputy chairman shall be a person experienced in business or marketing. That precludes the current deputy chairman, Ron Nestor, who has been an appointment of this Ministrer in recent times, from obtaining the position. He could not accept the position of deputy chairman because he probably does not fit the description set out in the Bill.

In his second-reading speech, the Minister said that he considered the Bill would put the board on a more professional basis, and that a further good example of this move to a professional basis could be seen with the Victorian Football League, which had already recently moved from a board representative from each club to an independent professional board. I do not query or argue with that, but I have heard the Minister in this place stand up and lambaste the VFL and its administration for some of the decisions they have taken. Yet, now he chooses to use that administration as the perfect example.

I believe a bit of hypocrisy is evident here. The Minister said that the chairman of the board should have no interest in greyhound racing, but he used the VFL board as an example, and yet the chairman of that board has a very direct experience in VFL football. He is Mr Ross Oakley, who, as all honourable members know, was a league footballer and an administrator of the Hawthorn Football Club. The Minister chooses to use the VFL example when it suits him, but not when it does not suit him.

I believe the change in the Greyhound Racing Grounds Development Board is sensible. All the people with whom I have spoken agree that that will put the board in line with the other two racecourse development boards. That seems sensible, logical, and much more workable.

I prefer to call the greyhound industry a sport, because I believe it is much more of a sport than the other two racing codes. In fact, 97 per cent of the people who take part in the sport do so on a part-time basis, which is quite different from the other two racing codes. Therefore, greyhound racing is a family sport, which enables people to walk their own dogs, participate in the sport, and so on. I believe one of the joys of greyhound racing is to see, in the presentation of one of the big cups at either Sandown Park Racecourse or Olympic Park, that the whole family is decked out in T-shirts with the name of the dog emblazoned on them, which have been especially produced for the occasion and usually designed in the colours of the rug in which the dog is racing on the night. It provides a great atmosphere and is a tremendous family sport in which many amateurs participate.

The Opposition is not opposing the Bill, as such, but it does highlight a few minor concerns, of which I trust the Minister will take note, particularly given that the industry does disagree with him in the main and the fact that he has pushed this four-person board on to the industry, or the sport.

I raise a final point. It relates to a man who I am sure the Minister will agree is probably the acknowledged expert and the person who knows more about greyhound racing than anyone, Mr Noel Banks. He has suggested to me—and I put it forward for the Minister's consideration—that the word "Control" be deleted from the title of the board. In other words, the board would become the Greyhound Racing Board. There is little difference, except that it provides direction. The board does not hold races of its own, as does the Harness Racing Board, but that board is not called the Harness Racing "Control" Board. The Greyhound Racing Control Board does not hold its own races; it only directs the clubs that conduct all the races. Mr Banks also suggested that the word "Racing" could be deleted from the title, so that the board would become the Greyhound Board. The reason is simple: there are many facets to this sport other than racing, such as breeding, and just the joy of owning a dog as a pet.

The Minister has admitted that the people whom he appointed to the board have not worked satisfactorily. He has tried a board of six members. He has also tried a board of five members because for thirteen months since the death of Mr Keith Bravo on 26 April 1988, during which time the Minister did not appoint a replacement, the board has worked as a five-man board. The Minister stands condemned for not appointing someone to take Mr Bravo's place.

There has been a choice of other directions, and I hope the proposed new four-person board will be given that opportunity. I wish it well.

Mr W. D. McGRATH (Lowan)—I support the contribution of the honourable member for Gippsland South who spoke so well on behalf of the National Party.

The greyhound racing industry has grown in recent times. Honourable members need only read the annual report of the Greyhound Racing Control Board for 1988 to see the significant increases in the amount of money made available by the government to the industry. In 1984–85, $1·65 million was made available to metropolitan greyhound racing clubs and the figure for 1987–88 was $2·037 million. A similar increase was made in the allocation by the State to country clubs. In 1984–85 country greyhound racing clubs received $1·562 million and in 1987–88 they were given $2·593 million.

Those figures say something for the Greyhound Racing Control Board, which was made up of six persons. Since Mr Keith Bravo died, the board has had an effective membership of five persons. I pay tribute to the late Keith Bravo. Whenever I went to a greyhound race meeting at either Olympic Park or at Sandown Park Racecourse, he extended hospitality to me. I appreciated always the courtesy shown to me by Mr Bravo and his wife. I was not a frequent visitor to the two venues but whenever I visited them I valued their friendship. Recently I attended a greyhound race meeting. Mrs Bravo was there without her husband. She has shown a high degree of commitment through her continued interest in greyhound racing.

The National Party feels somewhat slighted by the manner in which the Minister for Sport and Recreation has drawn up the proposed membership of the Greyhound Racing Control Board, as provided in clause 4 (1):

(*b*) one . . . shall be a person who has experience in business or marketing . . .

(*d*) one shall be a person who has experience in the greyhound racing industry.

As well, there will be the chairman.

I have no criticism of the present chairman of the Greyhound Racing Control Board, Mr Bill Collins, who is doing an excellent job. When one speaks to members of country clubs around Victoria, they endorse those remarks. Recently I was speaking to the officials of the Horsham Greyhound Racing Club about the proposed legislation and their sentiments were expressed strongly. They are satisfied with the performance of Mr Collins. He is considered to be a person who is able to move around the venues, is always approachable, and is easy to talk to about the greyhound racing industry.

As I said, the National Party is somewhat disappointed that there is not a position specifically designated for someone representing country interests. I understand the Minister has asked for a list of names to be submitted to him from which he will consider the appointment of four members to the Greyhound Racing Control Board. I should be interested to know whether the Minister has asked for nominations from people from country areas.

Clause 7 deals with the Greyhound Racing Grounds Development Board and provides in paragraph (*b*):

(ii) one shall be a person who in the opinion of the Minister represents country greyhound racing interests.

It does not provide that the person must reside in the country but that the person will represent country interests. The clause could be more specific and ensure that the representative on the board came from the country. Perhaps the Minister might address that matter in his concluding remarks; that is, whether the person appointed to represent the country greyhound racing industry on the Greyhound Racing Grounds

Development Board will come from outside the metropolitan area, and whether the word "represents" overrides the need to specify that the person must reside in a country area. As I said, the Minister should have specified in clause 7 (1) (*b*) (ii) that the representative would come from a country region to represent that area of greyhound racing.

All honourable members will agree that the Victoria Racing Club is in one of its most successful periods in its history. While there has been a considerable degree of success in the past, the present level of success is higher than ever before. The Chairman of the Victoria Racing Club is Mr Peter Armytage, and he resides in the country. His chairmanship is an indication that people who live in the country have a good knowledge of the various racing codes and could serve well on the board covered by the Racing (Amendment) Bill.

I ask the Minister, in considering the nominations for appointment to the four-person Greyhound Racing Control Board, that the people appointed are not people just from the city. Otherwise the Labor government and the committee which advises it on its policy on sport and recreation will be seen to be considering only city interests and not the interests of the whole State.

There are two greyhound racing clubs in the city. They are much stronger than any country greyhound racing club. In the country there are eleven clubs, and I hope they will get full and proper consideration.

I refer again to the 1988 annual report of the Greyhound Racing Control Board. It shows that the number of people who attended greyhound race meetings in the metropolitan area in 1987–88 totalled 207 184 and that they attended 107 meetings. In the country there were many more meetings in the same year—568—and the number of people attending those meetings totalled 184 976, so the figures show that the total number of people attending meetings in the country is not much lower than the total number attending meetings in metropolitan areas.

As I said, the greyhound racing industry is strong, particularly around the Horsham area. I have attended meetings in Horsham on a number of occasions. The club conducts some 52 meetings each year, and for tonight's meeting they have 140 nominations. In one particular maiden race there are 30 dogs nominated, although only eight can be placed in the race. In the main greyhounds are bred in rural areas. It is important for the good of the industry that not only the Greyhound Racing Control Board but also the government gives that issue strong consideration.

Mr Acting Speaker, you will be well aware of the revenue the government gains from gambling on all the racing codes. That revenue is spent in many areas—on hospitals and in the provision of other government services. Certainly, not all of it is returned to the industry. The honourable member for Gippsland South dealt with the Bill very thoroughly. He has foreshadowed an amendment that I hope not only the Minister but also the Liberal Party will consider favourably. Certainly it will strengthen the Bill.

I hope the greyhound racing industry remains strong and aggressively promotes the health of the industry. I hope it will continue to provide opportunities for those who take part in the industry and will now and again reward them for their participation.

Mr TREZISE (Minister for Sport and Recreation)—I thank the honourable members who contributed to the debate. It is fortunate that members on both sides of the House have an interest in and a knowledge of many sports. In particular, those members can make valuable contributions to debates on the way in which the racing codes operate. I welcome the contributions of members opposite; and the government of the day extended me a similar courtesy when I was the Opposition spokesman in

this area. I thank the honourable members for Gippsland South, Hawthorn, Dandenong, Gisborne and Lowan for the contributions they made.

There is no doubt that the greyhound racing industry plays a very important role in Victoria, not only because of the contribution it makes to State revenue but also because of the enjoyment and employment it gives to many thousands of Victorians who follow greyhound racing in one way or another. The prestige of the greyhound racing industry has gone from strength to strength in the past twenty years. Previously it was somewhat old-fashioned—back in the pacemaking days, when there was less coverage by the media and there were no Totalizator Agency Board facilities.

The industry has now become modernised; and the TAB facilities offered to it are similar to those offered to the horseracing codes. When I was the Opposition spokesman in this area I recall asking a question of the relevant Minister concerning the provision of TAB facilities for greyhound racing. The then Minister looked at me and said, "Greyhound racing? That is one game that I will never envisage on the TAB". Much progress has been made since. The provision of a fixed percentage distribution from TAB turnover has given a great boost to the greyhound racing industry.

Pubtab has also been handy. Because most TAB agencies close at 6 p.m., the operation of Pubtabs together with the televising of greyhound races on Sky Channel has been of benefit to the industry. Hotel patrons can view those races and bet on them. The honourable member for Gippsland South also referred to the twilight meetings held by various country racing clubs; and again, those meetings have been of benefit to the industry.

So far as the Greyhound Racing Control Board is concerned, many innovations have been made over recent years. The provisions of free admission to certain meetings has been a step forward, as has the provision of free tote tickets in certain circumstances. Such things as ties are also given away; and those measures have been provided for from the board's promotional funds.

As occurs in football clubs, mothers clubs and political parties, factional groupings have come into play on the Greyhound Racing Control Board. I have followed greyhound racing all my life and, in all fairness, I must say that factional interests in the industry have sometimes been harmful. At times board members who were seen to represent the interests of certain clubs or sectional groups were ostracised even by their own clubs because they voted for measures that were in the best interests of greyhound racing throughout the State rather than in the supposed best interests of the group or club that they represented. I believe times have changed.

As a former director of a Victorian Football League club, I remember that five years ago VFL directors were often forced, because of individual club pressure, to vote in a way that put the interests of their clubs first and the interests of the VFL second. Because of recent changes at management level, decisions are now made in the best interests of the VFL. Similarly, the restructuring of the Greyhound Racing Control Board will benefit the industry as a whole. In the past, occasionally group has opposed group, club has opposed club, and faction has opposed faction; the changes provided in the Bill will eliminate that problem.

The way in which appointments will be made to the new board has been the subject of consultation with all sections of the greyhound racing code. The people who will be appointed to the board will work for what they believe to be the best interests of the industry in Victoria, even though some decisions may affect particular sections of that code. Recently I chaired a meeting in my office which was attended by representatives of both city and country clubs, the National Coursing Association and owner and trainer organisations. All agreed that it was in the best interests of the Greyhound

Racing Control Board that the various factional interests were removed from the board.

The honourable member for Gisborne read from a letter from Mr Les Foran, the Chairman of the Melbourne Greyhound Racing Association. That letter is not factual. In his letter Mr Foran claims that all the various greyhound organisations wanted a seven-man board. That is not correct; certainly, the Sandown club for one did not want that. Mr Foran also said that he supports the concept of a seven-man representative board. If a board is established that represents seven different sections of the industry, we might as well not have a new board at all.

The honourable member for Hawthorn also highlighted the fact that the stakes for greyhound racing have not grown in proportion to the stakes provided in New South Wales. Certainly I am aware that the stakes have not grown in proportion to those provided in the galloping codes—especially when one compares the cost of keeping greyhounds and the stakes that are provided for greyhound races with the increases that have occurred in the stakes in both the galloping and harness racing codes in recent years.

The honourable member also expressed his concern about the fact that litter numbers are falling. Greyhounds are usually raced by working-class people. These days often an owner must take a dog to Horsham or to a distant track to win a race to qualify for metropolitan races. After knocking off work, that man must drive to the country track in a motor car usually travelling with his wife and kids. He has to pay for petrol, for the admission of his wife and children to the track and for tea. Even if he wins a race and buys a photograph to commemorate the event, often he will return home almost out of pocket. It is important to increase the size of stakes to keep battlers and working-class people interested in the game they love, greyhound racing.

The honourable member for Hawthorn expressed a desire that the central grading method should be kept. Only three years ago when the code introduced central grading there was a hue and cry from many clubs and sections of the industry and threats that members of committees would resign if central grading was introduced. I am delighted that the clubs now are concerned that the system might be abolished.

A compromise was reached so that grading would be conducted by the club and the Greyhound Racing Control Board, and that has been successful. In earlier days there was always the suspicion that people were getting their dogs into fields because they knew the right person on the committee rather than their dogs being properly qualified. If the owner of a dog was on the committee of a club racing at Olympic Park, Ballarat or Bendigo, there was always the claim that that person's dog was in the field only because he or she was on the committee.

The present dual grading system—the club grading system and the central grading system—will ensure that the right dog is in the right field at the right place. I am sure honourable members will agree that is a big step forward in greyhound racing. I assure the Bendigo club that the central grading method will remain. No consideration has been given to removing that system, to my knowledge.

The honourable member also raised the financial position of individual clubs. I agree that the Greyhound Racing Control Board should have the power to examine the inner workings of individual clubs to ensure that the dollar has been spent in the best possible way for the greyhound industry. One club could have five members of staff while another club could have only two members of staff doing the same amount of work; they have the same number of race meetings and the same number of races at each meeting. I agree that the board should look at examining that issue.

The honourable member also wanted the government to ensure that only non-biased people were appointed to the board. Naturally I guarantee that these appointees will be non-biased. All the names on the lists for appointment have come from the National Coursing Association, the city clubs, the country clubs and the Greyhound Owners, Trainers and Breeders Association. I assure the House that all names put to me on the short list will be acceptable.

A matter concerning the form guide at Bendigo was raised, but I presume the competition aspect of that guide will remain. There was a suggestion that the TAB distribution, whereby country clubs receive 52 per cent and city clubs 48 per cent, would be altered. I have heard of no such proposal of that occurring in the next year or so, but the Greyhound Racing Control Board will have the final say on that. I can almost guarantee that the new board will not change that distribution, at least in the short-term future. All the people nominated for the board to whom I have spoken believe the greyhound industry is operating well, and I do not expect any radical changes in the near future.

The review of the new board's performance is a good idea. The new board will be appointed for three years, but I am happy to examine its performance half way through and to consult with the National and Liberal parties to ascertain whether any changes should be considered. Honourable members will be aware that the government has not been loath to change the membership of boards mid term. That has been done in the past with the Totalizator Agency Board, the Harness Racing Board and the Greyhound Racing Control Board. The government was sometimes criticised for that, but the steps the government took in those cases were usually justified. I am happy to examine the board's performance after twelve or eighteen months and consult with the opposition parties.

The honourable member for Gisborne suggested that the reference to the chairman should not include any mention of an interest in a racing greyhound. I do not criticise that description. It was put in the Act in 1961 by the then Liberal Party government. I just copied it word for word, so it is not the fault of the government.

The honourable member also suggested that "Control" should be omitted from the Greyhound Racing Control Board. The honourable member for Hawthorn suggested that the board should take more control over the clubs. I see no reason to remove the word. The honourable member for Hawthorn also suggested that this proposal may be the starting point for other sports being controlled and administered by government. The Victoria Racing Club runs galloping in this State. The Greyhound Racing Control Board runs greyhound racing. The Harness Racing Board, with its sectional interests, runs harness racing.

In all fairness, I must say that I am a little tired of minor faction fights taking place in the Harness Racing Board. At present country clubs are represented on the board, but there are now three separate groups of country clubs that could want representation. There are the traditional country clubs, the provincial clubs, including Kilmore, Yarra Glen, Geelong and Ballarat which have broken away, and another section that does not belong to any group. I hope the harness racing people themselves will soon take some action to rectify the problem in the overall unity of their industry.

The honourable member for Lowan asked whether I would consult with country clubs about their representative on the development board. I assure him that that will be done. In the harness racing code Mr Ryan from Echuca represents country clubs. In the galloping code Mr Grant Downie from Colac represents country clubs. I will consult with country clubs before an individual appointment is made to the Greyhound Racing Grounds Development Board.

I accept the proposed amendment by the honourable member for Gippsland South about inserting "in Victoria" in clause 4 of the Bill. It is important that country clubs be recognised because their interests, whether they be galloping, harness racing or greyhounds, are often overrun by metropolitan clubs. I recognise that the number of country clubs far exceeds the city clubs, even though their turnover is not higher. They are a valuable part of the industry, and I assure the House that before making the appropriate appointment the government will consider country clubs.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1

Mr STEGGALL (Swan Hill)—Unfortunately, I was not in the Chamber during the second-reading debate. In discussing the purposes of the Bill I refer the Committee to Robinvale, which is a key area in north-western Victoria. The Minister for Sport and Recreation will be aware that Robinvale is the only greyhound racing centre in north-western Victoria. The next closest centres in Victoria are Bendigo and Horsham. Robinvale forms a convenient link between those centres and the South Australian centre of Renmark and the New South Wales centre of Wentworth.

The small Robinvale club has done an enormous amount of work over the past few years in promoting greyhound racing. It has a very strong industry in the area. The club has been well supported by the Shire of Swan Hill in upgrading the standards and courses for the greyhound industry.

Prior to the changes proposed by this Bill the Robinvale club was encouraged by the current board members to apply for a full licence to be granted to the Robinvale community, together with Healesville, so that the club could participate at a higher level in the greyhound industry.

With the restructuring of the Greyhound Racing Control Board and the Greyhound Racing Grounds Development Board, I ask that the Minister for Sport and Recreation consider the plight of a community such as Robinvale. It is a long way from the rest of the Victorian greyhound racing industry, but it is an important area because a lot of greyhound breeding takes place there. The course at Robinvale, if granted a full licence, will provide links with the New South Wales and South Australian industries. The Greyhound Racing Control Board has encouraged the Robinvale community, and I hope that will not stop.

I know the Minister has had discussions with the Robinvale Greyhound Racing Club, and I hope he will be able to assist me and that community in helping the club to upgrade its licence to a full licence. Greyhound racing has enormous support in the small community of Robinvale. The people involved in it have done a marvellous job in lifting the standard and providing a good operation for north-western Victoria.

I ask that the Minister give consideration to the isolated community of Robinvale. As I said, the Greyhound Racing Control Board has encouraged the Robinvale club and I hope the restructured board will also be encouraging the club in its attempt to obtain a full licence.

Mr TREZISE (Minister for Sport and Recreation)—I thank the honourable member for Swan Hill for his query on the application by the Robinvale Greyhound Racing Club for full acceptance as a greyhound club in this State. Three weeks ago I spoke to representatives of the club and I intend to visit the area in a fortnight to look at the club. I hope the honourable member for Swan Hill will be with me at that time.

The Healesville Greyhound Racing Club is in a similar position. However, under the Act, only a certain number of greyhound tracks can be licensed in Victoria and the quota is currently filled. If Robinvale is accepted as a new greyhound racing track, proposed legislation will have to be passed by Parliament. An alternative would be to take away a licence from a club currently holding a licence. The track nearest to Robinvale is at Horsham, but consideration would not be given to removing that club's licence.

If Robinvale is granted a full licence the share of the Totalizator Agency Board distribution for greyhound racing will be decreased for each club. In fairness, the application by the Robinvale Greyhound Racing Club is being considered. The locals are battling to train their dogs and then they must struggle to drive to Mildura to race them. The track at Robinvale is excellent; it was built in 1982 and I saw it a few years ago. If proposed legislation is required, it will be introduced in the spring sessional period.

The clause was agreed to, as were clauses 2 and 3.

Clause 4

Mr WALLACE (Gippsland South)—No doubt the Minister for Sport and Recreation currently has in mind a person with experience in greyhound racing in Victoria to fill a position on the Greyhound Racing Control Board. My thoughts are for the future, and I am concerned that the person experienced in greyhound racing should be a Victorian and not someone imported from the Northern Territory, Western Australia or somewhere else. It is for that reason that I move:

1. Clause 4, line 9, after "industry" insert "in Victoria".

Mr GUDE (Hawthorn)—The Opposition supports the amendment. It is only fair that the person appointed under proposed section 69 (2) (*d*) be a person who has experience in the Victorian greyhound racing industry. That is a sensible approach to take. After all, as I pointed out during the second-reading debate, the greyhound racing industry is important to Victoria. Many people in Victoria have a strong commitment to the industry and they will be able to make valuable contributions. It should not be necessary for any government to go outside Victoria to find a suitable person to fill a position on the Greyhound Racing Control Board. That was indirectly mentioned by the Minister in his response to the second-reading debate.

Mr TREZISE (Minister for Sport and Recreation)—I accept the amendment. I support what has been said about Victorians: I have always believed that Victoria is for Victorians. Too often people from other places come across the border to apply for jobs. They interview well, look the part and dress well, but after they have been chosen over people known in Victoria one is often disappointed. People who have worked and proven themselves in the industry are respected by people from the greyhound racing clubs and they are the better appointees.

When I was involved in the running of the Geelong Football Club, I recall that a person from interstate was almost appointed to a senior executive position. Eventually a local person was appointed, and six months later we were extremely glad the person from interstate was not appointed.

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

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

EXTRACTIVE INDUSTRIES (AMENDMENT) BILL

The debate (adjourned from April 20) on the motion of Mr Roper (Minister for Planning and Environment) for the second reading of this Bill was resumed.

Mr COLEMAN (Syndal)—Extractive industries are not only among the most important industries operating in Victoria, they are major contributors to our whole society. They may involve sand, clay or stone and they affect many basic community elements—housing, road making and so on.

The proposed legislation clearly hinges on how best to achieve a cooperative infrastructure in the industry so that it continues to operate, for the benefit of those involved in the industry and also for the benefit of the State as a whole and the environment in which it is operating.

The circumstances are changing. Honourable members who have received representations about a quarry, which Prima Constructions and Development Pty Ltd at Kilmore and Broadford is trying to open, will realise the long lead times necessary to establish any sort of extractive industry. Municipalities do not necessarily agree with the process. Many municipalities overlook the fact that the resource cannot shift and the planning process can take account of the issues raised in applications for extractive industries.

In the case of the Kilmore development proposed by Prima constructions, a lead time of no less than six years is involved and the matter is still before the Planning Appeals Tribunal on a technicality. It takes a considerable time to get a stone quarry off the ground.

Another area where some major problems exist is a sand extraction project at Lang Lang. The initial application for an extraction licence was submitted in 1977. Although there is some movement at present towards ensuring that that sand resource is available for the developing eastern suburbs, the fact is that the life of the resource in the traditional sand area, the Heatherton–Clayton area, is at best two years, and the resource that might supplant that is identified at Lang Lang. A whole process of planning amendments need to be embarked upon to ensure that the Lang Lang area is available when the Heatherton–Clayton resource is exhausted.

It is an industry which has made a significant contribution to the development of the State. It will, of course, continue to do so for as long as current building materials are used, for as long as we use the products of mineral extraction for a variety of industrial uses, and for as long as we continue to construct roads, using blue metal or whatever other stone is used in that process.

As I said, these amendments are an attempt to have the industry take further control of its actions. Some of the amendments deal with the regulation-making powers, particularly in areas of quarry operation and health and safety issues. The proposed legislation involves the restructure of the Quarry Managers Board and the Extractive Industries Advisory Committee into a new Extractive Industries Board. It is proposed that, through that process, the approval of applications will be speeded up. It is hoped, by including a wider representation in the part-time membership of the board that a better working relationship can be developed.

However, the one thing that has been overlooked is that the full-time members of the board will be three departmental officers. The people who work in that industry, the industry representatives, are excluded from full-time membership of the board. It would have been particularly beneficial for the board to have on it a member of the industry group, who are the extractors, to ensure that they, as complementary members

of that board, would be involved in the decisions which affect the industry. They regret they have not been included in that way.

The method of operation of the board suggests that on most matters these people will be involved in decisions on a part-time basis but I understand that they have sought to be represented on the board on a full-time basis, but that has not been the government's wish in this matter.

The Opposition will not be opposing the proposed legislation but in the other House, by arrangement, it will be moving an amendment which will allow either House to disallow the regulations. The regulations which have been developed for this Bill are extensive. Although they have been developed in consultation with the users and operators and people who are working in the environment, they undoubtedly represent a significant document and one which quite clearly will need to be closely scrutinized to ensure they really meet everyone's wishes.

In many instances the industry revolves around town planning capacities, particularly in the northern suburbs and the Clayton area, where development has occurred right up to the boundaries of existing extraction areas. The situation reflects on the town planning process. Many of those industries which have taken out licences, generally for a fifteen-year period, had not envisaged the development coming right to the fence. Of course their methods of operation at times do have an environmental impact.

In those circumstances some consideration should be given to those companies that enter into licences on one understanding and later find that the planning provisions provide for a different set of circumstances. I am not saying, and I do not think the industry would say, that the industry is not prepared to meet some of those regulations, but the companies involved certainly need to be provided with a reasonable time in which to adjust their operation and to ensure that they are able to meet what are now regarded as environmental matters. Part of this regulation process which has been embarked upon deals with that aspect.

The other part of these major regulations relates to health and safety issues, many of which were covered by the previous regulation-making powers but were never proclaimed. It is only since those regulations were in fact promulgated and then sunsetted that this process has been embarked upon to ensure that the issues, particularly in relation to work safety, are dealt with. I have no doubt that, as time passes, those people who are engaged in the industry will benefit from the issues that will be addressed in the promulgation of these new regulations.

As I have indicated, the Opposition does not intend to oppose the legislation but it will, in the other House, as is an arrangement with the government's own amendments, be moving one amendment.

Mr EVANS (Gippsland East)—The Extractive Industries Act 1966 was passed by Parliament after an inquiry by a former Parliamentary committee, the State Development Committee, of which I was a member. In those days, Parliamentary committees consisted mainly of six members, two from each party and each House of Parliament being represented. They represented an effective way of carrying out investigations. The particular example of the Extractive Industries Act is a classic example of the effectiveness of that system.

The committee had a secretary but it did not have the benefit of research officers, large staffs, computers and all the other paraphernalia that is attached to the committees of today. I believe those committees undertook their responsibilities more effectively than is the current situation. In fact, it is a disaster that current committees have twelve members. It appears to be no-one's responsibility and everything is left to the

research staff. I do not believe individual members of the committees pay the necessary attention to the business at hand.

In the case of the State Development Committee of those days, a considerable amount of time was spent on this matter because there was a need to restructure the industry. Until that point the industry had relied largely upon the Mines Act for control of the industry. Of course, because of a burgeoning metropolis with extensive building occurring, there was a need to meet requirements for stone and sand and other substances required for building purposes. Access was needed to these substances so that the growth of building in the city was sustained.

It was interesting to visit the sandbelt districts to see the extensive sand quarrying operations that were occurring and also to visit the granite areas and view the operations of quarries. Some quarries were situated close to the city area. Some people had built elaborate homes on the edges of quarries, but they complained when rocks and the like from blasting operations landed in their gardens and on their roofs. The quarries presented a real problem because if the city was to continue to grow it was essential that these raw materials were available to it.

I cannot help but contrast the different attitude about the operation of quarries where materials are extracted for building purposes with the operation of extracting timber for building materials. There appears to be an attitude abroad in our society that it does not matter how many holes are dug but we dare not cut down a tree. Society is completely overlooking the fact that a tree can be replaced by another tree—or it should be replaced by another tree—and that future generations will continue to benefit from that resource.

In some respects a hole in the ground is an important resource for the metropolitan area for the disposal of the ever increasing garbage which the city generates. Of course, old quarry sites have proven most useful for that purpose. Obviously the day is not far off when we shall run out of these disposal places for metropolitan garbage because of the massive size of that garbage and we shall be confronted with the problem of the disposal of garbage elsewhere.

Suggestions have been made that garbage from the metropolitan area should be transported to the Latrobe Valley to fill the open cut sites in that area. Typically that is all that the country gets back from the city—the garbage that the city does not want for itself.

The proposed legislation tidies up the Act. It also demonstrates how effective the original legislation was because it has required little amendment over the past 23 years. The committee made good recommendations and the government of the day intelligently put those recommendations into effect. That is a good example of the way in which the Parliamentary process should work. Unfortunately today rarely are recommendations put into effect.

The National Party does not oppose the improvement made by the Bill. Obviously over the years attitudes have changed about many issues, particularly those relating to the environment. The conditions which were accepted a quarter of a century ago are not acceptable to many sections of the community today. It is reasonable to suggest that Parliament should periodically revise all legislation to bring it up to date. I note that this is what the proposed legislation does. The National Party does not oppose the Bill and it hopes that it is accepted by Parliament.

Mr JOLLY (Treasurer)—I thank honourable members for their support of the Bill. The Bill is significant because the industry is important for the future of Victoria. The Bill is particularly related to the building industry. Honourable members have noted that the Bill is mainly devoted to improving the regulations and delegation of powers

to ensure the highest standard possible in this area. The Liberal Party and the National Party have accepted that amendments will be made to the Bill in another place and a more detailed debate will occur there.

The major issues contained in the Bill concern the current regulations which are regarded as inflexible, prescriptive and unsuitable to the individual nature of differing types of quarrying operations and that is why my colleague in another place, the Minister for Industry, Technology and Resources, regarded it as important to ensure that the Bill was passed during the autumn sessional period. Regulations are needed which are modern and enable efficient operation to occur.

The technical evaluation which occurs in the development of quarries cannot be easily covered in the normal regulatory model that is currently adopted and is one of the inherent deficiencies in the Act. Existing regulations will be automatically revoked by the inbuilt sunset section on 30 June 1989. A new regulation, codes and other means of controlling the industry will be implemented prior to that date.

Apart from changing the regulations to a more efficient method of controlling the industry, the proposed legislation also provides for the replacement of the two existing boards, the Quarry Managers Board and the Extractive Industries Advisory Committee by the Extractive Industries Board, which will be established under proposed new section 43.

The two boards have been identified by the Law Reform Commission as providing a fragmented method of controlling the industry and that is why the government proposes through provisions in the Bill to amalgamate the two existing boards to assist in the efficient administration of the Act.

In summary, I am pleased that the opposition parties support the broad thrust of the proposed legislation. It will result in a more efficient system of regulation and better administration in the future.

The motion was agreed to.

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

LAND (MISCELLANEOUS MATTERS) BILL

The debate (adjourned from April 20) on the motion of Mrs Setches (Minister for Conservation, Forests and Lands) for the second reading of this Bill was resumed.

Mr MACLELLAN (Berwick)—The Opposition has some strong reservations about certain provisions in the Land (Miscellaneous Matters) Bill. The introduction of the Bill follows a traditional scheme of revoking certain reservations in respect of miscellaneous land scattered across Victoria. It is almost annual legislation introduced to the House. The Opposition does not object to that so much as the proposals that are included in the proposed legislation regarding three areas. The first concerns the Willsmere land, if I can put it that way, at Kew and what is appropriate to be the boundary between the Yarra Bend Park and the Willsmere land.

I direct to the attention of honourable members the fact that the then Minister for Planning and Environment appointed an independent panel to review the planning issues involved. That independent panel made recommendations regarding additions of land to be made to the Yarra Bend Park from the Willsmere land. The Minister was somehow persuaded to introduce proposed legislation, which this is, but the proposals in Schedule 4 do not relate adequately to the recommendations of the independent panel in respect of the land boundary between the Yarra Bend Park and the former Willsmere Hospital reserve land.

I read in the papers—this might come as a surprise to the Minister, who has just returned from overseas—that she is to introduce amendments and that the amendments are to satisfy the City of Kew and have nothing to do with the fact that the Opposition announced that it would not support the boundary proposed in the Bill, nor anything to do with the fact that the honourable member for Kew or one of the honourable members for East Yarra Province in another place announced that they would not support the proposal in the Bill. Apparently the City of Kew is to be regarded as being persuasive with the Minister for Major Projects, who is now persuaded to have amendments introduced during the Committee stage of the Bill with a view to heading off the problems raised by the Opposition. The Opposition will examine the proposed amendments and, if they satisfy it and are in accordance with the recommendations of the independent panel, will probably support them.

I personally have some concern why what is regarded as being the exotic—the foreign tree—plantation across the front of the major building of the former Willsmere Hospital is in fact being partly handed over from the Yarra Bend Park trust to proposed private developers to be looked after in perpetuity, after some planning arrangements. I do not see how we can be sure a plantation of trees can be looked after carefully and well if it is handed over from public ownership to private ownership, but that is the government proposal and that is what the middle hatching in the Bill is all about. It is part of the park that is being handed over to a potential private developer. I personally do not find that an exciting prospect and I would rather that the whole area be owned by the trust and permanently reserved with a special provision to allow it to be leased to any private developer who might therefore look after the plantation in association with the approved occupation and use of the buildings.

The second difficulty that the Opposition has, and I think probably the National Party will have as well, relates to land at Parkville, within the boundary of the University of Melbourne. Part 4 of the Bill refers to what is called "Parkville lands". The Minister was generous in allowing departmental officers to meet with members of the opposition parties and during that meeting we were told that the Vice-Chancellor of the University of Melbourne had been spoken to and that what was proposed—the revocation of the reservation on the Veterinary Research Institute land—was to go ahead with the blessing of the vice-chancellor.

That was the understanding until one rang the office of the vice-chancellor and spoke to his deputy, who handles these matters with respect to property of the University of Melbourne, and found that there was a flurry of letters between the University of Melbourne and the Treasurer; that the consultation that was said to have taken place was not sufficient or adequate; and that what is proposed in the Bill is that the reservation the university has over the land will be cancelled and the university will then be invited to buy the land and to pay the State of Victoria its full commercial price.

In other words, I do not know why a further step is not taken; the remainder of the reservation for the University of Melbourne may as well be cancelled, and the miracle could be worked a few steps more! Why not do it on a giant scale? Perhaps that is the way the government escapes its financial limitations, by apparently cancelling the reservations and offering those who have the use of the reservations the opportunity to buy them. It is most unattractive and unacceptable. I hesitate to say to the Minister for Conservation, Forests and Lands that unless Part II of the Bill covering boundaries between Yarra Bend Park and Willsmere Hospital, and Part 4 dealing with the Parkville land and the Melbourne University border—now including the even more difficult question concerning the former Queen Victoria hospital building—are sorted out while the Bill is between here and another place, the Bill will not make it through the other place.

Perhaps those Parts should be deleted to allow passage of the remainder of the Bill because there are few objections to its remaining provisions. There seems to be a terrible misapprehension about the situation involving the Queen Victoria hospital site, and more will be heard about that problem from Opposition members.

The women of Victoria raised funds by public appeal associated with the name of Queen Victoria. They purchased their own land under their own freehold; the Peter MacCallum hospital now occupies that site. The women did that with a whole range of appeals in the early and colonial history of Victoria. At a later stage they exchanged their freehold land—so that it could become a specialist cancer hospital—for what is now known as the Queen Victoria hospital site in Lonsdale Street, Melbourne.

I refer to a letter from the Queen Victoria Hospital Action Campaign. Many letters have been written to the Premier and to the Minister for Health in the other place, and a range of considerations has been canvassed. The approaches are not from the blue-rinse ladies of the Liberal Party, but from a Jewish women's group, from rather radical groups, from conservative women's groups and from the Country Women's Association of Victoria Inc. All have a united purpose—to ask me to extract a reply from the Minister for Conservation, Forests and Lands as to what will be made available for the women of Victoria.

The letter to the Minister for Health in the other place states:

Dear Minister,

In 1949 the Queen Victoria Hospital exchanged freehold titles to seven allotments of land on the corner of William and Little Lonsdale streets, and the buildings and equipment associated with that land, in return for the permanent reservation of the former Central Hospital site in Lonsdale Street as well as the use of buildings and equipment associated with that site.

There was an exchange; the women were willing to exchange their freehold land—heaven knows what it would be worth today—which was, in effect, the seven lots in William Street that are now the site of the Peter MacCallum hospital for a permanent reservation of the land which was in past years the site of the Queen Victoria hospital in Lonsdale Street.

The letter further states:

This exchange was approved by the Health Department at that time. Further, the sum of 88 000 pounds was authorised as compensation to the Queen Victoria Hospital Committee for the loss of the land and improvements on which the Jessie McPherson wing for intermediate patients had been erected, since there was no similar building on the Lonsdale Street site.

In other words, they had buildings erected on that Peter MacCallum hospital land honouring the name of Jessie McPherson, and were given 88 000 pounds in 1949 as compensation. The letter further stated:

On 19 April 1989 the Land (Miscellaneous Matters) Bill was tabled in Parliament by Kay Setches and Tom Roper. Part 6 (clause 11) of this Bill would revoke the permanent reservation of the Lonsdale Street site, approved of by Cabinet on 11 April 1989, "for the purposes of the Incorporated Institution known as the Queen Victoria Memorial Hospital".

The Queen Victoria Hospital Action Campaign now requests that you, as Minister for Health, recommend to Cabinet the return of the freehold titles, buildings and equipment exchanged for this "permanent reservation", if it is revoked.

Since we expect the Bill in question to be debated in the Legislative Assembly this Wednesday, 24 May 1989, we require an immediate reply.

That letter is signed by Alison Hoyer, a Joint Convenor, Queen Victoria Hospital Action Campaign.

Many things can be said in gentle praise of the government. Certain funds were made available for women's groups in Victoria's 150th year. Promises were made to establish a women's centre in the Flinders Street railways building. That proposal came to nothing. The money is available, and is being used by the trustees to back certain women's causes, but I say "women's causes" with a rather narrow focus. That is a kindly way of putting it. It is not being unkind to the people concerned, but it does not have a wide focus.

The Queen Victoria Hospital Action Campaign members are asking that part of the site of the former Queen Victoria Memorial Hospital in Lonsdale Street should be made available for the broad range of women's interests in Victoria. Members of the Opposition were told at the briefing session by representatives of the Victorian Government Major Projects Unit that some arrangements had been made for the women's interests groups to occupy the historic tower buildings; I happily acknowledge that that is not the Minister's fault. I do not know whether you, Madam Acting Speaker, would remember those buildings in your mind's eye; the historic towers are something which should be of appeal to the Historic Buildings Council but do not have an immediate or wide appeal to the women of Victoria on a broad front. The proposed occupation of the buildings was discussed as part of a way of expressing the symbolic association between women and that site, and between women and the Queen Victoria hospital project. I got the impression that it was in their minds that it would be second best, but nevertheless, something.

In their approaches to the Premier, the women were directed to have working party meetings. They conducted one such meeting on a Monday morning when they discovered that far from getting the towers, they would receive nothing. They were asked in effect to prove a legal title to the Lonsdale Street site.

I have just read something of the background of the shift from their own freehold title site—now the site of the Peter MacCallum hospital—in exchange for a permanent reservation which, under the provisions of the Bill, is to be cancelled. It is to become a non-reservation, so that to ask the women's groups or their representatives to produce title to the land in Lonsdale Street was stupid in the extreme, unnecessary and annoying and, frankly, rather contemptuous of the good sense and ability of the women represented at that meeting.

There is no legal title; it is a reservation. If the Bill is passed, the women will have nothing to show for the money they raised in those early days for a specifically named Queen Victoria Memorial Hospital—that is for a women's hospital to be run by women, and something which in this day and age has more than a symbolic interest for them. That group has requested the Liberal Party to delay the passage of the Bill.

If the Bill is to be held up, certain consequences flow; lands that are provided for in other clauses of the Bill cannot be exchanged, sold, or whatever, but many of them could sensibly, and without controversy, be dealt with.

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

Mr MACLELLAN—I have quoted from a letter written by the Queen Victoria Hospital Action Campaign group to the Minister for Health in another place. I supplement that letter with a further reference to a letter dated 22 May 1989 from that group to the Premier. The letter explains the circumstances of the supposed consultation between the Queen Victoria Hospital Action Campaign group and the government and makes a telling point as to what consultation means under this government. It states:

On Monday, 15 May the consultative group of the Queen Victoria Hospital Action Campaign met with representatives from the departments of management and budget, major projects, and the Women's Policy

Co-ordination Unit, to discuss our proposal for a women's centre to be situated on part of the Queen Victoria Hospital site in Lonsdale Street. Our willingness to consult with your representatives was based on your acknowledgement, made to the deputation you met on Monday, 24 April, that women have an historic and moral claim to the site of the Queen Victoria Hospital, and your undertaking to consult with representatives of the campaign about the future use of the three towers facing Lonsdale Street.

We came in good faith, more than willing to co-operate with your government to realise a women's centre to benefit the women of Victoria. Women's groups and individuals throughout the State had expressed excitement and commitment about this project, and many innovative and beneficial programs have been discussed. We expected to make the women's centre partially self-funding from the outset, and to have a firm policy of becoming increasingly self-funding and autonomous. By centralising women's information and other resources we could have avoided inefficient duplication; improved communication between women's organisations and groups, individuals, and government departments, and facilitated the enormous capacity women have to help each other. Such a centre would be seen as a great and lasting achievement for any government.

No consultation took place on 15 May. Government representatives immediately demanded that the QVHAC give an undertaking not to pursue any legal claim we may have on the site. We were then told that we would "get nothing" even if we have such an undertaking, and there would be no negotiation with developers to include a women's centre on the site.

Your "undertaking" to consult given on 24 April now appears to have been misleading. We now note that legislation to revoke the permanent reservation on the Lonsdale Street site "for the purposes of the Queen Victoria Hospital" will be passed by the Legislative Assembly this week. Was the promise of consultation a stalling tactic to give the government time to revoke the permanent reservation without our protest?

The women of Victoria represented by the Queen Victoria Hospital Action Campaign will protest loud and long over this issue if your government continues to ignore our claim to the Queen Victoria Hospital site. I urge you to reconsider.

Yours sincerely,

Alison Hoyer, Joint Convenor.

Copies of that letter were sent to all members of Parliament. That letter should be on the record because it is a clear and unequivocal statement of the hollowness of the government's supposed move to have consultation regarding the claim made by the Queen Victoria Hospital Action Campaign group for special consideration for women in respect of the Queen Victoria hospital site in Lonsdale Street.

The long history of this goes back to the last century. The funds raised by Victorian women were specifically to establish a hospital for the treatment of women and children of the poor by women doctors. That was a radical approach at the time but, nevertheless, one that was initiated in Victoria. The hospital started from a church hall, just as many community health centres, for instance, in this day and age do. By 1898 the Minister for Lands at the time was petitioned to grant some Crown land for hospital premises. In 1909 the contributors were recognised as an incorporated body and given one Crown grant. They bought with their own money the seven adjoining sites and erected a hospital that served the people of Victoria, and the women of Victoria in particular, for those many years. Now the women are to be treated with scorn by the government, and the hollowness of the consultation process is shown by the description of their meeting this month.

So far as the Opposition is concerned, there are just the remaining days of this week to have the matter sorted out. If the matter is not sorted out, either the relevant clause of the Bill will be removed in another place or the Bill will be opposed.

That also applies to the section known as the Parkville lands where, again, if an arrangement is not entered into willingly by negotiation with the University of Melbourne, then the section will go or the Bill will be opposed. There are no two ways about it.

The Opposition is not prepared, whether petulant or not, to be told by departmental officers that arrangements have been made in respect of the University of Melbourne, only to discover upon contact with the university that no such arrangements have been made, that the university does not accept the unilateral revocation of the reservation, that it does not accept that it should be required to buy back what is already permanently reserved for its use, and that it does not know and has not had answers to correspondence from the government concerning requests for meetings, briefings, discussions and for a settlement of the matter.

So at this late part of the sessional period we are faced with a Bill which has great significance for the government. It is not the fault of the Minister at the table—the Minister for Conservation, Forests and Lands—and I hasten to say that. She is not to blame for these matters. In the case of Willsmere, it is the fault of the Minister for Major Projects and in regard to Melbourne University it is the fault of the Minister responsible for Post-Secondary Education and I suppose it is the fault of the Premier himself in the case of the former Queen Victoria hospital site and the great need to deal with that problem.

Those three issues are issues between the government and the Opposition. I imagine that the honourable member for Gippsland East, on behalf of the National Party, will be making the National Party's position clear. I hope it sees the problems as I have outlined them. I am not saying that women should have the whole of the Queen Victoria hospital site, I am simply saying that they should not be told they can have a consultation, only to find that it is a sham and no consultation at all. Apparently they have been treated with some disdain by the government instead of being dealt with as intelligent human beings.

The Liberal Party protests at the sale of the two sections of the veterinary research institute area at Parkville, which has been doing outstanding work. It has been under the control of Melbourne University and permanently reserved for many years. Simply because the veterinary work is being conducted in new premises is no excuse for saying that the land will be flogged off. You may well be interested in this matter, Mr Speaker, as I am sure you are aware of the move from those premises.

The government is suggesting that Melbourne University can buy the land but no real arrangement has been made with the university and I must say it sticks out for anyone to see that if the government is to support a new working class university in the western suburbs of Melbourne, the money for tertiary education will be going in that direction, and Melbourne University will not be funded by the Commonwealth to start buying some pieces of land from the State government.

Yet what is the significance of the land? The land is in the middle of the research centre of Victoria. It is the most significant public land in the right spot for us to build on our international reputation for medical and other research. It is not the sort of land one flogs off for a car park or to the nearest developer simply because Melbourne University may not have the funds readily available to meet the pressing financial needs of the government, which wants to flog off every piece of land it can lay its hands on—and according to the government, if that happens to include the Queen Victoria site, then so be it!

The government is not concerned that it may put the women of Victoria off side. So far as the government is concerned, that can happen, because it feels it is safely far away from the next election. I assure the government that these changes will not take place with the consent and blessing of the Opposition. The Liberal Party is saying, "You deal with the women's organisations openly and frankly, and we will cooperate". The Liberal Party is saying that the government should not say to these women, "The caucus has decided and the women have lost the vote of the caucus". All I can say is

that an honorary member of the socialist sorority has arrived on the scene, and if I have to be their champion, I am happy to be so, but win we will and it will be renegotiated or there will be no Bill.

The Liberal Party will do a reasonable deal for the University of Melbourne in respect of the land it has reserved and which it has used faithfully and well, and if that deal cannot be struck, the Bill will not proceed. Frankly, this has to be the approach with the government because it transpires that one cannot really trust the story one receives from some sections of the government bureaucracy.

Some government members say that conversations have been held, arrangements have been made, understandings have been reached but when one checks one finds that that is not the situation, and that is evidenced in the correspondence from the women's groups, which cover a whole range of women's interests including Jewish women's groups, fairly radical women's groups, and country women's organisations.

If the government has managed one thing it has managed to unite the women's organisations of Victoria in a common cause and that common cause is now focused on the Queen Victoria hospital site. The government is a fool to have picked such an argument and to create such a fight and an opportunity for women's groups to show that they mean business.

These women make a telling case. The seven blocks of land that they raised shillings to buy—and it was the women's shillings in poor and difficult times in the 1890s—were part of a deal on which they took the government on trust in the 1940s when they gave their freehold to the government in exchange for a permanent reservation.

They now find that the organisation they set up to serve the health needs of the women of Victoria with women doctors as their ambition and hope, has now been wound up and sent out to the south-eastern suburbs as the Monash Medical Centre, which we hear about from time to time, but its whole charter and purpose has changed. It is a suburban medical centre, it is not a women's centre.

Mrs Barker—Jessie Mac is still there!

Mr MACLELLAN—I am sure the name "Jessie Mac" is still there, but the concept of Jessie MacPherson is not there. The concept of health services run by women for women as its primary objective is not there. The Minister says that has changed, but what is now needed, as the Minister will understand, is that whatever changes have occurred since this story began, the change needed now is a change in the attitude of the government.

It is not a change in the Opposition's attitude; it is not a change in the views of the National Party, it is a change in the views of the Premier whose arrogance is clear in sending women to a meeting who are then told, "No. 1, you have to give up any legal claims to the site". That is a nice opening gambit. The first thing the women find when they sit down at the conference with the government is that they are told they have to give up all their legal rights.

Secondly, the government tells these women, "You get nothing if you don't do that". Then the next thing is, "You have to promise that you will not have any adverse publicity". That would be the next thing to arise. I can read this government like a book. This is the government's idea of consultation—"Behave yourselves and we will give you what we think you ought to have. Stand up for yourself and we will whip a Bill through Parliament so quickly that you will not have anything left by way of rights".

The women have contacted the Liberal Party and I am sure they have contacted the National Party, and the university has been contacted by the Opposition, and the

Opposition proposes to ensure that, this week, those issues are sorted out by the government or else, so far as we are concerned, those sections of the Bill will not be supported.

There are financial implications in the Bill also, and I do not disguise that fact, and we cannot have governments that refuse to honour their words and their undertakings, who refuse to deal decently with people and who refuse to negotiate before the Bills are introduced as they should be, rather than being forced and carried screaming to the negotiating table as part of the Parliamentary process.

If that is the way it has to be then the government will be taken screaming to the table by the Parliamentary process, and I hasten to add that it has nothing to do with the Minister for Conservation, Forests and Lands. I am sure she would wish to resolve this matter.

Her Premier has let her down in respect of the Queen Victoria Memorial Hospital site; and her colleague, the Minister responsible for Post-Secondary Education, has let her down in respect of the University of Melbourne land. Her colleague, the Minister for Major Projects, has let her down in respect of the Willsmere Hospital site. It is the same thing again. The independent panel makes the decision about the boundary between the park and the land to be flogged off. It is another hospital to be flogged off. It is a constant thing with this government that, while the waiting lists get longer, the government is busy selling the land of the hospital. That is really the key philosophy of the Labor government; there are 26 000 people waiting for surgery, and the government sells hospitals.

The government appoints an independent panel which makes a recommendation on the boundary. However, the government then says, "We do not like that; we will move it somewhere else so that we can sell off another seven blocks for about $12 million", irrespective of the values of the public land in the park adjacent to the site.

The government is so desperate for money, it would have open mining in the Royal Botanic Gardens if it thought it could get away with it. Members of the government are the money-grubbers at present; they would go for anything. I hope Parliament House is on a permanent reservation; otherwise, Mr Speaker, you will come in one day to find a big "For Sale" notice across the front of the building and someone else will be the landlord. Parliament House would be a first-class site! It could well be that this government would be prepared to sell it to Mr Elliott if he would give the government the money because money is all this government is interested in.

There are a few values that are a bit more important: honesty, integrity, the ability to value people as independent human beings and to honour one's word. Those values seem to be more important in respect of the Bill because that is what is needed. There should be more of that and less of the behind the scene manoeuvring by the people who want to flog, sell, and grab and run with whatever they can out of the work of the women of Victoria in respect of the Queen Victoria Hospital site and out of the University of Melbourne, irrespective of the contribution that institution has made to our society and the values of our society and, in addition to that, out of the hospital and public land of Yarra Bend Park with respect to the Willsmere Hospital, just to have a few more blocks to sell.

That is the government's guiding measure rather than the independent decision of the panel. The government thought it could get away with it, but it will not do so in this case. I hope our friends in the National Party will see fit to have sensible negotiations so that there is not everything for community groups and nothing for the government, but an honest appreciation of the problems in relation to the Bill.

The problems in relation to the Bill were raised as part of the process of adjourning the debate on the Bill. It is one of the fundamental strengths of Parliament that debate on Bills is adjourned so that the community is given the opportunity to be consulted and to consult with members of Parliament on these issues so we can get the message from the people about what ought to be done and have less of the legislative sausage factory which is so often the inspired approach of the government.

Proposed legislation is often introduced late in the sessional period with inadequate periods of adjournment of the debate. The government says, "We have to pass the Bill before the end of the sessional period—hurry, hurry, hurry". If that is the case I think this Bill might have to be kept until August, and perhaps the developers will have to be kept waiting. Perhaps the agents will have to be kept waiting and the auction signs will have to stay in the shed for a few months, because satisfaction is what we want on these issues or the Bill will not go ahead.

It is a blow for the women of Victoria and the University of Melbourne and a blow for proper planning in regard to public parks and public planning processes. That is what we are standing for and that is what we are saying with great firmness to this Minister. We are with her in her negotiations with her Ministerial colleagues. We back the Minister the whole way. We wish her well in her negotiations with the Premier, with the Minister responsible for Post-Secondary Education and with the Minister for Major Projects. We say to the Minister: "Good luck" and we will do our best to make sure she is the one responsible for getting the right deal, the right settlement, and for getting the claims properly analysed. That will be the approach of the Opposition on the Bill.

I signal to you, Mr Speaker, and to the House that this sort of approach seems to be appropriate in a Parliamentary sense with proposed legislation of this kind. It is the people's land we are speaking about, and it is our obligation to them that should be guiding us, not whether the Treasurer or some other Minister can flog off land so that he can get more money to use on his pet projects.

Mr EVANS (Gippsland East)—One of the most remarkable achievements in the early days of white settlement in this country was the tremendous amount of survey work that was carried out by the early surveyors who had the rather huge task of surveying land right throughout the full length and breadth of the State and, in the process, making provision for public facilities of various kinds—particularly if we bear in mind that the principal activity in this surveying area was conducted some 30 or 40 years before the advent of the motor car.

I think the surveyors of the very early days showed a remarkable degree of foresight in the laying out of major towns and cities and in the reservation of roads and recreation areas over the length and breadth of the State. Of course, with all the wisdom and foresight at their disposal, obviously there were and have been over the years, situations where not so much mistakes were made but where there was a need for variation of the original proposal.

Basically, so far as I can ascertain, what has happened is that, virtually on an annual basis, Parliament has had before it various amendments, usually in a Bill that contains quite a large number of minor variations, where Crown land is exchanged, sold or altered in some way to accommodate changes that have become necessary through the effluxion of time.

To the best of my recollection, over the years in my time in this place, these amendments have been made by mutual agreement with the parties on the adjoining land or the municipalities or whatever groups of citizens may perhaps be involved in exchanges of land of this kind. However, we have on this occasion, as was quite

properly pointed out by the honourable member for Berwick—and I compliment him on the forceful way in which he outlined his case in respect of three provisions in the Bill—what almost smacks of the suggestion that the proposed legislation has been put before Parliament in the hope that it might sneak through as being one of the normal Bills for the exchange or variation of Crown land reservations which, in most respects, are treated fairly routinely in their passage through Parliament.

On behalf of the National Party, I strongly support the point of view expressed by the honourable member for Berwick, although I cannot resist the temptation to recall the situation some years ago where there was another group of people who had land which they believed was theirs for all time because it was land that had been permanently reserved for the use and benefit of Aboriginal people. However, the Liberal Party, unfortunately, at the time, totally rejected any suggestion that that reservation ought to be honoured as a system of title to the land which, in my view, was the most secure form of tenure any organisation or group of people could possibly hope to get in our type of society.

One would have thought that a guarantee that a group of people had the use and benefit of a specific parcel of land as a permanent reservation for that purpose should have been an absolute and watertight guarantee for all time. I am referring to the Aboriginal Lands Act of 1970. The government of the day resisted pleas to retain the land for that purpose. If it was appropriate to convey land to Aboriginal people, other land should have been chosen rather than land that all Aborigines sincerely and earnestly believed was theirs for all time. Instead, of course, the government converted those two areas of land to freehold title.

Bearing that in mind, it is important to reflect that even in recent times this House has taken steps to endeavour to tie up areas of public land for all time. Fortunately, the Bill makes it evident that Parliament does not have that authority. In the case of the former Queen Victoria hospital land, it was the intention of the reservation at that time that that land would remain for all time as a recognition of the efforts of the women of Victoria in years gone by in raising funds to create the facilities that were constructed on the land. It was believed that the land was permanently reserved for their benefit.

We are tonight showing that any effort to reserve land permanently for any particular purpose cannot be successful and that any Parliament in the future has the right to change it. I hope when Parliament starts drawing lines on maps and calling areas national parks and wildernesses and the like that it does not think it has more wisdom than anybody in the past and more wisdom than generations in the future. I hope generations in the future will make the most appropriate use of land and, in doing so, honour obligations and undertakings that have been given over the years about the rights of certain citizens to particular areas of land.

The National Party supports the arguments advanced by the honourable member for Berwick. We find it extraordinary and appalling, having received the letter from the Queen Victoria Hospital Action Campaign only this morning, to read about the treatment that those women have received at the hands of the Victorian government. I hope in her remarks later in the debate the Minister will be able to qualify what has been said because those remarks are contrary to the claims made by the Premier inside and outside the House over many years about his desire to give a fair go to the women in our community.

With regard to the University of Melbourne land, the position is entirely different. Why does the government wish to change the reservation of this area? As I said before, in many cases changes have been made over the years for the purpose of the readjustment of boundaries or the alteration of road alignments and so on. I do not

recall many instances where changes in reservations have been made purely for the purpose of flogging off the land. In the main, these have come before the Parliament with any amount of evidence to demonstrate that the change was by mutual agreement. In this case, there is no evidence of that, as the honourable member for Berwick has clearly demonstrated.

The Minister has some explaining to do to counter the argument put forward by the honourable member for Berwick. Obviously the University of Melbourne was not consulted. I endorse the comments made by the honourable member for Berwick. We were jointly briefed on the Bill and were given assurances that the university had been consulted. I am absolutely astonished to find that that was not the case.

I am not familiar with the land at Kew dealt with in the Bill, although it is obvious that once again a situation has arisen where the government is scraping the bottom of the barrel for its finances and is flogging off the assets of the State wherever it can possibly find justification in its own mind. What might be justification in the mind of the government is not necessarily justification in the minds of the people, because the public land of this State is an asset that belongs to all the people. Because I am one who argues from time to time that we have to make public land available for private purposes in various situations and also as one whose electorate comprises 75 to 80 per cent of public land anyway, this is a matter of considerable interest to me.

The government seems to be more than ready to flog off public land in the metropolitan area. However, if one tries to get hold of a bit of land in a rural area, where there are vast areas of public land, it is a different kettle of fish.

Mr Maclellan interjected.

Mr EVANS—As a keen lawn bowler I am conscious of the situation that applies to many bowling clubs situated on Crown land in small country communities. The government seems to have the intention of either forcing these small clubs to close because of high rents or of making them pay large sums of money to buy the land on which their facilities are situated.

The National Party supports the contention put forward by the honourable member for Berwick and will back the Opposition in another place if that proves to be necessary to ensure that the government carries out fair and proper negotiations with the groups that have expressed concern to us about these three provisions in the Bill.

A number of other provisions in the Bill relate to normal situations and are acceptable. They are non-controversial and, so far as I have been able to ascertain, have been brought forward with the mutual agreement of adjoining landowners or public authorities involved in the management of the specific parcels of land.

Other honourable members with more direct knowledge of individual areas in the State will no doubt comment on them. However, I endorse the stand taken by the honourable member for Berwick and I trust that the government will listen to reason and negotiate fairly and equitably with the groups of people that have expressed interest in the three parcels of land to which I have referred.

Dr WELLS (Dromana)—The Land (Miscellaneous Matters) Bill continues a number of undesirable characteristics shown by this government on previous occasions. I want to add my voice to comments made by both the Liberal and National parties about these important matters. Not only do they show important particular matters in which the government is failing badly the people but they also point to matters of principle on which the government has failed before and has not obviously learnt by now.

I refer to the three sections which have been mentioned by previous speakers. I hope other speakers will take up other sections of the Bill. The parts about which

I know something are the Veterinary Research Institute, Parkville, the former Queen Victoria hospital land and the Yarra Bend Park land. I want to deal with them separately.

The Veterinary Research Institute land under clauses 7 and 8 amount, as I see it in the Bill, to the government making this land full normal commercial land, unalienated. It is moving out its own section of the Ministry for Agriculture and Rural Affairs—the Veterinary Research Institute—and then forcing the University of Melbourne to purchase at full market price land in an absolutely prime commercial position or else lose the land from university and research purposes.

It seems to me, Sir, in so many ways this gives the lie to the government's professed good intentions about education, research, agriculture, commitment to technology, to exports and so on. In all of these areas, to which the government gets up and makes grand public announcements concerning its theoretical commitment, it then goes on in a nasty, shabby, cheap trick, in my view, and says, not to commerce but to a university and to the Commonwealth Scientific and Industrial Research Organisation, "Well, we do not care what you say. We want our pound of flesh. If you want the site to continue with, you must pay for it, not as it has been for 70 years, a restricted site for education and research purposes, but as a full commercial site because we are changing its designation".

I raised this matter in this place at an earlier time when referring to the Point Nepean National Park. Point Nepean National Park, that which the Premier opposite claimed to be the jewel in our Bicentennial year and which is in my electorate, is the national park which this government and its colleagues in Canberra wanted to sell off in part on the priceless clifftop land at the entrance way, for $10 million as a land subdivision to get money. What for? To pay from the State government to the Federal government for the wonderful right to transfer the rest of the land from Federal government supervision on behalf of the people to State government supervision on behalf of the people of Victoria.

We would have to sell off irreplaceable land to do that, and I have said before in this place, it is a nonsense, and it is time the governments throughout Australia transferred land from one government to another as a book entry because, after all, it belongs to the people and it is for the service of the people.

And here we look at the same principle, which is that this State government says, "Look, we are moving our State responsibility, our direct State responsibility, for a Ministry of Agriculture and Rural Affairs diagnostic centre out of that area of land. What is left, then, we are going to force another State cum Commonwealth but, importantly, a people's institution, to buy the land to have it to continue to do what they have been doing with it on behalf of the people of Australia and beyond for the last three quarters of a century". And that, Sir, is hypocrisy and dishonesty in the extreme so far as I am concerned, and I peddle no party barrow on this. I peddle, if anything, the barrow of the people, the barrow of education, the barrow of youth, that this government professes to stand for and to serve so much better, they claim, than the opposition parties.

I recall, Mr Speaker, Sir—or then Mr—Henry Bolte, Premier Henry Bolte, speaking on this site in 1965, because I was there at the time; I had returned from England to work again in Australia, and members opposite may not know that on that site there are several very large, very expensive buildings, and one of them was built for the University of Melbourne's reconstituted school of veterinary science and it cost a lot of money in those days—a seven figure sum, a lot more today—and there had been a case where, in fact, in the planning for the reconstituted school, which had been the first veterinary school in Australia, funds had run short.

The Premier of the day, Bolte, put his hand in his pocket and found another $300 000 so that we could be on time with the project, ready to go to do the teaching for veterinary surgeons who were in great need in this country at that time, and still are, and are throughout the world because veterinary graduates from Australian universities grace the world in their professional capacity. Here was Bolte, to whom members opposite would say, "You did such a terrible job in this State until we got to office". He said, "Education is important and I will see my government does its bit for that purpose".

What is this government opposite today doing? They are saying, "We don't give a damn about what you are saying you need with education and the University of Melbourne school of veterinary science. We might want to do something elsewhere in Victoria", and I might say I commend that, Mr Acting Speaker, as the honourable member for Dromana, but what I cannot stomach is them then saying, "We don't care about this particular university". Is it because it is the oldest university in this State? Is it because they think there is enough money there that they can squeeze a little more out of the coffers of the university, which it has been using in keeping other vital things functioning.

We know State and Federal funds have never been tighter since 1966, since Sir Robert Menzies retired, than they are today. We know that State and Federal governments are forcing more and more students into the same physical facilities with the same teaching staff and requiring more and more to be done, and yet in the process they are saying, "And you can still find what undoubtedly would be a seven figure sum if you want that site to continue".

Mr Acting Speaker, I put it to you: what is the University of Melbourne to do? Is it to walk away from a very expensive building on the site because it cannot afford to pay for the land, or will it diminish its other activities somehow? Of course, it has got to hang on to the site. Of course, when it comes down to the government opposite's commitment to higher education, to research, to technology in the late twentieth century Australia, its so-called professed commitment to export boosting and so forth—and, Mr Acting Speaker, I am delighted as a member of the Opposition to know that this will not be permitted to happen—there is no question, no government, no Parliamentarian, can justify this action which is, in a sense, a form of theft of the people's assets, and I will go on to illustrate that point in the other cases, too.

The Queen Victoria Memorial Hospital land under clauses 11 and 12—I really fail to understand how a government could, at this time when we have such a deficiency in medical and hospital facilities in this State, claim to be working on behalf of the people by closing down a major centrally placed hospital that services all the people of Victoria through the great central city of Melbourne. Transport to that site is not bettered by any other hospital site in the State of Victoria.

What is the ideological reason why that site must be closed down? The government opposite was the first to voluntarily acknowledge that they inherited from the previous Liberal governments a hospital system second to none in the nation of Australia. They made all sorts of promises and yet down the track, six or seven years, we find the waiting list is three or four times what it was, and we keep getting all sorts of excuses for what is happening.

The fact of the matter is that the hospital system and the medical system in this State, because of State-controlled reasons in large part, is in chaos and is failing the people; and it must, by definition, be that if you close down a major hospital you will exacerbate that situation. I am not surprised at all that the women of Victoria have now taken to the protest movement on this matter themselves, and the government opposite should realise that when the women really get worked up on something they

do not fool around—they will get on with the job, and this government will pay the price if they continue in this way. Of course, the government is fortunate in a way electorally because, down the track, in three years time, they will not have the criticism placed upon them that they closed the hospital down because, in fact, the Opposition will not permit this to happen.

The Yarra Bend Park is another interesting illustration, in clauses 22 to 26, of this government's commitment to conservation and all the rest. Does the government not realise the steady growth in the capital city of Melbourne will mean that in 50, 100 or 200 years time we will have a population that is not 3 million, but perhaps 6 or 9 million?

Can the government opposite say with confidence that that will not happen? I would not think any honourable member can say that. What we can say with much greater confidence is that once you pour concrete on the site it is—for practical purposes, so far as human estimation can go—gone forever; it will not be back as a green site. That, I submit, is the real importance of the proposal about the Yarra Bend Park land that could have been added to the park from Willsmere. The fact is that we have the opportunity now of holding on to a small area of a green site and adding it to the sites that can be used by people. If we pour concrete on it, it will be gone forever.

It is the same as what happened at the Point Nepean National Park, where the government grabbed the money and ran. The tragedy is, as I alluded to earlier, in each of these cases, the government is destroying a long-term—perhaps a permanent—asset of the people for a short-term capital gain. The government will take the money and fritter it away as it has frittered away other money each year. The same thing will happen as could have happened at Point Nepean. The money could be wasted on committees or on the extra interest bill, just as the government has already wasted money since coming to office. It could be wasted on the inefficient transport system in Victoria. There are all these things, and in the case of parkland it is gone forever. That is the long-term tragedy of what the government is proposing to do in all these cases.

It should be yelled from the rooftops in terms of the education of our youth, in terms of the economic progress of the people in the future, in terms of the health of our people, and in terms of the long-term recreation and sanity of our people in the increasing concrete and asphalt jungle of the future: that in each of these areas the government is prepared to take the easy option, the deceptive, undesirable, and indeed the dishonest option of grabbing its 30 pieces of silver and running, no matter what the cost.

I speak with great empathy about the Veterinary Research Institute site in Parkville. The others I know less well, although I have spent years in the area and an equal part of my time in each area. One cannot be in this part of the world without knowing of these sites. The government is extreme in its actions and in the provisions of the Bill. I am utterly delighted to hear my shadow Minister say that we will not permit this to happen, and I add my weight and strength to that.

I shall make jolly sure that the University of Melbourne and others are fully aware of the provisions of the Bill. I hope the government will pay the extreme electoral price for these sorts of actions, which are illustrative of so much of its real philosophy. That philosophy, as the shadow Minister said, involves a lack of consultation. In these cases there was not true consultation. The "con" in consultation is the real philosophical backbone of this government opposite: it tries to rush in here with botched, second-rate proposed legislation and push it through, without talking to the people really concerned. I am delighted to know that in this case the government will not get away with it.

Mr STOCKDALE (Brighton)—I support the position outlined by the honourable member for Berwick in respect of the Land (Miscellaneous Matters) Bill.

I have an interest of a kind in this matter in that I represent this Parliament on the council of the University of Melbourne. That gives me a particular interest in the provisions of the Bill as they concern the veterinary science precinct of the University of Melbourne. I find the position quite disturbing. I place on the record my concern about it and the tenor of the negotiations conducted between the university and the government. They raise a set of questions which appear to be all too typical of the questions raised about the government's dealing with land over which it has some rights and which it regards as surplus to its own requirements. The government apparently thinks it can sell the land and raise some money, irrespective of the genuine interests of those directly involved.

It is perhaps not putting it too highly to say that the university has been protesting for some time about the inadequacy of the consultation conducted with it. The university has a direct interest in the veterinary science precinct, where it has operated for many decades.

As I said, the university has been concerned about the lack of consultation by the government. I find it extraordinary that the Bill has been introduced to the House tonight when negotiations are still pending. Indeed, following discussions conducted only this week, the university had further consultation with representatives of the Department of Property and Services and the Department of Conservation, Forests and Lands and a proposition has been discussed as a possible basis of settlement. The university is awaiting a response from the government on the proposal.

I have been acquainted with the proposal only recently. As a member of the university council, I have some concern about the proposal in that it may be inadequate in protecting the interests of the university's access to parts B and C of the site, of which the university has long made use. The university also has a potential interest in part A of the site, although it has been conceded to the government that on historical grounds the university would not have a claim to part A of the site. That matter must be examined because the university has also put to the government that it may be desirable to examine the definition of various parts of the site. There may be a need to redefine the boundaries of parts A, B and C to more appropriately reflect the uses of this site.

Correspondence concerning the matter goes back to late 1988, when the university expressed its concern at the proposed removal of the reservation and sought as a preliminary measure that there be negotiations in an attempt to protect the longstanding reservation so that the site might be available for university purposes in general and for veterinary science in particular.

The Vice-Chancellor of the University of Melbourne wrote to the Minister for Property and Services on 10 May 1989, among other things stating:

> The university wishes to express its extreme concern that the Land (Miscellaneous Matters) Bill is before State Parliament and includes a clause to revoke the current Crown grant on the veterinary precinct without the assurances requested in my letter of 2 March 1989 being given.
>
> While the University has not to date opposed revocation of the reservations on the site, this was on the understanding that the university would be given absolute assurance as to our continuing use of the parts of the site currently occupied (parts B and C on the plan) . . .
>
> The university has made it clear that once that question is resolved, it expects the government to transfer the whole of parts B and C to the university by way of freehold title.
>
> Given that the university has received no communication whatsoever from the Minister for Property and Services, much less the assurances sought, I must urge the removal of this section of the legislation until the university receives a guarantee that its future occupancy of the site has been adequately protected.

The vice-chancellor goes on to request that the government respond to the conditions set out in his letter of 2 March 1989. He outlines what the university then sought:

(i) a temporary reservation over parts B and C of the site for university purposes;

(ii) an unequivocal assurance from the government that it accepts the university's right to at least one-half of the whole site (by virtue of its present ownership with the Minister for Agriculture and Rural Affairs); and

(iii) assurance that the government will enter in good faith into negotiations with the university over the remaining 14 per cent of the site which would make up parts B and C, after valuation in the terms expressed in my 2 March letter.

The terms of the letter are remarkable. The university is, of course, a polite and diplomatic body. It is surprising that Professor Penington, a man whom no-one could regard as a radical, could use such language to express the university's concern and should go so far as to suggest, in writing in an official communication, that that part of the Bill should be withdrawn.

In the circumstances, if the government wishes to proceed with the Bill this week, it should preserve the status quo as regards this disputed site and the other issues raised by the honourable member for Berwick.

As a result of further dialogue—in the main prompted by the university—representatives of the university have only recently met with representatives of the Department of Property and Services and the Department of Conservation, Forests and Lands. As a result a proposal has been made, the substance of which, as I understand it, is as follows: that Melbourne University would obtain parts B and C of the site; that it would be prepared to admit that on historical grounds it has no claim to part A; that the university seeks a permanent reservation in relation to parts B and C, plus a redefinition of the boundaries as appropriate; and that the university would be prepared to grant 21-year rolling leases to the Commonwealth Scientific and Industrial Research Organisation in relation to areas currently used by that organisation.

As I understand it, the government's preference is that the existing Bill is passed so that a new Act can be proclaimed. All of those factors would be put on the basis that no financial detriment of any type should be suffered by the university. Although the government owns part of the site and the university has paid no rent for the use of it, in fact the university has had effective control of at least parts B and C for many years.

The Opposition has not had an opportunity of fully consulting with the university about this matter. That has occurred because of the way the government has handled the matter and because of the uncertainty that exists at present concerning this proposal. I must say—and I do not say this lightly—that I do not trust the government. The university should not accept the government's assurances, assurances that are not backed up by written undertakings or binding commitments.

The government is in the process of selling off everything it can get its hands on. A massive asset sale program is in train. A special task force has been established and has been operating for a considerable time. The amount the government aims to realise by such asset sales has increased dramatically from year to year. The Opposition can only speculate about what the government will do when further financial restraint is imposed by the Federal government.

Mr Maclellan interjected.

Mr STOCKDALE—Why not sell Parliament House and either lease it back or allow it to be used by some welfare organisation?

Mr Maclellan—Tricontinental would buy it!

Mr STOCKDALE—The government cannot be trusted. In my electorate a public park has been owned by the Ministry of Education for some time. That land was offered to the Brighton City Council. The terms offered by the government were, if that land were not taken up by the council for use as public open space, it would be offered to either the Ministry of Housing and Construction or to the highest bidder. That is all too typical of the government's conduct in recent times.

Bowling clubs that are situated on Crown land, land that has been used for recreational purposes for decades, may be sold by the government, because it is threatening to either sell the land from under the bowling clubs or to revise the valuation of that land and charge a market rent based on that value. Honourable members will be aware of the government's threat to sell the land from under railway tenants, and property improvements would pass with the land even though those tenants own the improvements they have made to the land. The House, the people of Victoria and, in this case, Melbourne University, cannot trust the government because it is desperate for cash.

I am not prepared to recommend to the university that it accepts anything other than the most secure protection of its rights. The maintenance of the status quo is the best protection of those rights. The onus is on the government to satisfy the university's objections and to put it in a position where it can be sure that its existing rights and its access to the benefits of that land are beyond question, so far as the conduct of the veterinary precinct is concerned. The university should not accept anything less. That is the least that the government could do for the university. The Minister should accept her responsibility and guarantee the provision of those conditions.

As the university has had that land under its management and control for some time now, land free from any government rent or other impost, why can the government not transfer the title to the land to the university? That would be a satisfactory solution. If the government is seeking tidiness or neatness—if the government wants the people who use the land to own the land—why not transfer the title to the university at no cost? We could not trust the government if it embarked on any other course.

The Opposition seeks the opportunity of consulting with the university; certainly, further negotiation should take place.

The circumstances surrounding this and other matters in the Bill lead me to question why the government is embarking on the course on which the Bill takes it. I can think of only one reason. Using the veterinary precinct at Melbourne University as an example, one can speculate that the Valuer-General is prepared to value the land on the basis that it is subject to permanent reservation for university purposes. The land would be of little value to anyone other than the university; the market value would represent what the university would be prepared to pay for the land. The removal of the reservation provision can have no other purpose than to allow the Valuer-General to fix a valuation based on the market value of that land, were the land to be put on the open market and sold to a property developer—with all improvements passing with the title—and free from the reservation.

No doubt many developers would be happy to buy that land at a price the university could not afford, just as many developers are prepared to buy railway land, including improvements made by existing tenants. Why should the university have to threaten to bulldoze the veterinary science school and other buildings on the site—just as the occupiers of railway land have threatened similar action—in order to obtain a better deal from the government? The only justification for the removal of the reservation would be to alter the market value of the land to enable the government to confront the university with an offer that it could not refuse—like a horse's head left bleeding

in the vice-chancellor's bed. The university would either have to buy the land or run the risk of losing the veterinary science precinct to a developer, who could buy the land and the buildings and offer to lease them back to the university.

The government should not be allowed to use Parliament to distort the university's priorities, to appropriate money from the university or to threaten the continued existence of the veterinary science school. If the government has some other justification for the course it proposes to take, I invite the Minister, who appears to be completely oblivious to the debate, to explain that purpose. She should give the House an assurance that this measure is not an attempt to affect the Valuer-General's valuation of the land. If the Minister cannot satisfy the House, her best course would be to delete this and other matters of contention from the Bill and to allow the uncontested parts of the Bill to be passed, if that is the will of both Houses.

Dr NAPTHINE (Portland)—I support the points made by the honourable member for Berwick, who spoke eloquently on the Bill. The Bill contains a number of issues that are of concern. One issue raised by the honourable member for Berwick and reiterated by the honourable members for Dromana and Brighton concerns the consultation process involved in the sale of the land. The word "consultation" should be put in inverted commas, because what Opposition members are talking about is a lack of consultation.

The changes proposed by the Bill are significant. In clause 7 the Bill provides for the revocation of reservations on land that have existed for many decades. Reservations have been placed on land for good and proper purposes by our forebears who had the foresight to set aside land for veterinary research and university teaching purposes and for the Queen Victoria hospital, which addresses many major health issues affecting women. The revocation of these reserves should be undertaken with consideration and planning. It is necessary for such action to be taken in a careful and cautious manner. There is no need for undue haste.

I agree that the government of the day has every right to review the use to which land is put. However, when these reviews are undertaken it is important that all parties concerned have adequate time to consider the proposals and to put forward their points of view. Honourable members have referred to cases where people have not had the opportunity of putting forward their points of view. The honourable member for Brighton, who is a member of the University of Melbourne council, made it clear that the university was not involved in adequate negotiation or consultation.

Mr Maclellan—Shabby!

Dr NAPTHINE—It has been dealt a shabby hand in this deal. Information obtained from women's groups associated with the Queen Victoria hospital reveals that they also have been dealt a shabby hand in this consultation process. It is another instance of the government's Clayton's consultation. The government's consultation is more about con than about talking openly to people to achieve a better result for Victorians. I am pleased that the shadow spokesman for the Liberal Party has taken a responsible stand.

Mr Maclellan—And the National Party.

Dr NAPTHINE—Both the Liberal Party and the National Party have taken a responsible stand in this Chamber and will not allow Parliament and the people of Victoria to be treated in such a way. I recall other instances where the government has been involved in this Clayton's consultation. Recently a Bill to establish the Dergholm State Park was introduced and debated in this House. To my surprise I discovered that the first the local municipality—the Shire of Glenelg—had heard of the proposal

was when I sent it a copy of the Bill. The Minister for Conservation, Forests and Lands has again failed in this consultation process.

Earlier the honourable member for Brighton referred to some land in the electorate that he represents where the government was again dealing a shabby hand to local people. I refer the House to land in the City of Portland that was set aside for elderly citizens units to be built. The former Ministers for housing, Mr Frank Wilkes and Mr Ian Cathie, with their pictures in the local newspaper, promised elderly citizens units and government money to build them. Some two years later not only are the elderly citizens units not there but also the government is saying it is no longer interested in building them. However, the government is more than happy for the City of Portland to build the units provided the municipality purchases the land at the Valuer-General's valuation. What a joke! That is typical of the consultation experienced with this Bill.

I have specific concern about clause 7. At present the land is reserved for veterinary research and for university teaching of veterinary science. As a graduate of the University of Melbourne, and having had the honour of attending that veterinary pre-clinical centre and working with the Department of Agriculture and Rural Affairs, I have a deep understanding of and interest in this site.

The land is currently used as the University of Melbourne's veterinary school's pre-clinical teaching centre. Veterinary undergraduates spend the first three years of their training at the veterinary pre-clinical centre at Parkville on land used by the Veterinary Research Institute before transferring to Werribee for the final two years of their clinical teaching.

The honourable member for Dromana was a lecturer in pathology on this site. He lectured me and also the Speaker of the House. In some respects it may have been a difficult task for the honourable member for Dromana, but he had the pleasure of lecturing at the institute to both of us.

The honourable member for Dromana advised me that the Bolte government was responsible for providing considerable sums of money to reopen the veterinary school in Victoria. I recall looking through my father's papers many years ago and discovering a cheque butt referring to a donation of 1 pound and 1 shilling—a guinea—as a farmer's contribution to the Melbourne University veterinary school. Many donations collected from the farming community were spent on that veterinary research and teaching site which the government now proposes to sell back to the University of Melbourne.

The site is also used for a significant amount of research in veterinary science undertaken by the University of Melbourne. I am reminded of some of the great work done by Dr Michael Studdert who is a world expert in virology. His work on viral research on horses, dogs, cats and poultry is world renowned and was undertaken on this University of Melbourne site. A group at the university is also working on gene transfer technology in sheep. This important biotechnology in sheep industry research is likely to be worth many millions of dollars to the State.

Also on that site is the Veterinary Research Institute which is operated by the Department of Agriculture and Rural Affairs. It is certainly an historical research institute that has done wonders for agriculture in Victoria. It was initially the only veterinary research and diagnostic institute in Victoria. The institute is being relocated to the Attwood site at Westmeadows. I am delighted that it is being relocated and rehoused to make more land available for the expanding needs of the veterinary school on the Parkville site. However, honourable members should carefully examine what the University of Melbourne is being asked to pay through the nose for the site.

Also on this important site is the CSIRO's Animal Research Laboratory. Dr Norman Anderson, who is also a world renowned researcher in internal parasites, particularly of sheep and cattle, has done much of his research at that institute. All honourable members should recognise the importance of such research. Some people may ask why is it important for a veterinary research unit to be in the centre of Melbourne. It is important because veterinary researchers need contact with other researchers in the biotechnology areas.

The Commonwealth Scientific and Industrial Research Organisation, the Department of Agriculture and Rural Affairs and the University of Melbourne benefit from interaction among themselves as a veterinary group and also with other researchers in related medical fields. One has only to look at the site to see that it adjoins the Royal Melbourne Hospital, which is not only a service hospital but also a research hospital. Nearby is the Royal Children's Hospital, which has a significant research component, and joint projects are often undertaken between medical researchers and veterinary researchers. The site also adjoins the main campus of the University of Melbourne. It is a unique site of major biotechnological research, and it must be preserved as such.

The site is essential for veterinary teaching. The demand for veterinary graduates is increasing and the number of advertisements for veterinarians in the journal of the Australian Veterinary Association is at an all-time high. Surveys within the veterinary profession have found that there is a significant need for more veterinary graduates. The demand for students entering veterinary science is at a high level and there is certainly a need for training places for veterinary undergraduates.

As I said, the Veterinary Research Institute lands are the site for pre-clinical training of veterinary graduates, who receive training in physiology, biochemistry, anatomy, pharmacology and parasitology. It is a major teaching centre for veterinary undergraduates and houses an essential component of the course. It must be maintained as such.

What will clause 7 do to the teaching and research institute? I put it that the institute will be placed under threat. Clause 7 removes the reservation and Crown grant for the Veterinary Research Institute at Parkville. It removes the reservation for the land to be used for veterinary science research and teaching. The effect will be to significantly increase the value of the land.

Why would the government want to increase the value of the land if not to flog it to the highest bidder? The Bill puts the University of Melbourne in an untenable situation. The university needs the land for veterinary teaching and research, yet the government is removing the reservation that specifies that use for the land.

How will the land be sold? There is no guarantee that the University of Melbourne will have the first right of refusal. I understand that two-thirds of the site may go to the university, but one-third is to be used as a car park. The site is in the centre of a biotechnological research area, and the government maintains that biotechnological research is important for the growth and development of Victoria. One of the government's key economic goals is biotechnological research, yet the government is throwing out this land to be sold for use as a car park.

The University of Melbourne needs to use all the money it has—it does not have a lot—for research and teaching. They are the priorities of the university; it should not have to spend its money to buy land to bolster this decrepit government's economic situation. The University of Melbourne must devote its attention and its resources to teaching and research. The land is currently being used for those purposes and there is no need to change except for this government's desire to obtain additional money from the university to help pay its increasing debt and to finance its bankrupt schemes.

The government claims to be interested in young people; it claims to be encouraging young people to undertake further education, but the Bill shows that to be untrue. The government is prepared to force the University of Melbourne to stop spending money on providing additional places for students and additional research to help the economy of the country but to spend money to buy back land which is currently used for research and the teaching of veterinary science. The university is being forced to buy the land from the very government that is supposed to be helping it. The Bill makes an absolute mockery of the government's commitment to young people and its supposed commitment to providing increased access to tertiary education.

I support the efforts of the honourable member for Berwick in informing the government that the Opposition will not accept the situation and that it demands that the proper consultation processes are followed.

Mr E. R. SMITH (Glen Waverley)—The female members of the Labor Party must have been pleased when they heard the honourable member for Berwick say that the Opposition would oppose the sale of the former Queen Victoria Memorial Hospital site unless the government enters into new negotiations before the end of this week. The opposition that has been brought to the attention of the Liberal Party from women's groups in Melbourne over the sale of the former Queen Victoria hospital site is amazing. Those women feel strongly that the government is trying to sell off for between $60 million and $90 million one of the most prestigious institutions in Melbourne.

The Queen Victoria Memorial Hospital, as it was known then, was set up by women in the latter part of the last century. The government now has the audacity to attempt to sell off the hospital and use the money it receives for consolidated revenue. I am reliably informed that the female members of the Labor Party opposed the sale of the site but they were outvoted in the party room. Those women would have been delighted to hear that the Liberal and National parties will oppose the sale of the site, because they know the value of it.

If the money from the sale were to be used to improve the health of women in Victoria, the Liberal and National parties would support the government, but the money will not be used in that way. The money will be directed to consolidated revenue, as will the money from the sale of other lands covered in the Bill. It will be used to finance the government's massive debts.

The women of Victoria are outraged at the sale of the former Queen Victoria hospital site. The money from the sale should be used to honour the historic contribution of women. As I said, their efforts to raise money for the hospital began in the late 1890s. The government, in its desire to finance its extremely dubious projects, has decided that this well-known landmark will be sold and the money will go directly into consolidated revenue.

The Liberal and National parties are vocal and sincere in their support of women, unlike members of the Labor Party who make noises about supporting women but who, when their female colleagues oppose a measure, such as the sale of the former Queen Victoria hospital site, vote them down. Members of the Opposition will follow the dictates of our free enterprise philosophy: we will oppose the Bill unless the government enters into negotiations within the next week to ensure that the money from the sale of the former Queen Victoria hospital site will go towards projects to benefit the health of women in this State.

It gives the Opposition much pleasure to direct the attention of the House to this anomaly. It is, as I say, one that has caused female groups in the State to be outraged. It is enough to cause the female members of the Labor Party to be outraged. They

know the damage that this information coming to the public attention will cause. However, the party machine said, "No, we need the money. The money must be spent on our projects. We will not in any way consider putting the money into projects that will benefit the health of women".

Therefore, we will oppose this particular aspect unless the government comes to its senses while the Bill is between here and another place or, during the negotiations with the Minister, we are given the assurance that the money will not go into consolidated revenue but will be directed towards the benefit of women, particularly in the health area. We contend that the money, the asset itself, which over the years has appreciated greatly in value, should continue to be used for the benefit of the women of Victoria.

Mrs WADE (Kew)—This Bill revokes a number of permanent reservations of Crown land. I am not familiar with all of the pieces of land which are covered by the Bill but two pieces of land are of concern to me. One is the Queen Victoria Memorial Hospital site and the other is the Willsmere Hospital boundary with the Yarra Bend Park.

I can recall in my schooldays, which were a long time ago, a lot of talk about Melbourne being a great city of the nineteenth century. A great deal of discussion ensued about the destruction of the Paris end of Collins Street and about buildings in Spring Street destroying the character of one of the world's great nineteenth century cities. I did not appreciate what that discussion was all about. I had not travelled at all then and I thought there must be other cities in this great big world which were at least equivalent to or probably better than Melbourne. I really did not understand the debate.

Since then I have travelled fairly extensively and it has come home to me what was meant by the people who spoke of Melbourne as a great nineteenth century city. Melbourne is one of the great cities that were built during the latter part of the nineteenth century and also during the early part of this century. Melbourne is epitomised by its Victorian and Edwardian buildings, not only in the city itself but also in the suburbs surrounding the city out through the middle of suburban Melbourne. Those suburbs contain acres and acres of Victorian and Edwardian buildings. Without that building period in Melbourne we would have a totally different city. Probably the only thing that would remain would be the Melbourne climate as a characteristic of this great city of ours!

The building boom of the gold rush and the later boom of the early Edwardian period is what characterises Melbourne even today. Willsmere Hospital, which of course is in my electorate of Kew, epitomises the Victorian building period, the wealth of the gold rush period and the faith that people had in the future of Melbourne in those days.

The Queen Victoria hospital is an Edwardian building and is one of the major city buildings of that period. It is part of the streetscape of Swanston Street, which includes a number of important Edwardian buildings such as the City Baths. I understand the City Baths and the Queen Victoria hospital had the same builder and possibly the same architect.

We are now told that both the Queen Victoria site and the Willsmere site are to be sold. The Queen Victoria hospital is to be largely demolished, destroying much of the streetscape of that area in Swanston Street. It is said that Willsmere Hospital will be protected as an historic building but, if one reads the small print, one is told that a significant portion of Willsmere will be saved from demolition. It is not clear whether a significant portion means the towers or the administration building, and whether it

includes all or any of the courtyard areas extending from the administration building, and how much of any of those parts of Willsmere will be saved.

Both of these buildings are a heritage of the people of Victoria from our forebears. They are as important to this city as are our great parks. In the case of the Queen Victoria hospital, as well as being a building of great architectural significance, it also has a great tradition as a women's hospital. The Queen Victoria hospital became a women's hospital in 1949 following its removal from the site which is now occupied by the Peter MacCallum hospital. The Peter MacCallum hospital site had been developed as a women's hospital by the women of Victoria. The site had been purchased by public subscription by the women of Victoria and as a result of the efforts of women doctors in Victoria.

The women's hospital was exchanged by the people in charge of the hospital at that time for what had been the former Melbourne Hospital site, which is the Lonsdale Street site with which we are now concerned. The exchange provided that the Lonsdale Street site would be permanently reserved for the purposes of the institution known as the Queen Victoria Memorial Hospital.

Like many women in Victoria, I have a family connection with the Queen Victoria hospital and I feel an obligation to that hospital. Three of my children were born in the Jessie McPherson wing of the hospital. Many families feel this connection with the hospital site. I note from the correspondence I have received that this concern extends across the political spectrum. I have also become aware that many women consider their submissions on this Bill have been totally ignored by the government. They feel that the new development on the site should incorporate some aspect which would continue the tradition of service to women and families in Victoria and that their submissions in this respect have been ignored by the government.

This brings me back to a subject I have raised on a number of occasions in this House and that is the consultation procedures of this government. The government continues to issue a lot of literature telling us that it has a commitment to consultation in every area in which it operates. In the government's social justice policy there is a commitment to consultation with people and in the government's economic policies there is also a commitment to consultation. More commitments to consultation are found in park and environment policies. However, when it comes down to what actually takes place, consultation either does not take place or it takes place in form only, and there is no substance to it.

In a letter addressed to the Premier, which refers to consultation, the Queen Victoria Hospital Action Campaign states:

> Your "undertaking" to consult given on 24 April now appears to have been misleading. We now note that legislation to revoke the permanent reservation on the Lonsdale Street site "for the purposes of the Queen Victoria hospital" will be passed by the Legislative Assembly this week. Was the promise of consultation a stalling tactic to give the government time to revoke the permanent reservation without our protest?

I return to consultation in respect of the Willsmere site. The subdivision and sale of the Willsmere Hospital site is a great opportunity lost to the people of Victoria.

Those who have visited the old Willsmere psychiatric hospital will be aware that it is an extremely large building. I understand it has a floor area equal to approximately half the floor area of the Rialto building. It is a magnificent colonial barracks-style building similar to the barracks-style buildings in Sydney and Parramatta. It would be an excellent tourist area for Victoria. It has the potential to be a symbol of Melbourne similarly the Opera House has become the symbol of Sydney.

The government has no vision for the future of Willsmere. Its only reaction is to remove the psychiatric patients from Willsmere and to sell off the land for high prices. The Opposition does not object to moving patients from Willsmere, as it was obviously unsuitable as a psychiatric hospital.

Various people have suggested two possibilities for the use of Willsmere. It could be a centre for Victoria the Garden State. The Burnley Horticultural College could be moved to that site and the site set up in a similar vein to the Kew Gardens, with native plants and perhaps with a fauna park. I do not know whether that is a possibility but it should be considered. It was also suggested that Willsmere would be a magnificent site for a world-class museum of Australia and the Pacific, but there has been no consideration of a development of this sort at Willsmere. Instead, a museum is being built by the Yarra River, which will be a good museum but I doubt whether it will be world-class.

Willsmere is a major historic building of Australia. It is surrounded currently by beautiful parkland, which is due to be subdivided. It has spectacular views of the city and it is less than 6 kilometres from the centre of Melbourne.

The notes of a meeting of the Yarra Parks and Willsmere Coalition and the National Trust of Australia (Victoria) with the Minister for Major Projects on 12 April 1989 state:

> Willsmere's potential for development into a quality tourist attraction, capable of making a major contribution as a revenue-earning asset in Melbourne's fight to retain its now dwindling share of interstate and overseas tourists. The recent trend towards attracting Japan's "grey market", the older tourists, makes Willsmere—with its elevated inner city site, panoramic views, majestic building, heritage plantings, oval and its proximity to the natural setting of the Yarra Bend Park—an ideal venue for development in Australia's fast growing tourist industry. Until a few weeks ago, or less, no serious discussion of this prospect had occurred to the YP & WCs knowledge, and it is too valuable an asset to be squandered for quick profit without a full enquiry . . .

The key words:

> . . . if sold privately it will be lost forever.

That is true, it will be lost for ever because of the government's search for a quick dollar. All the Cain government can think about is money, and perhaps it is no wonder because of the losses of the Victorian Economic Development Corporation, the Victorian Investment Corporation, WorkCare and now State Bank Victoria and Tricontinental Corporation Ltd.

The Bill is part of the process for the subdivision and sale of Willsmere land. It relates to the boundaries between Willsmere and Yarra Bend Park which is one of the greatest assets of Melbourne, with its natural bushland that is so close to the centre of the city. The Bill is an indication that the government wants to squeeze the maximum number of dollars from the sale of land.

Again there has been the fake consultation process. There has been a lot of talk about consultation on Willsmere—we have had a few public meetings in Kew. Representatives of the local community and the Kew City Council have been on the advisory council for the development of Willsmere but no serious consultation has taken place. No consultation has been undertaken with people outside the immediate district. A couple of weeks ago I presented a petition to Parliament containing approximately 11 000 signatures. Many of those people who were concerned about the future of Willsmere came from outside the immediate area; 11 per cent of the people who signed the petition came from Kew, 10 per cent came from the surrounding suburbs of Northcote, Richmond, Collingwood and Hawthorn; and the remaining 79 per cent came from elsewhere in the metropolitan area and country Victoria.

Many people in Victoria are concerned about the future of Willsmere but they have not been involved at all in any consultation on this matter. The consultation with people from Kew is such that the advisory council has not met since before Christmas and the submissions made by local people have not been accepted by the government. Various attractive newsletters have been sent out but that is as far as it has gone.

We then have the saga of an independent panel, established under the Planning and Environment Act, which considered a proposed planning scheme for subdivision of the site and also for the boundaries established by the Bill; 49 people made submissions to that independent panel. The panel did not accept the government's original position that only 200 square metres be added to the Yarra Bend Park, nor did it accept the submission put forward by many objectors, including the Willsmere coalition and the Kew City Council, but it compromised on recommending that 8850 square metres be added to the park. The government was not satisfied with that recommendation by the independent panel and the Bill adds only 6000 square metres—nearly 300 square metres less than that proposed by the independent panel. The reason for this reduction is the sheer greed of the government which is determined to sell off as much land as it can from the site. The government intended to sell off one of the most spectacular views in the city of Melbourne, made up of two or three blocks that would have been sold to multimillionaires at a price of more than $1 million for each block.

The government could have given the project developers everything they wanted on the boundary between the Willsmere site and the Yarra Bend Park and it would still have made sufficient money to cover the relocation of the Willsmere patients. The government said that the relocation was costing $35 million—I have my doubts about that. I believe the government upped that figure because it later said it would cost $40 million. The government has already recouped $6·5 million from the sale of the small blocks on Wills Street. The government could recoup even the inflated costs it claims without selling the magnificent nurses home site and the north-west shoulder of land, both of which the panel said should be incorporated in the park.

The Opposition has made it clear that the panel's recommendations would be the minimum it would be prepared to accept. The government, in a press release over the weekend, said that it is prepared to accept at least some of the recommendations, but it attributed its change of mind to the fact that it had received submissions from the Kew council. The government made it clear that it was not responding to the opposition of the Liberal Party to the Bill.

That is somewhat surprising given that the Kew council has been making the same submissions for more than twelve months—certainly very clearly over the past six months. If the government was going to give in to the Kew council, one would have expected it would have done so before the Bill was introduced. The only explanation is that the Opposition can take credit for the fact that the nurses home site is to be saved—if the government's press release can be relied upon. It is still not clear whether the land on the north-west shoulder will also be included in the provisions of the Bill as recommended by the panel. That should be made clear by the Minister.

In conclusion I ask the government to have second thoughts about the Willsmere plan. The fate of the oval is still to be decided. This is a sporting oval for the use of the staff and patients of Willsmere. In fact, it was built by the patients of Willsmere. It has historic listing. It is needed by the people in the area, including those at the Royal Talbot Hospital, for rehabilitation patients and it can be retained only if the Kew council is prepared to buy it from the government. We are being told by the government that this land, which already belongs to the people of Victoria, can be retained by the people of Victoria only if they are prepared to pay for it again.

The historic Willsmere building is one of the great heritages of the people of Victoria and indeed Australia. No other building of this scale in Australia is as intact. It has magnificent landmark qualities. The government should rethink the future of Willsmere. It could be a legacy from the Cain government which would be remembered with gratitude for ever. It has the potential of being a symbol for this city as a building built last century with great confidence for the future of Victoria. One hundred years later Victorians should be able to pick up that confidence in a different context and project it on for at least another 100 years.

We should not be outdone by our grandparents, our great-grandparents and our great-great-grandparents. The government should show a similar confidence in the future of this city and this State to that shown by the people who built this building in the last century.

Mr W. D. McGRATH (Lowan)—I shall speak briefly on the Bill because the honourable member for Gippsland East has well and truly covered the National Party's position.

Approximately ten different parcels of land are involved in the provisions of the Bill. It was interesting to listen to the concerns of the honourable members for Kew, Portland and Glen Waverley about the sale of some of these parcels of land such as the Queen Victoria hospital site, Yarra Bend Park and Willsmere and an area that has been set aside for the handicapped children at Malvern.

I am alarmed that the government is selling off real estate assets that have been owned by this State for many years. I suppose it is because of financial mismanagement that the government finds it necessary to sell off these parcels of land at high prices. One cannot criticise the government if there are buyers out there willing to pay high prices for this land but one can criticise the government for not understanding that this land can be sold off only once. Once a transaction has been made, the land leaves the control of the government for all time. Public land should be retained, especially if it can be utilised by another public authority, for the benefit of all Victorians.

Clause 18 relates to land at Kaniva. This is a small piece of land alongside the fire brigade station and backing onto the railway reserve. The Kaniva Shire Council made application for the land to be taken over by the fire brigade in 1984. It has taken five years for the application to be processed. The land will now pass from the immediate control of the government into the hands of a community authority for community use. It comprises 1733 square metres, which is almost 2 hectares. The people of Kaniva will make good use of this area of land. In fact, progress has already been made towards using the land for the purpose for which it was intended many years ago. By acquiring the land, the people of Kaniva have more incentive to be involved in its use.

The other small piece of land referred to in the Bill is the land on which the Pomonal Public Hall is situated. The purpose of the reservation of this land, which comprises 9030 square metres, was as a site for a public hall and for public recreation. Pomonal is situated in the middle of the Grampians. I am not sure whether "Pomonal" is an Aboriginal name. If it is not, the Minister for Tourism will probably want to change it at some time in the future. The people of Pomonal have a specific interest in that land and will be happy with the provision in the Bill because it will give them full control of the land.

Comments have been made about the prime real estate in the metropolitan area that will be realised by the government. I understand the concerns of honourable

members about that land. However, I can speak only about those areas of land in the country areas with which I am familiar, namely, Pomonal and Kaniva.

Mr LEIGH (Malvern)—As I understand it, the Malvern land was, in fact, part of an arrangement with the Yooralla Society of Victoria. I shall be interested to know what will happen in respect of the funds, and I seek an assurance from the Minister that this is not another one of the government's arrangements whereby it is attempting to sell off land to put back funds into government revenue and, in fact, the people who have participated in the use of that land over past years will wind up with nothing. Perhaps the Minister will take note of my comments and say tonight whether she is prepared to made a donation to the Yooralla Society.

Mr HEFFERNAN (Ivanhoe)—I should like to comment, firstly, on the Willsmere Hospital site. I understand the direction and the policy the government has adopted, and I also understand the need for funds to implement its policy on the mental institution and the direction it wants to go. I have no argument with the direction the government is taking, but there is a need to place on record my concern over the selling off of the Willsmere site, not so much for today's generation, but for future generations.

There is no doubt that in years to come we will certainly be sorry for selling off this area. It is unique. At the same time that I express that concern, I point out that I understand the financial reasons for selling the site. However, we ought to know why Victoria is in such a bad financial position today that the government cannot afford to do anything else unless it sells off an asset. That is the question that all honourable members ought to ask.

Through the Bill, there is a proposal to sell off a most magnificent asset. Future generations will probably wonder for ever why the people of today took the action that they did. Public open space such as this will become extremely valuable. It is not considered so valuable today, because it is maintained that we still have areas such as the Yarra Bend Park. However, one can imagine how important an area such as this will be to future generations in 50 or 100 years time.

I have expressed concern consistently about the creation of open space through the declaration of national parks. It is all very well to go out into country areas and declare national parks, but the fact is that the people in this State are living in the cities, and our future policies must ensure that the natural expansion of population occurs in the cities because of the cost of services.

In 30, 40 or 50 years time, I expect there will be a doubling of the population in inner suburban areas of Melbourne, particularly with the growth of regional shopping centres, which will result in population growth in a similar way to that occurring overseas. In turn, the greatest demand will be for open space. Yet, in this Chamber tonight, honourable members are debating a Bill that will enable the selling off of such areas.

As I said at the outset, I understand why the government has to do this, but it ought to be an embarrassment to all of us that we are in a position today where we cannot say to future generations, "Yes, we had to do that by transferring the people in those places out into normal suburban living, but at the same time, we had enough money to keep this for future generations". This does reflect the State's serious financial position.

I should like to refer, secondly, to some land in Heidelberg, which is part of the Bell Street–Banksia Street link. I do not know whether the Minister realises that this has been a long, protracted and controversial traffic issue in Heidelberg, on which action has been required for some time. Certain parts of parkland that were not part of the

road reservation have had to be used. That is now taking place. I compliment the government on its stand and its commitment to replace some of that parkland with an area that is listed in the Bill.

The Heidelberg City Council is unique in its management of parkland. Without doubt, the most controversial decision that the council has made in the past 30, 40 or 50 years was to construct that road link. It is something that the progress of time forced upon us.

However, to highlight the Willsmere example again, I point out that, if a certain area of parkland is used for other purposes, the same amount ought to be replaced. I compliment the government on taking action and supporting the Heidelberg City Council in this regard.

Mrs SETCHES (Minister for Conservation, Forests and Lands)—I thank honourable members opposite for their contributions to the second-reading debate. Ten members of the opposition parties gave us the benefit of their views on the Bill, and some major issues were raised, which I shall attempt to answer.

The honourable member for Berwick encapsulated the debate by saying that there were three matters with which the Opposition takes issue and about which it requires some explanation and further consultation with the government and other groups. The first matter is the Yarra Bend Park land and the Willsmere site boundary. There is a foreshadowed amendment, which will bring in some of the areas.

Mr Maclellan—Are you foreshadowing it?

Mrs SETCHES—Yes, I am foreshadowing it. In fact, it is quite interesting that news of it got into the *Age* before I foreshadowed it here.

I believe the explanation required relates to the excellent proposals and the very strong representations that were put before the Minister for Major Projects when he met with the Kew City Council. Although possibly two or three honourable members opposite, including the honourable member for Kew, outlined the process that was undertaken to examine methods of disposing of the Willsmere property and what might be the appropriate boundary and the consultations that occurred. I believe it should be stated distinctly for the record that there has been very long and strong consultation between the Minister for Major Projects, the honourable member for Kew and an honourable member for East Yarra Province in another place. Other members of the opposition parties were also involved, but it was mainly those two honourable members who were involved in the discussions about the Willsmere site.

Honourable members opposite have said that it would be a good thing to keep the Willsmere site for posterity. I suppose, in the best of all possible worlds, that may be a good thing to do. However, one must examine what is required to replace or provide very extensive community-based psychiatric facilities for the people who were housed in the Willsmere Hospital. As one of the members of the government's health caucus committee who assisted in developing the alternative community-based programs that Willsmere is to fund, I must say that hard decisions must be made from time to time. The transfer of money from one to the other is one of the things that I consider to be worthwhile. After reading the joint Parliamentary committee's report and understanding that the quality of life of people within that institution was really quite inadequate and, in fact, frightful, I considered that there was a need to provide all those sorts of facilities and the capital for them, and the sale of the Willsmere site is the way in which we will be able to do that.

I return now to the boundary. As I said, the Minister for Major Projects found compelling some of the arguments put forward by the Kew City Council and

deputations with which he met. It is recognised that the Kew City Council will be the authority responsible for administering the new Willsmere planning controls. Therefore, the committee of management for the area will be the Kew City Council. I must say that the Kew City Council has worked very cooperatively and responsibly with the Victorian Government Major Projects Unit on the main proposal for the future of the Willsmere site, and the government really values that working relationship.

The government's proposed amendment, therefore, realigns the park boundary in the nurses home area to transfer additional land to the park and recognises that this will have a further impact on revenue. As a result, the entire nurses home site is now proposed to be included in the Yarra Bend Park, and the Minister for Major Projects will continue to have discussions with representatives of the City of Kew about the prospect, in addition, of requiring an unusually high level of open space within the area of the former Willsmere Hospital proposed for residential development. That probably answers a number of issues raised by honourable members opposite.

Mr Maclellan interjected.

Mrs SETCHES—No, I said that the Minister will continue to have discussions about the property especially, in addition, about requiring additional high levels of open space in the area of the Willsmere property proposed for residential development. If further discussion is required, I am sure the Minister will clarify that issue while the Bill is between here and another place.

In regard to the revocation of the permanent reservation of the land being the site of the former Queen Victoria hospital, a decision was taken in the early 1980s to relocate the Queen Victoria hospital to facilities being built at Clayton, and the former facilities closed in mid-1987. It was decided that the money raised from the sale of the Queen Victoria hospital land would go to the development of the Southbank proposal, so it would be a transfer of public money from one site to another.

It is clear that the site will be sold by public tender or auction and it is critical that the government keeps to the timetable already indicated. I am sure that the Opposition would not wish to hold up the development of the Southbank project.

The Opposition raised some significant consultation matters regarding what have been termed "the women of Victoria" and the view long held by a range of women in the community that there is an emotional and moral claim to the land and perhaps even the building thereon. Discussions were held between the Premier and the Women's Policy Coordination Unit and the results of those discussions were read out to the House. Women's groups met with the Premier on 24 April and with other officers on 15 May.

There has been an ongoing commitment by the government, clearly stated in the women's health policy working party report of 1987, of which I was one of the authors, to a women's health information centre on the old Queen Victoria hospital site and the government will keep that commitment. If the women's movement requires the information centre to be situated on that site, it will be sited there. I understand how some women feel about this issue because I consulted with a number of women's groups throughout Victoria and I believe the government's stand will be adhered to.

The provisions relating to the Parkville lands will be removed from the Bill. There is a need for further consultation with the University of Melbourne regarding the appropriate tenure for the future occupation of the site and I give an undertaking that the matter will be discussed while the Bill is between here and another place.

The honourable member for Malvern raised a matter that was really a side issue and I am not sure that he wishes me to comment on it. I have been informed that the

Minister will not make any contribution to the Spastic Society of Victoria. The freehold title of the land was never granted to the Spastic Society. The society was given the right to appoint a committee of management in 1978 but it has no claim on any proceeds of sale.

Consultation will occur while the Bill is between here and another place on matters that have been raised by honourable members.

The motion was agreed to.

The Bill was read a second time, and it was ordered that it be committed later this day.

The SPEAKER announced the presentation of a message from His Excellency the Governor recommending that an appropriation be made from the Consolidated Fund for the purposes of the Land (Miscellaneous Matters) Bill.

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

Clause 1 was agreed to.

Clause 2

Mr MACLELLAN (Berwick)—I should appreciate an indication from the Minister as to why it is proposed under clause 2 (1) that section 29 of the Bill is deemed to have come into operation on 24 November 1987, which appears to be a rather strange requirement and one which is not, it seems, adequately explained yet; and why should we be backdating legislation by almost two years, with what consequence and for what purpose?

Mrs SETCHES (Minister for Conservation, Forests and Lands)—I move:

1. Clause 2, line 2, omit "29" and insert "24".
2. Clause 2, line 4, omit "10 (sections 20 and 21) come" and insert "8 comes".
3. Clause 2, line 6, omit "23 to 26" and insert "18 to 21".

These amendments to clause 2 effect changes to the sections numbered and have been made necessary because of the removal of provisions relating to the various lands. They also remove a printing error, changing "come" to "comes".

I shall have to seek advice regarding the request of the honourable member for Berwick. It appears to me that there might be an error.

The amendments were agreed to, and the clause, as amended, was adopted, as were clauses 4 to 6.

Heading to Part 4, and clauses 7 and 8

Mrs SETCHES (Minister for Conservation, Forests and Lands)—I invite the Committee to vote against the heading to Part 4, and clauses 7 and 8.

This will remove the provisions relating to the Parkville lands. The clauses are to be removed because there is a need to conduct further consultation with the University of Melbourne on the appropriate tenure for its future occupation of the site.

Mr MACLELLAN (Berwick)—The Opposition—and I hope the National Party—would not be inspired to decline the invitation of the Minister to omit clauses 7 and 8, which remove the university lands from the provisions of the Bill. I should appreciate it if the Minister could strengthen the position slightly by giving an undertaking that, pending settlement with the university of the question which is no longer part of the Bill, the status quo in respect of the present lands occupied will be maintained. If there

were that assurance that whatever is in existence now will continue until such arrangements are made, further discussions with the Minister will allow the university to negate the situation and perhaps subsequently another Bill will arrive in the House.

The heading to Part 4, and clauses 7 and 8 were negatived.

Clauses 9 and 10 were agreed to.

Clause 11

Mr MACLELLAN (Berwick)—In respect of the Minister's comments regarding what I have described broadly as the women's movement and the Queen Victoria hospital site, it is not satisfactory that the women of Victoria be treated like the Lady of Shalott and locked in the three historic towers of the Queen Victoria hospital, perhaps to grow their hair long and then have somebody dash down the side of the building.

That is not what the Opposition had in mind. It is not prepared to put up with what the government has proposed. It may be of interest to the government and to some of the women to whom the government has spoken. However, the Opposition is interested in the broader issue. The establishment of a women's health service in a few historic towers which are to be retained only to satisfy the whim of the Historic Buildings Council and the Minister for Planning and Environment in respect of Edwardian buildings—which have no historic importance as gems for the State to retain, but are a blight on the landscape—might make some women happy. However, if the towers were pulled down, there would be a more positive step taken rather than a backward looking hop, saying, "Into the towers, girls; that is good enough for you!" The government is saying, "We have to keep these wretched towers. How about giving them to the women's movement?"

That is not good enough. The government will not get its sticky hands on the money to be made from the sale of the Queen Victoria hospital site until it makes a satisfactory arrangement with the women of Victoria. The government had better get the message that it is not going to be enough to refer to the health reports of yesteryear. I am sure the documents were admirable, but the approach is unsatisfactory, and the Opposition will not cop that. The Country Women's Association of Victoria will not cop it; the Jewish women's association will not cop it; even the radical health women will not cop it!

The government has a message coming through loud and clear: it has 60 million good reasons to reach an accommodation with the women's movement—or is it 90 million good reasons!

I say this not in teasing the Minister for Conservation, Forests and Lands, but I address my remarks to the Premier, the Treasurer, and the Ministers who have so badly let her down: they have Thursday and Friday—and I imagine Saturday morning—to get it sorted out. That is what the Opposition is talking about: get serious; start talking; do not just dust off some old report and say, "You can have the towers because we have to keep them anyway". We are saying: start talking to the broader women's groups, which have approached the government, have asked for discussions to be held, and have been treated in a way that defies imagination. That is what the Opposition is saying and I am sure the same is true for the National Party.

In respect of clauses 11 and 12, the answer given by the government so far is totally unsatisfactory. Its chances of getting its hot little hands on the money from the sale of the Queen Victoria hospital site is diminished by the Minister trying to say what she is instructed to do is the right thing. In the circumstances, that is desperately inadequate.

Mrs SETCHES (Minister for Conservation, Forests and Lands)—I support the original clause. I have listened to great support for women's organisations and health

services from members on the other side of the Committee. This has been given after I have heard nothing but derision of the support and allocations by the government for women's health and other services over a number of State Budgets. If it were not for this government, there would be no women's health program—which is worth millions of dollars now—and there would not be the number of services that are now provided for victims of sexual assault. In respect of the health services provided for women, the Opposition has indicated that some women's groups have more status than others by mentioning some over others. Had it been the others that the honourable member has omitted to speak about, they would not have the same power in putting the Opposition's argument across the table.

The government has a commitment to continue discussions with respect to women's health and to finalise the matter, because it wishes the revocation of this reserve to proceed and wishes to provide——

Mr Maclellan interjected.

Mrs SETCHES—The honourable member says he wishes that to happen as well. The government does not wish to hold up the very good development that is occurring at the museum and the library. It wishes to ensure that the best possible use of public money occurs. I support the clause.

The clause was agreed to, as was clause 12.

Clause 13

Mr LEIGH (Malvern)—As I said briefly—in, I suspect, one of my briefer replies to a second-reading speech—this land was allocated to the Yooralla Society of Victoria some years ago. I think Mr Guest in the other place was involved through a family connection; apparently a great-aunt of his had a claim to ownership of the land that the government is now getting for nothing. The Minister should tell the community—and certainly, the Yooralla Society of Victoria—what money Yooralla or the community will receive because of this provision.

The parcel of land is worth millions of dollars. The honourable member for Prahran and I would be thrilled with some of the property development that will happen on that site if it were to happen in our electorates.

Mrs Setches—You would be thrilled.

Mr LEIGH—The Liberal vote would go up in the area.

Mrs Hirsch—With you as the member!

Mr LEIGH—It is like that other piece of land in Toorak, where the government spends $150 000 for each housing development for the poor. How many houses could it build outside Toorak for that amount? That is what the government did, as the Minister would know if she bothered to leave her Ministerial chair and find out.

Mrs Setches—Keep on the clause.

Mr LEIGH—I am dealing with the clause. The government is getting land for nothing from what was deemed to be land for Yooralla.

Mrs HIRSH (Wantirna)—On a point of order, Mr Chairman, the honourable member for Malvern is not speaking to the clause. I ask you to request that he speak to the clause under discussion.

Mr LEIGH (Malvern)—On the point of order, clearly I returned to the issue of this land and the Yooralla Society of Victoria. I think the honourable member for Wantirna

is being frivolous and taking it out on me because of something that has happened between the honourable member for Wantirna and me.

The CHAIRMAN (Mr Norris)—Order! I have been listening carefully to the debate—I find it quite fascinating. I believe the honourable member for Malvern was speaking to the clause.

Mr LEIGH—I thank you for your protection, Mr Chairman, being the frightening member of Parliament that I am.

In this case, the government is receiving something for nothing, as is happening with other pieces of land that the government claims. Considering the amount of money the government has been deducting from grants to Yooralla in other areas over the past few years, that society has a right to know whether it is to receive something because of the provision in the Bill. If the Minister is serious and genuine about the Yooralla community, she could look after it and perhaps say, "Maybe there will have to be a donation from this". If the Minister has any guts, that is what she should be prepared to do, if the government is not going to rip the people off once again.

Mrs SETCHES (Minister for Conservation, Forests and Lands)—The Spastic Society of Victoria has taken no steps to redevelop the site since the buildings were demolished in 1978. The Ministry of Education believes the existing facilities can adequately cope with all requirements. Public land is being discussed at the moment because the freehold title was never granted to the society.

The land was permanently reserved in 1978 for the training of handicapped people, and a permanent reservation prevents land being used for any purpose other than that for which it was reserved. The society did not use the site for the original purposes, and the land remains vacant.

The clause was agreed to, as was clause 14.

Heading to Part 8, and clauses 15, 16 and 17

Mrs SETCHES (Minister for Conservation, Forests and Lands)—I invite the Committee to vote against the heading to Part 8, and clauses 15, 16 and 17.

The heading to Part 8, and clauses 15, 16 and 17 were negatived.

Clause 18

Honourable members interjecting.

The CHAIRMAN (Mr Norris)—Order! The honourable member for Malvern is out of his place and out of order. I consider I have been extremely patient with him.

Mrs SETCHES (Minister for Conservation, Forests and Lands)—I thank the Committee for its polite wait for me! I move:

11. Clause 18, line 12, omit "item 2" and insert "item 1".

The amendment was agreed to.

Mrs SETCHES (Minister for Conservation, Forests and Lands)—I move:

12. Clause 18, line 14, omit "Part 3" and insert "Part 2".

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

Clause 19

Mrs SETCHES (Minister for Conservation, Forests and Lands)—I move:

13. Clause 19, line 17, omit "Part 3" and insert "Part 2".

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

Clause 20

Mrs SETCHES (Minister for Conservation, Forests and Lands)—I move:

14. Clause 20, line 22, omit "item 3" and insert "item 2".

15. Clause 20, line 24, omit "Part 4" and insert "Part 3".

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

Clause 21

Mrs SETCHES (Minister for Conservation, Forests and Lands)—I move:

16. Clause 21, omit "Part 4" and insert "Part 3".

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

Heading to Part 11

Mrs SETCHES (Minister for Conservation, Forests and Lands)—I move:

17. Heading to Part 11, page 4, line 30, omit this heading and insert—

"PART 9—YARRA BEND PARK LANDS".

Mr EVANS (Gippsland East)—I seek some clarification from the Minister. If the amendment were agreed to, there would be two parts numbered "9" in the one Bill. A Part 9 concerning Kaniva land has been agreed to; this Part 9 relates to Yarra Bend Park lands. It seems confusing. I should have thought that the Committee should be considering "Part 11—Yarra Bend Park lands".

The CHAIRMAN (Mr Norris)—Order! That will have been amended because the title has been changed. All the other numbers will be automatically amended. I assure the honourable member that that is the correct procedure.

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

Clause 22

Mrs SETCHES (Minister for Conservation, Forests and Lands)—I move:

18. Clause 22, page 5, line 16, omit "or" and insert "of".

Mrs WADE (Kew)—I ask the Minister for some clarification about the proposed amendment and the proposed changes to Schedule 4, all of which are covered by this clause. As I understand it, there are two areas within the Willsmere Hospital site where the proposals in the Bill differ from the proposals made by an independent panel established under the Planning and Environment Act. One area is the nurses home site which is now to be included in the Yarra Bend Park; the other area is in the north-west shoulder of the site where, as I understand it, there is some variation between the recommendations of that independent panel and the proposals contained in the Bill.

It is difficult to understand, from an examination of the two schedules—the schedule initially included in the Bill and the schedule proposed to be inserted in the Bill—whether there has been a change to the north-west shoulder of the site. I ask the Minister to clarify that.

Mr MACLELLAN (Berwick)—I support the honourable member for Kew's request of the Minister. Any honourable member who has the list of amendments in his or her hands will understand the problem. It is proposed to amend Schedule 4 by the substitution of a new Part 2, which is shown on the third page of the proposed amendments. The Opposition is not sure whether it is a case of bigger and better or

smaller and more miserable, because measurements have not been provided. In fact, measurements have not been provided for either map.

I do not know whether the schedule contained in the proposed amendment represents exactly what the independent panel recommended, or whether it has been snatched from a $1 million home site. I presume that is not the case; but I shall not rely on that, because the Opposition has not received an adequate explanation thus far. With respect, Mr Chairman, rather than slogging on with the minute detail of proposed amendments, such as the proposed amendment to clause 22—page 5, line 16, omit "or" and insert "of"—that the Committee is dealing with, and then dealing with other amendments, the Minister should explain what the proposed amendments to clause 22 and the following clauses will do.

What they appear to do is to add more land to Yarra Bend Park. I say "what they appear to do", because the map contained in the list of proposed amendments seems to be slightly more generous than the map in Schedule 4 of the Bill. It seems more generous in the area of what is called the nurses home which, if one turns to page 3 of the proposed amendments, is near the figure "60" at the bottom of the map. That appears to be similar in area to the upper part, or the more northerly part, which is situated near the word "road" at the top of the diagram. It may be exactly the same or it may be different.

Even if the degrees and minutes of the angles are not provided, the Committee is entitled to be given a general description of whether the proposed amendments reflect the recommendations of the planning appeals panel, whether they are concoctions of the Major Projects Unit or whether they have been recommended by the City of Kew. The Committee is entitled to be told whose ideas are reflected in the drawing of the boundaries. In other words, the Committee is entitled to be told the drawer of the map and whether it represents the best offer the government is prepared to make in the circumstances.

Mrs SETCHES (Minister for Conservation, Forests and Lands)—The proposed amendments will realign the park boundary near the nurses home area and will transfer additional land to the park. The government recognises that will have a further impact on the revenue that will be raised from the sale of land, because the entire nurses home site is to be included in the Yarra Bend Park.

The amendments were drafted after discussions with the Kew City Council. As I understand it, the proposed amendments are not entirely in accordance with the recommendations of the review panel. That information could be gained by discussing the matter with the council; certainly it is no secret. There has been a great deal of discussion about the matter.

In answer to the honourable member's request, it is clear that there will be no change to the upper area but that change will certainly occur in the lower area.

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

Clause 23

Mrs SETCHES (Minister for Conservation, Forests and Lands)—I move:

19. Clause 23, page 6, lines 14–15, omit proposed paragraph (*f*).

20. Clause 23, page 6, line 16, omit "(*g*)" and insert "(*f*)".

21. Clause 23, page 6, line 18, omit "(*h*)" and insert "(*g*)".

22. Clause 23, page 6, line 20, omit "(*i*)" and insert "(*h*)".

23. Clause 23, page 6, line 20, omit "22" and insert "17".

24. Clause 23, page 6, after line 22 insert—

"(*i*) the land shown cross-hatched on the plan in the Schedule to the *Kew Lands (Grant Amendment) Act* 1968; and".

25. Clause 23, page 6, line 38, omit "22" and insert "17".

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

Clause 24

Mrs SETCHES (Minister for Conservation, Forests and Lands)—I move:

26. Clause 24, line 9, omit "22" and insert "17".

27. Clause 24, line 11, omit "22" and insert "17".

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

Clause 25

Mrs SETCHES (Minister for Conservation, Forests and Lands)—I move:

28. Clause 25, line 21, omit "22" and insert "17".

29. Clause 25, line 28, omit "land" (where secondly occurring) and insert "plan".

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

Clause 26

Mrs SETCHES (Minister for Conservation, Forests and Lands)—I move:

30. Clause 26, line 34, omit "22" and insert "17".

31. Clause 26, line 39, omit "22" and insert "17".

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

Clause 27

Mrs SETCHES (Minister for Conservation, Forests and Lands)—I move:

32. Clause 27, line 5, omit "this Act" and insert "Part 8".

33. Clause 27, line 6, omit "4" and insert "3".

The amendments were agreed to, and the clause, as amended, was adopted, as were clauses 28 and 29.

Clause 30

Mrs SETCHES (Minister for Conservation, Forests and Lands)—I move:

34. Clause 30, line 18, omit sub-clause (3).

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

Schedule 1

Mrs SETCHES (Minister for Conservation, Forests and Lands)—I move:

35. Schedule 1, item 5, omit this item.

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

Schedule 2

Mrs SETCHES (Minister for Conservation, Forests and Lands)—I move:

36. Schedule 2, item 2, omit "1959" and insert "1950".

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

Schedule 3

Mrs SETCHES (Minister for Conservation, Forests and Lands)—I move:

37. Schedule 3, Part 1, omit item 1.
38. Schedule 3, Part 1, item 2, omit "Part 3" and insert "Part 2".
39. Schedule 3, Part 1, item 3, omit "Part 4" and insert "Part 3".
40. Schedule 3, Part 2, omit this Part.
41. Schedule 3, heading to Part 3, omit "3" and insert "2".
42. Schedule 3, Part 3, omit "Item 2" and insert "Item 1".
43. Schedule 3, heading to Part 4, omit "4" and insert "3".
44. Schedule 3, Part 4, omit "Item 3" and insert "Item 2".

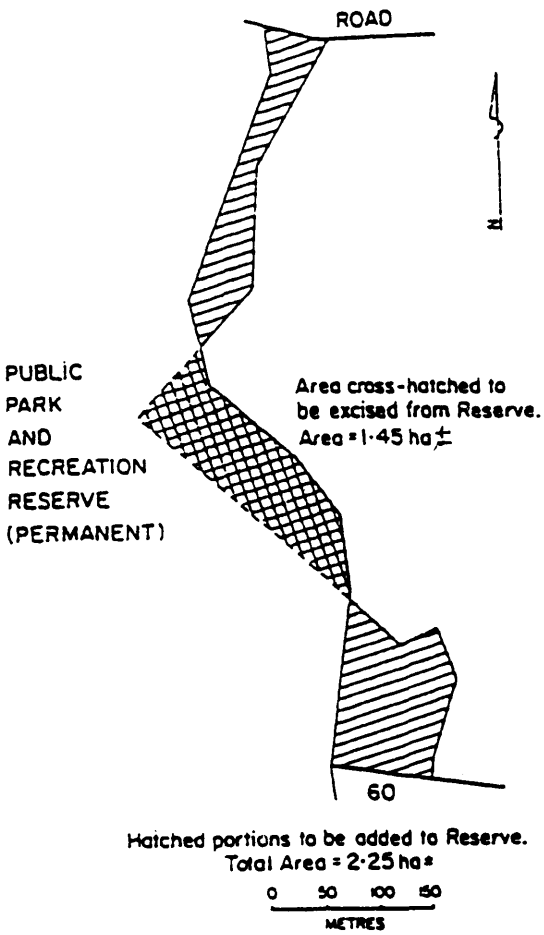
The amendments were agreed to, and the schedule, as amended, was adopted.

Schedule 4

Mrs SETCHES (Minister for Conservation, Forests and Lands)—I move:

45. Schedule 4, Part 2, omit this Part and insert—

"PART 2



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

Title

Mrs SETCHES (Minister for Conservation, Forests and Lands)—I move:

46. Long Title, omit ", the *Wangaratta Lands Act* 1933 and the *Melbourne (Veterinary School) Lands Act* 1970" and insert "and the *Wangaratta Lands Act* 1933".

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

The Bill was reported to the House with amendments, including an amended title, and the amendments were adopted.

Mrs SETCHES (Minister for Conservation, Forests and Lands)—I move:

That this Bill be now read a third time.

Mr PLOWMAN (Evelyn)—Land Bills come to this Parliament on a regular basis. They are normally uncontentious Bills dealing with various packages of land that are managed or owned by the Crown. Generally, they deal with matters that are agreed to by the opposition parties but, on this occasion, there have been 46 government amendments to a Bill, which is an indication of sloppy drafting. The Minister should take heed that the need for 46 amendments to a relatively simple Bill is a direct reflection on the capacity of her department and on the Minister in presenting a simple Bill to this Parliament. The Minister's department is letting her down and she should ask why. It is a poor performance by the Department of Conservation, Forests and Lands in bringing a simple Bill into this place. It is a deplorable reflection on the department and on the Minister.

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

FRANKSTON LANDS BILL

The debate (adjourned from May 4) on the motion of Mrs Setches (Minister for Conservation, Forests and Lands) for the second reading of this Bill was resumed.

Mr WEIDEMAN (Frankston South)—The provisions of the Frankston Lands Bill were taken out of the Land (Miscellaneous Matters) Bill because the Frankston Lands Bill was a private Bill based on the assumption that it would give the Frankston Football Club the capacity to use the land concerned for profit. I understand that in August 1986 the City of Frankston, on behalf of the Frankston Football Club, requested that the club have a 21-year lease to enable it to improve its social club facilities and grandstand.

Most honourable members would appreciate that Frankston is a Victorian Football Association club and has been prominent in the association in recent years. The football ground is a small one, as evidenced by the high scores at the ground. Amenities at the ground have been improved, and in 1986 a 21-year lease was required, pursuant to section 17D of the Crown Land (Reserves) Act. The lease was prepared and it was found necessary to bring this Bill before the Parliament.

In her second-reading speech, the Minister said:

The existing facilities are substandard and the football club has applied to the City of Frankston, as the committee of management of the area, for a permit to undertake substantial redevelopment of the area.

The council has spent more than $150 000 in extending the playing surface and other facilities at the ground. A considerable portion of the $450 000 claimed for general landscaping has already been expended. In 1986 the football club intended to use the clubhouse for other activities, such as bingo and discos, to raise funds but has now decided in favour of a lesser proposal.

The City of Frankston is concerned about the preamble of the Bill, which states:

> Certain lands at Frankston are used by the Frankston Football Club and permanently reserved under the Crown Land (Reserves) Act 1978 as a site for a public park . . .

The Frankston City Council believes the words "sporting and recreational activities" should be incorporated in that preamble as the ground is not wholly and solely used by the Victorian Football Association.

The SPEAKER—Order! The time appointed by Sessional Orders for me to interrupt business has now arrived.

On the motion of Mr ROPER (Minister for Planning and Environment), the sitting was continued.

Mr WEIDEMAN (Frankston South)—The activities conducted at the ground are not only football activities. I point out to the Minister for Conservation, Forests and Lands and the government that the council sees its role more as being the manager of the area. The lease will apply not only to the football club and its activities. The honourable member for Frankston North and I are well aware that other activities take place at the ground.

Mr Plowman—A small boy named James Plowman used the ground!

Mr WEIDEMAN—I am reminded that a small boy called James Plowman and his family used that ground. The Plowman family live close to the ground in Plowman Place, which is listed in the schedule of the Bill. I inform the House that Plowman Place is named after Dr Plowman and his family. The honourable member for Evelyn is a member of that family, and Frankston was his home for a number of years.

Initially the football club thought that, when the bingo operation conducted at the RSL club was closed down, the site would be used as offices for the Commonwealth Public Service and that the bingo operation would move into reserve facilities provided by the football club. However, the operator has purchased another building in Frankston, so that will not occur. Nevertheless, this facility is available to the community and it will be used to generate funds for the operation of the Frankston Football Club.

The council lease will make it clear that the grounds will be used not only for football activities but also for other sporting and recreational activities. I understand that consideration has been given to the ground being used for cricket, either this summer or the following summer at the subdistrict level, which would make the ground a dual-use facility, as are many VFA grounds.

I first saw the Bill when it was introduced into the House a fortnight ago. However, the Frankston City Council was aware of the provisions of the Bill before then. The council has no objection to the Bill being passed, except that it wants to ensure that it has control of the management of the site. I commend the Bill and wish it a speedy passage.

Mrs SETCHES (Minister for Conservation, Forests and Lands)—I thank the honourable member for Frankston South for his comments and especially for his understanding of the need for the speedy passage of the Bill. I am grateful that the foreshadowed amendment proposed by the Opposition will be moved in the Upper House so that the Bill can quickly pass through Parliament. The Bill, when adopted, will adequately meet the needs of both the Frankston City Council and the Frankston Football Club.

The motion was agreed to.

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

VALUATION OF LAND (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.

SECOND-HAND DEALERS AND PAWNBROKERS BILL

The debate (adjourned from April 20) on the motion of Mr McCutcheon (Attorney-General) for the second reading of this Bill was resumed.

Mrs WADE (Kew)—In his second-reading speech the Attorney-General described the Bill as a substantial reform of the law governing the regulation of second-hand dealers and pawnbrokers. The Bill covers three Acts: the Second-hand Dealers Act, the Pawnbrokers Act and the Marine Stores and Old Metals Act.

In the Kew electorate I have come across a wide range of second-hand dealers selling antique furniture and furniture that is not antique but second-hand, and a substantial number of second-hand clothing stores.

The Attorney-General also stated that the Bill will implement the thrust of proposals of a discussion paper issued jointly by the Victorian Law Reform Commission and the Regulation Review Unit as part of the reference the government has given them to inquire into occupational regulation.

The discussion paper proposed the continuation of the regulation of pawnbrokers and second-hand dealers. Page 8 of the report states:

> There is a case for continuing to regulate specifically second-hand dealing and pawnbroking. The case rests principally on the crime prevention ground, with the additional consideration of consumer protection in relation to pawnbroking.

Draft recommendation 2 of the discussion paper states that the government should:

> Continue to regulate the occupations of buying and selling second-hand goods. The regulation should not apply to new marine stores or to other goods which have not previously been used. Continue to specifically regulate pawnbroking.

However, the Victorian Law Reform Commission and the Regulation Review Unit did not consider that the licensing system now applying to second-hand dealers, pawnbrokers and dealers in marine stores and old metals should continue. They recommend that the licensing system be abandoned.

The Bill provides for a licensing system. It is not a system along the lines of the existing system where applications are made to a Magistrates Court and licences are issued by the court. In future, applications and licences will be dealt with by municipal councils. It is proposed that there will be three types of licences, which are set out in clause 5.

There will be a second-hand dealer's business premises licence which will authorise the holder to act as a second-hand dealer at the premises specified in the licence. Alternatively, a dealer can apply for a second-hand dealer's market licence which will authorise the holder to act as a second-hand dealer at any market in Victoria; the application is to be made to the municipal council in whose district the first market at which the dealer intends to operate is situated. Also, an application for a pawnbroker's business premises licence may be granted, which will authorise the holder to act as a pawnbroker at the premises specified in the licence.

Prior to considering an application for a licence the municipal council must give notice to the local police. On considering the application the municipal council must be satisfied that the applicant is a fit and proper person to hold a licence. In giving consideration to that the municipal council may hear evidence from the police. The council also has to be satisfied that the licensed premises will comply with any relevant planning scheme and that the applicant has applied for the licence in the appropriate form under the Act, and has paid the appropriate fee.

Following the issue of a licence the council has the power to revoke a licence, and that application may be initiated by the council itself or by the police. A licence may be revoked if a licensee is guilty of an offence against the Act or of any offence involving dishonesty. The relevant council may revoke the licence if satisfied that the licensee has acted as a second-hand dealer or as a pawnbroker otherwise than as authorised by the licence or if the licensee has failed to comply with a condition of the licence or if it is found that the licensee or, in the case of a body corporate, a director or the nominee is otherwise no longer a fit and proper person to act as a second-hand dealer or as a pawnbroker.

The basis of both the licence application and the revocation of licence provisions is to ensure that criminal elements do not enter into this industry. In this instance, the Opposition considers the government's departure from the recommendations of the Law Reform Commission and the Regulations Review Unit to be sensible. It is of great concern to the police and also of concern to legitimate dealers that criminal elements not be attracted to the second-hand dealing or pawnbroking businesses.

Without a licensing system it would be difficult for the police to control the sale of stolen goods. As well as feedback from the police, who have no problems with the provisions of the Bill, I have had some contact from second-hand dealers both within the electorate I represent and outside it, and they certainly support a licensing system.

It is a type of licensing system which does not amount to a closed shop, which, of course, the Opposition would not support. It would keep out criminal elements and fly-by-night operators which give the industry a bad name. Generally speaking, I found that second-hand dealers and members of second-hand dealers organisations, in particular, antique dealers organisations are happy with the provisions of the Bill which are directed at preventing the sale of stolen goods. I refer in particular to clause 19 which requires a second-hand dealer or pawnbroker to take reasonable steps to ascertain and verify the identity of every person from whom the dealer or pawnbroker receives second-hand goods. It is important that that be done.

This is, in fact, presently done by legitimate dealers. They are required to keep records showing from whom they have bought second-hand goods. It is an obligation not only on the dealer but also on the person selling because if a person wanting to sell goods is not able to verify his identity he will not be able to sell his second-hand goods. There is also an obligation under the provisions of the Bill for dealers and pawnbrokers to keep records of the people from whom they receive goods and that is similar to the present provisions. There can be no argument with these requirements.

However, there is one aspect of the Bill which concerns a number of dealers and, in particular, I have had approaches from dealers who operate in the electorate I represent who are concerned about the requirement that goods be kept for seven days before they can be sold.

The present requirement is that they should be kept for four days. There may be circumstances—and I am sure there are—in which the seven-day requirement is reasonable but a number of people dealing in second-hand clothes on a consignment basis have approached me about the clause. Many of these people selling second-hand

clothes describe them as designer clothes. People have bought them and then found that they do not suit them and so they are sold to people who could perhaps not afford designer clothes. This is obviously a useful service to the community, and it is one that could come in useful for some members of Parliament who need to keep up appearances!

These clothes are not purchased immediately from the seller. Apparently they are generally acquired on a consignment basis. By that I mean that if one has clothes one is no longer wearing, one takes them to this type of shop and enters into an arrangement with the owner so that the clothes will be kept for two months. If, after that time, the shopkeeper is unable to sell them, the person gets them back and then has to find other means of disposing of them.

In those circumstances the people will not be dealing in stolen clothes because obviously someone who has stolen clothes will not leave them for two months and then return to pick up the money or retrieve the clothes. I understand it is difficult when these clothes are in the shop and, upon finding that someone has taken a liking to a particular piece of clothing, the shopkeeper has to explain that they are not available for seven days, and this will be quite a problem for this type of business.

Each of the people who approached me on that point—and there were a number of them—said that they did not deal in the sorts of clothes that are normally a problem in the stolen clothes area. They do not, for example, sell furs. Some of the other people who approached me on this point were dealers in second-hand furniture, and I am talking about the type of furniture that is not antique furniture.

I should like to try to convince the Minister to consider an exemption for these people by reading from a letter I received from a second-hand furniture dealer in the Kew area. He said this provision is "absolutely stupid":

> In my particular case I sell a lot of goods on consignment. Once again nobody is going to leave stolen goods with the dealer when they would presumably want money straight away. Mrs Wade, I also stress that the majority of second-hand dealers only have small premises and in the majority of cases they are handling large pieces of furniture—wardrobes, dressing tables, tables, lounge suites etc. I myself have had as many as two and three truck loads come in in a week. If we have to keep all our stock for seven days it is going to create a nightmare of record keeping, dead stock, angry buying public and loss of sales, for example, "I would like to buy that item now and take it home with me—not in seven days time" will be a much heard retort after, "sorry, I can't sell that item to you for seven days, Madam".

This does present a problem in these sorts of businesses, and I suggest to the Minister that there should be a provision for regulations exempting businesses of this kind which are really not a problem so far as stolen goods are concerned.

It may be that the regulation-making powers are intended to cover this particular difficulty but it is not clear to me that they do so, and I ask the Minister to consider, between here and another place, whether an amendment to the regulation-making powers is required in order that this sort of problem can be overcome.

I point out to him that these sorts of items—second-hand clothing and large items of furniture—are not major items of concern in the stolen goods area. The particular second-hand dealer who wrote to me about his wardrobes and dressing tables said that the major problem is with television sets, video tape recorders, items of jewellery, cameras, coins, medals, stamps, furs, sterling silverware, power tools, radio cassettes, paintings and so on.

That is consistent with police records, which show that the most frequently stolen items are cash, video recorders and television sets, which account for 32 per cent of the total, followed by miscellaneous jewellery, rings, watches, power tools, radio cassettes and other electrical items.

Two other matters have been raised by second-hand dealers, and I direct them to the attention of the Attorney-General. They both relate to the provisions of clause 10. Firstly, clause 10 (5) provides that councils must take into account the fact that an application is made as required by the Act, that the applicant is a fit and proper person, and that the proposed activity complies with planning schemes. Having proved all that, the subclause provides that the council may grant a licence. That appears to be an error and perhaps the word "may" should be "must". If an applicant complies with the provisions of clause 10 (5) extraneous considerations should not be taken into account.

Dangers are involved in permitting councils to take other considerations into account. It may well be that, in an area where there are a number of antique or second-hand clothing shops, there is pressure on councils not to permit another person to open a similar business. That would be wrong; the Bill is not intended to regulate that type of action. The Bill is about ensuring that second-hand dealers and pawnbrokers are fit and proper people to be involved in that area and that they comply with the law. A council should not take into account matters that are not relevant to the Bill. I ask the Attorney-General to consider whether the word "may" in the second line of clause 10 (5) should be "must".

Clause 10 (7) provides that a licence is subject to: the condition that a licensee should comply with the Act and the regulations and any planning law and scheme; any prescribed conditions; and any other conditions imposed by the relevant council. I believe that goes too far. The Bill deals with such matters as second-hand dealers keeping proper records and keeping goods for however many days they are required to. If a licensee complies with those provisions, I see no reason why other conditions should be imposed.

The final matter I mention is my concern at the way the Bill has been handled. I have received a number of letters from different councils, again including councils in the electorate I represent. They have complained about not being consulted about the Bill prior to its being introduced to Parliament. Apparently the Municipal Association of Victoria had some involvement in the early stages of the preparation of the Bill but had no participation in the later stages.

I am told by the Municipal Association of Victoria that prior to the Bill being introduced to Parliament it had no opportunity of obtaining comments from councils. I have some sympathy for councils in this State. They are increasingly being given additional duties that are not necessarily accompanied by appropriate funding. The Bill empowers councils to set fees, and one assumes the fees will relate to the costs of administering the scheme. However, the Bill also allows the government to set a maximum fee, and it is not clear how that will be established. It is impossible for councils to know whether they can set fees to cover costs. The Bill should have been properly discussed and appropriate mechanisms for setting fees should have been established. Councils should have had an input into the process of setting the fees before the Bill was introduced.

I trust the Attorney-General will consider the matters raised by the Opposition, which are directed at a more efficient and equitable administration of the Bill. I trust those matters will be satisfactorily addressed when the Bill is between here and another place.

Mr ROSS-EDWARDS (Shepparton)—The National Party does not oppose the Bill, but it is not enthusiastic about it. Everyone agrees that the present legislation must be changed because it is out of date and impractical. It intrigues me that because the courts are overloaded with applications the Attorney-General is handing this

matter over to local government. The matter is taking up the time of magistrates and court staff so the Attorney-General is passing the responsibility to local government.

A criticism of local government is that its administration is becoming top heavy; the overheads of local government are increasing all the time. Even the smallest shire council has an assistant shire secretary and an assistant shire engineer. All sorts of new jobs are being created. This Bill hands over to local government a court function that has nothing to do with local government, and that fascinates me.

Until now the conditions for obtaining a second-hand dealer's licence have been consistent, but the Bill gives local government the discretion to impose conditions as it sees fit. If one applies for a second-hand dealer's licence with one council, one is likely to be treated differently from how one would be treated by a neighbouring council. That is incredible.

The National Party agrees with the government and the Liberal Party that second-hand dealers should be registered. Much stolen property is passed through the second-hand market and it is my belief that the amount of stolen property is increasing every year. Law and order in this State has collapsed, and the government has made a decision to lump the responsibility on local government. The honourable member for Kew explained that the Bill has not been discussed with councils and that they have not had the opportunity of making their views known.

The Bill places more responsibility on second-hand dealers to identify the persons with whom they do business. According to the Bill, every effort must be made to ensure that one is not dealing with stolen property. The Bill certainly puts a greater obligation on second-hand dealers. If a person believes his or her goods are being held by a second-hand dealer, he or she can take action through the Magistrates Court to recover the goods.

A second-hand dealer currently must keep goods for 4 days, and the Bill extends that period to 7 days. That can be increased by the Victoria Police, if it so desires, to 21 days and, if a further application is made, the period can be increased by an additional 21 days.

The honourable member for Kew made a submission that seven days might be an appropriate time for some types of goods. However, with other goods where one is depending on a quick turnover—say, in respect of clothing which comes from a factory with a sale needing to take place quickly so that the goods can be turned into cash—four days would seem to be sufficient.

However, it is an interesting piece of proposed legislation. It is an attempt to improve the Second-hand Dealers Act and the Pawnbrokers Act. I am not satisfied that it will achieve what it sets out to do, but my greatest worry is that local government will be burdened with work that I believe has nothing whatsoever to do with local government, and we will have inconsistency between councils which, fortunately, we have not at present, when matters are dealt with by the Magistrates Court.

Mr E. R. SMITH (Glen Waverley)—There has been a crying need for some years for proposed legislation to control second-hand dealers and pawnbrokers. The police have continually advised the Opposition that the proposed legislation was necessary, and I remember a couple of years ago a constituent complaining of a burglary which the police investigated. Two days after the burglary the goods and jewellery that had been stolen were located in a second-hand business two or three suburbs away from Glen Waverley. The police advised the constituent that the goods were in the particular shop and the constituent went to collect them, only to be told by the second-hand

dealer that the title had passed to that particular dealer and the only way the constituent could recover the material was to buy back her own property from the dealer.

My constituent was outraged at this but, as the second-hand dealer pointed out, since she was insured, all she had to do was to buy back her goods and claim them on her insurance. This seems absolutely outrageous. The matter was highlighted in the local papers and, interestingly enough, even *Truth* took up the story. I telephoned the police and asked why they could not proceed. They said there was inadequate legislation in place for them to do so.

As the honourable member for Shepparton pointed out, the Bill tries to rectify the problem. However, as a lawyer, the honourable member for Shepparton is not sure that it does so. I am equally unsure whether it does so. When I examine clause 19 I consider it does not fully achieve what the Bill sets out to achieve. I ask the Attorney-General to take particular notice of clause 19 which states:

> A second-hand dealer or pawnbroker must take reasonable steps to ascertain and verify the identity of every person from whom the dealer or pawnbroker receives second-hand goods.

I do not really believe that fully satisfies the police. The passing of title is a big factor to be considered. In the case I referred to earlier involving the burglar and the second-hand dealer, penalties would be involved. However, I have not fully ascertained from the police whether they find the clause satisfactory. The lawyers I have spoken to to date seem to think the provision should be tighter because the government is attempting to overcome a shortfall in the legal system. It must be remembered that the police are very short staffed in that section. The police point out that the majority of second-hand dealers and pawnbrokers conduct honest businesses but there are some they continually have to keep their eyes on, and the police do not have the manpower to follow through to ascertain whether stolen goods are on the premises.

In other words, in respect of the case I mentioned earlier, the police did not have the facilities to fully trace back the woman's jewellery. She was obliged, as are most people who are insured, to buy the goods back and claim for them on her insurance. The constituent got her goods back, but it was a cost against the insurance company and that means the rest of the community is paying. That is an area that should be tightened up so that there is no way the title can pass from the thief to the second-hand dealer or pawnbroker.

The Liberal Party is flattered in that proposed legislation such as this was one of the provisions in its law and order policy at the last election. I congratulate the Attorney-General who has taken our lead, read through the policy and, indeed, lifted out the type of provisions and policies that the Liberal Party is advocating. Whether those provisions will fully work for the police as they would hope remains to be seen.

I also share the concern of the honourable member for Shepparton that the provisions regarding local government are probably inappropriate. It is not the sort of Bill that the Liberal Party would oppose; it is something the government will have to live with. However, it hardly seems appropriate to be passing this type of law enforcement on to local government to carry out.

It is a cop-out from the government's own direct control. It should be, to my way of thinking, fully administered by the police. Police numbers should be increased so that they can handle such problems.

In conclusion, I direct the attention of the Attorney-General to clause 19 dealing with the identification of persons selling or pawning goods. This is the key to the success of the Bill from the police point of view. The police are extremely anxious to help retrieve stolen goods and to prosecute where those goods have been purchased

by second-hand dealers or pawnbrokers. Let us hope the provision will give the police the effective powers that they have been requesting for such a considerable period.

Mr JASPER (Murray Valley)—I am concerned about Part 3 of the proposed legislation, particularly as it relates to the conduct of business. I understand the implications of the proposed legislation and how the government wants to establish the rights of and appropriate fees to be charged by second-hand dealers and pawnbrokers. That has been a matter of concern because of varying Acts and regulations associated with them.

A number of people have expressed concern to me about Part 3 concerning the conduct of business. I endorse the remarks of the previous speaker about the fact that second-hand dealers or pawnbrokers must take reasonable steps to ascertain and verify the identity of every person from whom they receive second-hand goods.

We need an interpretation of the words "reasonable steps". What do "reasonable steps" entail? How does the dealer determine what reasonable steps are to be taken? A registered second-hand dealer or pawnbroker may buy goods in good faith, but the clause carries a penalty of $2000 or twenty penalty units. That matter is of concern to the people who may be genuinely operating as second-hand dealers.

Clause 20 provides for the recording of transactions. Difficulty could be caused for many people operating as second-hand dealers because of the provisions of the clause which states:

> A second-hand dealer or pawnbroker must keep, in the form and containing the information required by the regulations, accurate and complete records of every transaction by which the dealer or pawnbroker receives second-hand goods.
>
> Penalty: 20 penalty units

Again there is a maximum penalty up to $2000. We have no idea what the regulations will be and that is a concern for those people involved in the industry. Obviously the regulation-making powers contained in clause 31 are wide. The government will be prescribing and developing regulations which, of course, will be subject to a regulatory impact statement under the Subordinate Legislation Act and review by the Subordinate Legislation Subcommittee of the Legal and Constitutional Committee.

The clause does not indicate how the government will act under the proposed legislation. Clause 21 provides for the retaining of goods for seven days. It states:

> For 7 days after receiving second-hand goods a second-hand dealer or pawnbroker must keep the goods in the form in which they were received and without disposing of them in any way.
>
> Penalty: 20 penalty units.

Concern has been expressed to me about that clause. Clause 22 (2) provides:

> A second-hand dealer or pawnbroker who suspects for any reason that goods in his or her possession or which he or she receives may have been stolen must immediately inform a member of the police force.
>
> Penalty applying to this sub-section: 20 penalty units.

I ask the Minister to put himself in the position of a second-hand dealer or a pawnbroker and consider what steps he should take to ensure that goods are genuinely owned by a person disposing of them. That matter was directed to my attention by Mr Keith McPhail of Wangaratta. In his letter to me he said that he had examined the proposed legislation and the second-reading speech I had sent him and he asked about a matter which I hope the Minister will explain, the maximum fee that might be charged—the honourable member for Shepparton also raised this point—and payable to local government. Is that fee to be set by the council or by the government? I assume by

examining clause 31 which provides for the regulation-making powers that the fee would be set by regulation. Clause 31 in part states:

(*d*) prescribing maximum fees . . .

It is reasonable to ascertain by that provision that fees would be set by regulation and a standard would be set for councils across Victoria.

Mr McCutcheon interjected.

Mr JASPER—The Minister indicates by way of interjection that the maximum fees will be set by regulation but it would then be up to each council. I assume from the comments made by the Minister that councils across the State would have varying fees for second-hand dealers and pawnbroker registrations. That will concern the people operating in the industry.

Mr McPhail referred to the matter of retaining goods for seven days:

After buying goods, it is recommended that the second-hand dealer be required to keep the goods for seven days before selling them. I feel this is excessive as it would be a nightmare trying to keep track of what you could sell and when.

The Minister might say that second-hand dealers should mark the articles on the day they come in and hold them for seven days before selling them; however, the people operating in the industry in country areas must travel to Melbourne early in the week to attend sales in order to buy goods and return to their businesses in the country. This is the situation with Mr McPhail in Wangaratta. Obviously he would want to sell those goods as quickly as possible to get his turnover and make a profit. He many not wish to hold those goods for seven days before he sells them; also he may have bought articles specifically for a particular buyer or retailer. He buys goods early in the week but under the Bill he would not be able to dispose of those goods until the following week. I suggest that the Minister examine this area because Mr McPhail believes seven days is too long. It might be a nightmare to keep the appropriate records.

In relation to clause 22 (2) Mr McPhail states:

It is not clear to me as to the repercussions of buying goods that are unknowingly stolen or unpaid for e.g. owned by finance company. If retrieved by owner (through the proper channels) what compensation do we get—do we lose our money?

Does the second-hand dealer lose the money straight away because he has not been able to determine when he purchased the goods in Melbourne or in some other place away from his premises that the goods were stolen? Clause 22 (2) places an onerous task on dealers when it states:

A second-hand dealer or pawnbroker who suspects . . . that goods in his . . . possession are stolen . . .

How does the dealer determine that? It is all right for the Minister to say that the dealer must determine that. The provisions make it difficult for people to comply with regulations.

Mr McPhail also refers to garage sales which are prevalent currently. We do not want to give garages a bad name, but garage sales have become popular; one often sees them advertised in the cities and towns. A sign will direct one to a garage sale and there on the front lawn are second-hand articles that have nothing to do with the motor industry—I make that point for those honourable members who do not understand about garage sales. When referring to garage sales Mr McPhail states:

As far as I know, there are no legislation, council fees, or control over them. Yet, it would be very easy for stolen goods to be handled in this way. Some people are known to have them every week.

Garage sales are being held all the time. People enjoy selling the goods they advertise in that way. Markets are another popular area for selling second-hand goods. Fairs are

held in small country towns and bigger centres, but what controls are there over the sale of products, often craft goods produced by the stall holders? Also many goods are purchased and resold through those country fairs. How far does the proposed legislation go to provide protection in this area?

The concerns I have raised are those from people who are operating in a business and who wish to ensure that second-hand dealers and pawnbrokers are registered correctly and are operating within the law. However, the Minister should carefully examine Part 3 of the Bill to ascertain how far it will go in imposing conditions on people who are genuinely involved in the industry, who are honest and performing a service in the area and making a profit also. That is a reasonable objective.

I am concerned about some of the implications of the proposed legislation. The National Party wants an explanation from the Minister either now or while the Bill is between here and another place. The National Party in another place will give this matter further consideration and will determine what should be done to represent most effectively the people operating in this industry.

Mr J. F. McGRATH (Warrnambool)—Being the holder of a second-hand dealer's licence, I wonder whether the people drafting the Bill really took the time to speak to those at the coalface about the effects of the Bill. However, some of the innovations in the Bill are worthwhile. For instance, the three-year term of the licence is much better than the term provided for in the principal Act.

Clause 19 requires a second-hand dealer or pawnbroker to take reasonable steps to ascertain and verify the identity of a person from whom he or she receives second-hand goods. In the industry in which my dealer's licence was effective no problem was experienced in that regard because a special system was followed and that system was checked regularly by the police to ensure that our books and ticketing system were in order. However, I understand that other areas of business may have problems in this regard.

The penalty applying to clause 19 is $2000. That is a significant amount when one considers that some holders of second-hand dealers licences may not be dealing with goods of any significant value. Other dealers deal with goods worth thousands of dollars and I appreciate that a substantial fine is necessary to control any dishonest elements in the trade. I am sure that dishonest dealers would be in the minority.

Clause 20 relates to the keeping of accurate and complete records. The honourable member for Murray Valley referred to clause 31 of the Bill, which will provide for a broad range of regulations. Those regulations will relate to the records to be kept by second-hand dealers and again the fine is $2000. That clause will place an onerous responsibility on second-hand dealers and, for that reason, we are entitled to know what the regulations contemplated by that clause will be.

Clause 22 relates to a second-hand dealer cooperating with the police if he or she suspects any goods received are stolen. In all my years of dealing with second-hand goods, I only once purchased goods that were in fact stolen. Although I did not suspect them to be stolen at the time I purchased them, when the police gave me a description of the goods I was able to show them the goods, which were still in the store. In fact, I was able to give the police the details of the vehicle number and a description of the person who sold the goods to me. Subsequently the police handled the situation. Fortunately I had kept complete records. Perhaps not everybody is in a position to do that; and if that sort of situation did arise it is not right for that person to be fined such a large amount as $2000.

Although I realise the need for control of the industry, small business should not be tied up with bureaucratic red tape, which is what the Bill will do. I ask the Minister to

respond to my comments because of the severe impact the Bill will have on the small business community. My concerns are based on my practical experience as a second-hand dealer.

Mr McCUTCHEON (Attorney-General)—I thank honourable members for their contributions to the debate. Four issues were raised by speakers collectively. One related to the keeping of goods for seven days. The current requirement is four days. The police expressed the view that seven days is a more practical period from their point of view in getting around and checking second-hand dealers for stolen goods. A balance must be made between the inconvenience to the dealer and the resources of the police required to check stolen goods.

As the honourable member for Warrnambool should realise, it is the responsibility of the police to pay regular calls on second-hand dealers and to check whether any goods held by dealers are on the police lists of reported stolen property. The police requested the seven-day period and I believe it is not an unmanageable request.

The honourable member for Murray Valley spoke at some length about a dealer who had written to him. A general overview of the situation must be taken, rather than one particular person's view. The way a dealer acquires goods, puts them on the market and sells them is a matter of organising stock. I am sure that that stock can be organised for sale in seven days rather than for sale in four days. As the honourable member for Warrnambool said, a reliable system of identifying and numbering stock is essential in managing that process.

The honourable member for Glen Waverley raised the question of how a second-hand dealer or pawnbroker ascertains information about goods that are received by him. He suggested that title passes, which I think is actually incorrect. A person whose goods have been stolen and who finds them on display at the premises of a second-hand dealer or pawnbroker cannot, at present, get them back. The Bill makes provision through the Magistrates Court for an owner to actually regain goods that have been stolen and passed on to a second-hand dealer or pawnbroker.

I guess there is a fair bit of precedent in the records that are already kept by pawnbrokers and second-hand dealers to give a fair indication of the sorts of records that need to be kept. There are additional points, such as markings on goods that identify them. It is not practically possible for people who bring along second-hand goods to have the original receipts that indicate their title to them. It is not realistic to expect that ownership can be proved in that way.

Clause 22 (2) provides that if a second-hand dealer or pawnbroker suspects that goods are stolen, he or she must inform the police. There may be some indications, such as markings that have been scratched out or other evidence that someone may have tried to cover up the identity of the goods; there may be some suspicious activities. The provision does not put the onus entirely on the dealer; it states that, where the dealer suspects the goods are stolen, he or she must inform the police. On many occasions, the dealers may not suspect, but where they do suspect, or where it can be shown that the goods have been stolen, if the dealer does not inform the police, he or she is liable to the penalty suggested in that provision.

Speakers from both the Liberal and National parties have indicated that it is important that the passing on of stolen goods through second-hand dealers and pawnbrokers ought to be better controlled. The Bill sets out to do that. It also protects the rights of people who have had goods stolen and provides an avenue for them to reclaim their goods.

It is for both those reasons that I believe the Bill is an improvement on the current situation. I foreshadow that I shall move some minor amendments in the Committee stage.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1

Mr J. F. McGRATH (Warrnambool)—I direct to the Attorney-General's attention an issue that was raised by the honourable member for Murray Valley during the second-reading debate. It is an important issue to which the honourable gentleman did not respond. I refer to garage sales which, as the honourable member for Murray Valley clearly said, are a method that is increasingly being used to dispose of second-hand goods. Garage sales began as a mechanism for clearing out old furniture and so on at home, but if one is observant one will note, when driving around the community, that particular locations have regular garage sales. It is reasonable to assume that those people are the focal point for the disposal of second-hand goods from a collective area.

I, therefore, ask the Attorney-General to explain how he intends to deal with garage sales through the Bill. In fact, the Bill will become a mockery if the Minister intends to deal in one way with small business people who set themselves up in business legitimately, pay all the necessary licensing costs and meet all the other obligations with which they must comply, and yet allow the purposes of the Bill to be subverted by people being able to move stolen goods through the back door, through garage sales. It is not good enough to ignore this issue and I ask the Minister to tell the Committee how he will deal with garage sales.

Mr McCUTCHEON (Attorney-General)—I apologise for not responding to that matter in my closing remarks during the second-reading debate. Garage sales are a one-off activity. If a person held regular garage sales he would come under the provisions of clause 3, where the definition of "second-hand dealer" is a person who carries on the business of buying, selling, exchanging and otherwise dealing in second-hand goods. An unlicensed person is subject to the provisions of the Act. In other words, only persons who have regular garage sales must apply for licences.

The clause was agreed to, as was clause 2.

Clause 3

Mr McCUTCHEON (Attorney-General)—I move:

1. Clause 3, line 4, after "3." insert "(1)".
2. Clause 3, after line 15 insert—

'(2) For the purposes of this Act—

(*a*) a person shall be deemed to have advanced money on the security of pledged goods, and to have received the goods in pawn, if he or she receives them under a contract for their sale by which he or she gives the vendor the option of buying them back within a set period for the price for which they are sold (the "contract price") plus an amount in consideration of the option (the "premium"); and

(*b*) in such a case, the contract price shall be deemed to be the principal sum advanced and the premium shall be deemed to be the total amount of interest payable.'.

Amendment No. 2 inserts the words set out in the amendment, which are basically the same words that appear in clause 23 (5) on page 9. A subsequent amendment deletes the wording set out in clause 23 and relates it to the definition provisions of the Bill.

Mr CLARK (Balwyn)—I express some concern about the effectiveness of the drafting of the amendment. I had a similar concern about the effectiveness of the drafting of clause 23 (5).

The clause contemplates a particular structure of a contract under which a second-hand dealer or a pawnbroker would receive goods from a person. It contemplates a structure under which the dealer would buy the goods under one contract and under the same contract give the vendor an option of buying back the goods within a set period for the price at which they were purchased plus an amount in consideration of the option.

That is a tight specification of the sort of arrangement to which the clause is intended to apply. The worry is that if those particular arrangements are not followed by a second-hand dealer—in other words, if he enters into the contract in some other form—the clause will not apply and the provision will be ineffective.

The reference to a premium is very strange. Normally when one gives a premium for an option one gives that premium at the time the option is given. It is not a sum that one pays at the time of exercising the option and it is, therefore, odd to say that the difference between the price for which the goods were purchased and the price for which they were bought back can be regarded in some way as a consideration for the option to buy the goods back.

In most circumstances what will happen is that the second-hand dealer will simply purchase the goods at one price and give the consumer the right to buy them back at another price, without dividing up the repurchase price into the original purchase price on the one hand and a premium on the other hand.

To overcome these difficulties the clause should say something to the effect that the person is deemed to have advanced money on the security of pawned goods if he or she receives goods under a contract of sale under or in conjunction with which he or she gives the vendor the right to repurchase the goods. These are the circumstances to which the clause is intended to relate.

The clause could continue to the effect that in such a case the net price at which the goods were sold shall be deemed to be the principal sum and the difference between the price at which the goods may be repurchased and the net price for which the goods were sold shall be deemed to be the interest payable. That is the intention of the clause and it may be that a court could give it that meaning, but it is better not to force the courts to interpret a clause when it can be rephrased in this Chamber.

Mr McCUTCHEON (Attorney-General)—In response to the comments of the honourable member for Balwyn, may I suggest that they be discussed while the Bill is between here and another place? It is hard to deal with the wording on the spot and I should like to consider the modification at that time, when the Bill can perhaps be adjusted.

The amendments were agreed to, and the clause, as amended, was adopted, as were clauses 4 to 6.

Clause 7

Mr McCUTCHEON (Attorney-General)—I move:

3. Clause 7, line 24, omit "Act" and insert "Part".

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 8 and 9.

Clause 10

Mr McCUTCHEON (Attorney-General)—I move:

4. Clause 10, line 21, omit "may" and insert "must".

The amendment takes up the recommendation of the honourable member for Kew.

Mrs WADE (Kew)—I thank the Attorney-General for taking up the suggestion. I must say I had begun to despair. I made the suggestion a couple of weeks ago and I understood that the Attorney-General was going to get back to me on it. When it was not included in his response, I thought my request had fallen on stoney ground. I am pleased that the point has been taken up.

I ask that the Attorney-General also consider my suggestion regarding clause 10 (7) while the Bill is between here and another place.

The amendment was agreed to.

Mr CLARK (Balwyn)—I add my thanks to those expressed by the honourable member for Kew for the amendment made by the Attorney-General. I point out that a similar argument applies to clause 13 (2), which relates to a holder of a licence moving business premises, and the Attorney-General might consider that clause.

I add my concern to that expressed by the honourable member for Kew in respect of clause 10 (7) (*c*), which is:

any other conditions imposed by the relevant council.

I hope the Attorney-General will consider dispensing with that paragraph.

I ask the Attorney-General whether he can inform the Committee of the sorts of conditions he has in mind that a council may wish to impose as part of the granting of a licence. Does he envisage conditions relating to the trading hours of the premises, or the way in which goods are displayed, or what have you? I should be interested to know the Attorney-General's thoughts on this because it seems to me that any such conditions as one might speculate on are conditions that would not be appropriate for a council to impose in a licence. They are conditions that would be better left to legislation which relates to shop trading or by-laws about putting things out on the footpath and that sort of thing.

Mr McCUTCHEON (Attorney-General)—There are not a lot of conditions that are appropriate for councils to put on the granting of licences and any conditions are subject to appeal to the Administrative Appeals Tribunal. In the end, there would not be a lot of ground on which to move, but there may be some, and the subclause gives councils some flexibility in granting licences. Where perhaps a second-hand dealer had a conviction for passing on some goods, the council may grant a licence with a restriction that that person can no longer deal in that range of goods.

In other words, a licence would place restrictions on the trading, which is a deterrent, and would allow the person to remain in business. Any conditions that a council determined to apply would be subject to appeal to the Administrative Appeals Tribunal.

The clause, as amended, was adopted, as were clauses 11 to 18.

Clause 19

Mr E. R. SMITH (Glen Waverley)—I take up the point made by the Attorney-General during his summing up: the most important aspect of the policing is identifying a person. That is a rather basic issue, but the point is being missed by the government in this Bill. According to information I am receiving from the police, many second-hand dealers are obliged to accept the name and address given by the person bringing the goods for sale.

As the police have pointed out, quite often a person will turn to a particular page in the telephone directory and select and use any name and address which they give to the second-hand dealer. When the register of second-hand dealers and pawnbrokers is checked, that appears to be a frequent practice. I was saying previously that there must be a positive form of identification and not, as the Attorney-General said, a simple examination of the entries.

The police want the pawnbrokers to have the responsibility for ensuring that the person carrying out the sale to the pawnbroker is the person he or she claims to be. He or she must go to endless trouble to prove it, and it should not be done in the haphazard way in which it has occurred to date, where someone may enter a shop, having lifted a name and address from the top page of the telephone directory. That is not good enough. That is the main point at issue.

Mr ROSS-EDWARDS (Shepparton)—This clause is very important. Its provisions were brought to the Attorney-General's attention during the second-reading debate, but to date he has failed to give any views about the nature of the clause. It is open to many interpretations and I am not sure what it means.

Is the government to apply a greater responsibility than has existed in the past and, if so, in what practical way will that be done? Apparently the government intends to implement the provision by regulation. Why not do it here? This is an example of the government not wanting to front up and spell it out, but wanting to make regulations later.

The Attorney-General should tell the Committee what the regulations will be because, if there is no satisfaction about this, he may run into trouble before the Bill becomes law.

Mr McCUTCHEON (Attorney-General)—I am not sure what the honourable member for Glen Waverley has in mind. At present most second-hand dealers require some identification, like a drivers licence.

Mr E. R. Smith—They do not.

Mr McCUTCHEON—I talked to dealers in my electorate who keep a record of drivers licences. That is an appropriate identification, and better than checking a name in the telephone directory. That proves only that there is a name in that directory.

Mr E. R. Smith—The dealers tell me that is what they do.

Mr McCUTCHEON—Without knowing what is in the regulations, because they have not been drafted, I believe there should be a requirement of that sort, for a positive identification in addition to providing one's name and address, perhaps in the form of a drivers licence or some other card that has a photograph attached or bears some other form of identification.

The clause was agreed to, as were clauses 20 to 22.

Clause 23

Mr McCUTCHEON (Attorney-General)—I move:

5. Clause 23, page 9, lines 1 to 11, omit sub-clause (5).

The amendment was agreed to.

Mr CLARK (Balwyn)—I express concern about clause 23 (4), which provides:

A pawnbroker who advances money on the security of goods received in pawn must serve on the owner of the goods written notice of both the annual and monthly rates of interest that will be charged on the principal sum.

My concern is that the method of calculation of interest rates has been the cause of considerable controversy and cost to people carrying on credit-related businesses, by

virtue of the operations of the Credit Act and because of disputes that have arisen in conjunction with attempts to calculate appropriate rates of interest. It is not clear whether interest rates are to be calculated using a formula under the Credit Act or more simple formulae that were in force before the Credit Act came into operation.

Unless some method of calculating interest rates is specified, some enthusiastic person from a consumer credit legal service may have a go at pawnbrokers for not serving a notice in an appropriate form and will try to exact a penalty from the pawnbroker. Some method of calculation needs to be specified—although I am not particularly concerned what that is—for the protection of pawnbrokers.

By way of contrast, I refer to the provisions contained in the Sale of Land (Amendment) Bill, which would require an annual percentage rate to be set out in certain section 32 statements governing the sale of land. In that Bill is an express reference to the way in which the annual percentage rate is to be calculated. I have grave reservations about the provisions contained in that Bill; I have reservations about whether any annual percentage rate should be required to be expressed in section 32 statements.

However, my point is in other proposed legislation, the government has seen fit to include specifications concerning how an annual percentage rate is to be calculated. The Minister should consider whether a similar specification should be included in this Bill.

Mr McCUTCHEON (Attorney-General)—I refer the honourable member for Balwyn to subclause (2), which provides that a pawnbroker must not charge or receive interest above that specified in section 150A of the Credit Act. That rate of interest is currently 48 per cent. The Law Reform Commission has recommended that interest charges should be deregulated. I understand that in Western Australia interest rates may rise as high as 240 per cent because of deregulation.

Mr Ross-Edwards—We are catching up fast.

Mr McCUTCHEON—A rate of 48 per cent is a good deal lower than 240 per cent.

Mr CLARK (Balwyn)—I suspect the Minister did not understand the point I was making, so I shall attempt to rephrase it. I was not complaining about the particular rate of interest that might be charged. I expressed concern about the manner in which that rate would be specified. In other words, I was asking whether that rate could be calculated simply by taking the difference between the repurchase price and the original purchase price—assuming it was a sale-back arrangement—and multiplying it to convert it to an annual equivalent and dividing that by the principal sum, or whether some discounted cash flow method of calculation would be used, as required by the Credit Act.

A pawnbroker will not know how the sums are to be done unless some method is specified in the Bill. If those sums are not done correctly, I am concerned that a consumer representative will complain.

I take the Minister's point that there is a limit on the maximum rate that can be charged, and that limit is specified in the Credit Act. However, clause 23 (2) does not solve the problem about which I am concerned.

Mr ROSS-EDWARDS (Shepparton)—Clause 23 (1) fascinates me in that all penalties are to be twenty penalty units. Some clauses make serious provisions, but clause 23 (1) states that a pawnbroker must not receive second-hand goods in pawn from a person apparently under sixteen years of age. What "apparently under sixteen years of age" means, I do not know! What happens if one is a couple of months out? The clause states "apparently under" a certain age, not "under" a certain age. If a

penalty is to be imposed, it should not be twenty penalty units. The word "apparently" is beyond my comprehension.

Mr COOPER (Mornington)—The wording of clause 23 (1) and (2) is extraordinary in that it puts a pawnbroker in the situation where he or she has to make a judgment, and if that judgment is wrong on the question of age the pawnbroker will be penalised twenty penalty units, or $2000 as it stands today. There are no ifs or buts about it. The penalty for failing to comply with the clause will be twenty penalty units, and that is it. The Bill requires the pawnbroker to make a judgment on the age of the person.

I do not know who drafted the Bill and I do not know whether the Minister has read it, but I shall be interested to hear his opinion. We are talking about making a judgment on today's youth, on whether people are apparently under the age of sixteen or apparently over the age of sixteen.

If the Minister would like to test himself, I suggest that he walk down Bourke Street at lunchtime and make some guesses about the ages of 20, 30 or 40 youngsters in their teens and then say, "That teenager is under sixteen" and "That teenager is over sixteen".

Mr Ross-Edwards—"Apparently".

Mr COOPER—"Apparently". I suggest that we go with the Minister down Bourke Street and get him to guess the ages of 40 or so teenagers. If he did that, the Opposition would ask the ages of the teenagers and if the Minister was wrong he would pay a $2000 fine. In that situation the Minister would change the clause immediately. The wording of the clause is ridiculous and unworkable. For a businessman to have to look at somebody over a counter and make a judgment on whether that person is "apparently under sixteen years of age" is asking the impossible. The clause has been drafted by somebody who has no regard for the reality of life, and the clause should be changed.

Mr McCUTCHEON (Attorney-General)—A pawnbroker is currently unable to take goods from someone who is fourteen years of age or under. The Law Reform Commission suggested that the age be lifted to sixteen years of age. The wording "apparently under sixteen years of age" is a warning to the pawnbroker to inquire about age. Maybe the wording can be improved, and I acknowledge that. It is a warning to the pawnbroker to ascertain the age of the person. A pawnbroker who does not attempt to do so will become liable for having made the mistake. I am happy to consider appropriate wording, if it will improve the Bill, while it is between here and the other place.

As to the matter raised about the specification of clause 23 (4), I believe it should be properly covered by regulation.

The clause, as amended, was agreed to, as was clause 24.

Clause 25

Mr McCUTCHEON (Attorney-General)—I move:

6. Clause 25, line 27, omit "include" and insert "includes".

The amendment was agreed to, and the clause, as amended, was adopted, as was clause 26.

Clause 27

Mr McCUTCHEON (Attorney-General)—I move:

7. Clause 27, line 6, after "to" insert "this section and".

8. Clause 27, lines 7 and 8, omit "an applicant for a licence or a licensee" and insert "a person".

9. Clause 27, lines 8 and 9, omit "applicant or licensee" and insert "person".

The amendments are adjustments to the clause.

The amendments were agreed to, and the clause, as amended, was adopted, as were clauses 28 to 30.

Clause 31

Mr McCUTCHEON (Attorney-General)—I move:

10. Clause 31, line 35, after "of" insert "the whole or any provision of".

Mrs WADE (Kew)—I am not sure whether I should be thanking the Attorney-General for the amendment because this is another amendment I suggested to his advisers. The purpose of the amendment, as I suggested it, was so that the seven days would not apply to some businesses or possibly be reduced for some businesses. Many retailers have problems in keeping, for example, furniture for more than seven days, especially when more furniture is ready to come into their shops.

I understand from the Attorney-General's response that he is not inclined to reduce the period from seven days to any other period or to exempt any businesses. He referred to the balance between police and dealers, about taking an overview and about people organising their stock. I am sure the amendment will enable him to rethink the possibility of an exemption for businesses of the type I have mentioned.

I particularly direct to his attention the problems of people handling large items of furniture, which I do not believe is only a matter of organising their stock properly. It is much more serious because this involves the provision of adequate floor space, which can be extremely expensive.

I shall not thank the Attorney-General at this stage but will wait and see what is included in the regulations.

The amendment was agreed to.

Mrs WADE (Kew)—I move:

1. Clause 31, page 13, after line 7 insert—

"(3) Regulations made under this Act may be disallowed, in whole or in part, by resolution of either House of Parliament in accordance with the requirements of section 6 (2) of the *Subordinate Legislation Act* 1962.

(4) Disallowance of a regulation under sub-section (3) must be taken to be disallowance by Parliament for the purposes of the *Subordinate Legislation Act* 1962.".'.

This amendment will permit the disallowance of regulations made under clause 31 by either House of Parliament. The regulation-making powers cover a wide ambit and there have been constant references during the debate to provisions that may be included in the regulations. A number of honourable members have expressed concern as to what the various provisions in the regulations will be.

For a Bill such as this to come into operation, it must go through both Houses of Parliament. If a provision is not passed in one House, it does not come into operation. If the provisions in the regulations were included in the Bill they must pass through both Houses of Parliament. Therefore, it is only appropriate that if these requirements are included in regulations they should be able to be disallowed by either House. In that way they are in the same category as if they were included in the Bill.

The amendment was agreed to.

Mr CLARK (Balwyn)—I wish to raise two matters. The first arises from the Minister's response to my concern about clause 23 (4). The Minister indicated that he believed the question of calculating annual and monthly rates of interest would best be handled by regulations. If that is the case, I am concerned that there is no power to make such regulations contained in the Bill.

It is possible that clause 31 (1) (*f*) contains that power in that it refers to prescribing matters necessary to be prescribed to give effect to the Act. The Minister may want to argue that it is necessary to prescribe annual and monthly rates of interest, or rather the method of calculating them for the purposes of the Act, although I have my doubts about that.

Certainly, I should not want to encourage the Minister to deal with this point in regulations because I still consider it is better dealt with in the body of the Act, but I hope he will consider the issue of regulation-making powers while the Bill is between this place and the other place. That is the first point.

The second point relates to paragraphs (*a*) and (*b*) of clause 31 (1)—the power to make regulations with respect to conditions on licences and with respect to carrying on business as a second-hand dealer or as a pawnbroker. The Minister indicated earlier that the regulations have not yet been drafted, but I presume he has in mind the sorts of regulations that he wants made, and I ask the Minister to indicate to the Committee the sorts of regulations with respect to conditions and to carrying on business as a second-hand dealer or pawnbroker he might wish to have made.

In discussing a similar issue in relation to a previous clause I expressed some concern about the necessity for councils to impose conditions. I cannot see either what sorts of conditions might be appropriate to be imposed by regulation or what sorts of regulations could be appropriately made with respect to carrying on business.

I think it was the honourable member for Shepparton who expressed some fear that there would be an enormous volume of regulations arising out of the Bill. I certainly hope that is not the case and that the Bill can stand virtually on its own, and it would be highly desirable for the Minister to give assurances to the Committee as to what regulations, in particular, he has in mind for the purposes of the Bill.

Mr McCUTCHEON (Attorney-General)—Clause 31 on regulations is really giving general powers. I have nothing specific in mind at the moment in terms of paragraphs (*a*) and (*b*) but I think that paragraphs (*a*) to (*f*) indicate the scope within which potential regulations could be drafted, as appropriate.

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

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

CORRECTIONS (AMENDMENT) BILL

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

Discussion was resumed of clause 1

Mr CRABB (Minister for Police and Emergency Services)—I move:

1. Clause 1, page 2, lines 4 to 6, omit all words and expressions on these lines and insert—

"(i) to replace the leave of absence programme for prisoners with a custodial community permit system; and".

2. Clause 1, page 2, line 8, after "resort" insert "where the person in default appears before the court".

The first amendment replaces the leave of absence program with a custodial community permit system, which was recommended by the committee chaired by the Honourable Walter Jona. I am extremely grateful for the committee's efforts, and I referred to that during the second-reading debate.

The second amendment is a matter of drafting and clarifies one of the purposes of the Bill.

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

Clause 2

Mr COOPER (Mornington)—I move:

1. Clause 2, lines 10 and 11, omit "on a" and insert "6 months after the day on which it receives the Royal Assent or on any earlier".

The amendment guarantees that the Bill will be proclaimed in its entirety. On previous occasions honourable members have seen the government being selective in the way it deals with the proclamation of Bills. On occasions clauses that have been amended by the Opposition have been deliberately left out and have not been proclaimed. On one memorable occasion half a sentence in a clause was proclaimed and the remainder was not. That was an extraordinary twisting of the will of Parliament. The Opposition is saying that the will of Parliament will prevail. The Opposition has brought that to the attention of Parliament on previous occasions and is doing so again today.

The Opposition is not prepared to see the will of Parliament being flouted by the government and amendments proposed by the Opposition not being proclaimed. This amendment guarantees that the Bill, when it is passed—amended as the Opposition intends it to be amended—will come into effect in its entirety. Therefore, the Opposition will insist on the amendment.

Mr McNAMARA (Leader of the National Party)—The National Party supports the amendment moved by the honourable member for Mornington. I think it was in respect of the State Emergency Service legislation more than a year ago that the National Party first moved such an amendment and also took action by control on regulations to ensure the government was prevented from selectively proclaiming various parts of legislation and, as the honourable member for Mornington said, failing to proclaim those parts amended by the Opposition or the National Party.

I presume from the amendment moved by the honourable member for Mornington that the six-month delay will enable various sections of the Act to be prepared for proclamation. Obviously it will take some time to ensure that all sections are brought to the stage where they can be proclaimed on the one day. The National Party supports the concept proposed by the Opposition.

Mr CRABB (Minister for Police and Emergency Services)—I am not quite sure what the Opposition and the National Party are on about. This Bill is not one where there is the capacity or, indeed, the desire to proclaim parts of the legislation separately from other parts, and it is our intention to have the legislation proclaimed well within the six-month period the opposition parties are indicating. I should have thought that August would be the time of proclamation. However, I do not see a need for it. I am prepared to consider the matter while the Bill is between here and another place.

The Committee divided on the question that the words proposed by Mr Cooper to be omitted stand part of the clause (Mr Norris in the chair).

Ayes	42
Noes	38
Majority against the amendment	4

AYES	NOES
Mr Andrianopoulos	Mr Bildstien
Mr Baker	Mr Brown
Mr Cain	Mr Clark
Mr Cole	Mr Coleman
Mr Crabb	Mr Cooper
Mr Dollis	Mr Delzoppo
Mr Ernst	Mr Dickinson
Mr Fordham	Mr Elder
Mrs Garbutt	Mr Evans
Mr Gavin	Mr Gude
Mrs Gleeson	Mr Hayward
Mr Hamilton	Mr Heffernan
Mr Harrowfield	Mr John
Mrs Hill	Mr Kennett
Mrs Hirsh	Mr Lea
Mr Jolly	Mr Leigh
Mr Kennan	Mr Lieberman
Mr Kennedy	Mr McGrath (*Lowan*)
Ms Kirner	Mr McGrath (*Warrnambool*)
Mr Leighton	Mr McNamara
Mr McCutcheon	Mr Maughan
Mr McDonald	Dr Napthine
Mr Mathews	Mr Perrin
Mr Micallef	Mr Pescott
Mr Pope	Mr Plowman
Mrs Ray	Mr Reynolds
Mr Roper	Mr Ross-Edwards
Mr Rowe	Mr Smith (*Glen Waverley*)
Mr Sandon	Mr Smith (*Polwarth*)
Mr Seitz	Mr Steggall
Mr Sercombe	Mr Stockdale
Mr Sheehan (*Ballarat South*)	Mr Tanner
Mr Sheehan (*Northcote*)	Mrs Wade
Mr Shell	Mr Wallace
Mr Simmonds	Mr Weideman
Mr Spyker	Dr Wells
Mr Thomson	
Dr Vaughan	*Tellers*:
Mr Walsh	Mr Honeywood
Mrs Wilson	Mr Perton
Tellers:	
Mrs Barker	
Mr Cunningham	

PAIRS

Mrs Setches	Mr Maclellan
Mr Trezise	Mr Jasper

The clause was agreed to, as was clause 3.

Clause 4

Mr COOPER (Mornington)—Clause 4 refers to persons who are not to be regarded as being in the custody of the director-general. It adds to the list of those people who are no longer to be regarded as being in the custody of the director-general:

(*bb*) A person who pursuant to section 56 (2) is transferred to a hospital, clinic, hostel or centre that is an institution within the meaning of that section;".

I raise a query in that regard. If a prisoner is transferred to a hospital, clinic, hostel or centre that is an institution within the meaning of the section and that prisoner absents himself or herself, what is the position of such a prisoner? Section 56 of the principal Act states that a prisoner who is transferred to an institution still remains in the director-general's custody. Clause 4 removes that requirement and places the prisoner in the custody of whoever controls the institution.

A prisoner can be transferred to a public hospital. Does the person in charge of that public hospital have any power to hold that prisoner? That prisoner is now regarded as being no longer in the care or the custody of the Director-General of Corrections. If that prisoner walks out of that hospital, can he or she be charged with escaping from legal custody? I suggest that clause 4 will create a situation where that person can walk out of a public hospital and cannot be charged with escaping.

A barrister, Mr Robert Johnson, wrote to me in these terms:

> Clause 4 takes out of the custody of the Director-General a prisoner who is in a hospital, clinic, etcetera. Does that mean that if such a prisoner then decides to absent himself from hospital he does not commit any offence of escaping from legal custody or anything else for that matter. If so, this is a step that is clearly retrograde.
>
> The community would be very concerned about the possibility of prisoners, some of whom are an obvious risk to public safety, being admitted to hospitals and then absenting themselves without any legal penalty attaching to such behaviour.

Mr Johnson suggests that this is an issue appropriate to be raised with the Minister. I agree with him because this is a serious matter. Section 4 (2) of the principal Act contains a list of persons who are deemed not to be regarded as being in the custody of the director-general.

Clause 4 (1) (*bb*) states that a person who pursuant to section 56 (2) is transferred to a hospital, clinic, hostel or centre that is an institution within the meaning of that section will not be regarded as being in the director-general's custody. A situation exists that definitely requires an answer from the Minister tonight. It is a matter of great seriousness to the community. There are enough people who should be in institutions and in custody who are allowed to wander around the community and commit offences.

If people are allowed to be clever enough to get themselves transferred to a hospital or a clinic so that they can get out into the community and commit further offences, it is a matter of great concern to the people in the community. The Minister certainly needs to give a very clear explanation of this clause of the Bill before the Committee proceeds any further.

Mr CRABB (Minister for Police and Emergency Services)—As I understand the clause, it merely adds to the list of categories that already exist in the Act, which includes people who are in a police gaol, people who are on parole and people who are in hospitals for the mentally ill or the intellectually disabled. They have never been deemed to be in the director-general's custody; nevertheless, they remain in custody.

The distinction between people in the director-general's custody and those in the custody of the chief administrator responsible for the particular institution is that those who are not in the director-general's custody are, therefore, not covered by the general provisions pertaining to prisoners, for example, matters such as merit time, as in this case, or other such provisions that are defined in the Act.

The honourable member must have a very suspicious or devious mind, because there is nothing proposed in the Bill that does not already exist in regard to people who are on parole, in a police gaol, or in a mental institution. Provisions dealing with such matters have caused no difficulty in the past, nor will they do so in the future.

Mr COOPER (Mornington)—The Minister's explanation does not cover the matters of concern that have been raised not only by me but also by a criminal barrister. He has raised the situation particularly of a prisoner who is transferred to a public hospital. The clause provides that a prisoner can be transferred to a hospital, and that would include a public hospital.

What is being asked of the Minister tonight is specifically whether the person in charge of a public hospital has the same rights of custody over a prisoner as has the director-general while a prisoner is in a prison. Basically, the clause talks about transferred prisoners. The transferred prisoner, immediately he goes into a hospital, will not be in the director-general's custody, but he will be in a public hospital and, one would assume, be in the custody of the manager or the person in charge of the hospital. Does that person have the ability within the law to restrain that prisoner and keep him within the confines of the hospital? What happens if the prisoner walks out of the hospital? Can he be charged with the offence of escaping from legal custody?

These are not matters raised by people with suspicious or devious minds. I suggest it would be of great concern to the community if there were a situation where dangerous criminals who had managed to get themselves transferred to a public hospital were wandering out whenever they felt like it and committing crimes while they were out in the community. It is simply a question of whether the public will be protected.

I should like a better answer from the Minister on this matter than I have received so far. If the Minister cannot provide it at this time, the Opposition will expect to obtain a responsible and decent answer about this clause prior to the Bill being dealt with in another place. If an answer is not forthcoming the Opposition will be obliged to consider amendments so that the community is protected.

Mr CRABB (Minister for Police and Emergency Services)—As I said previously, there is no sense in releasing prisoners on the community, nor is that the intention of the clause. No reasonable person would hold that view if the clause is read in conjunction with section 56 (2) of the principal Act. However, if the honourable member received a letter from a person whom he describes as a criminal barrister, I shall obtain an answer for him forthwith.

The clause was agreed to.

Clause 5

Mr COOPER (Mornington)—Clause 5 relates to the testing of prisoners for drug use and states that if the governor considers it necessary he may at any time direct a prisoner to submit to tests to assess whether the prisoner is using a drug of addiction. What will happen if a prisoner refuses to submit to a test? Is a refusal by a prisoner to submit to a drug test an offence, and if it is an offence why is that offence not set out in the clause?

Section 50 of the principal Act gives a list of prison offences, but does not indicate whether it is an offence if a prisoner does not submit to a test to assess whether he is using drugs. I ask the Minister the intention of the clause if a prisoner says, "No".

Mr CRABB (Minister for Police and Emergency Services)—I understand that it would be an offence but I do not know off the top of my head what the penalty will be. I shall find out what the penalty is and inform the honourable member in due course.

The clause was agreed to.

Clause 6

Mr COOPER (Mornington)—The Opposition is greatly concerned about clause 6, which deals with confidential information and which will further restrict the free flow of information on matters relating to the prison system.

I understand the government has received advice that the principal Act fails to protect reasonable confidentiality from the Freedom of Information Act and that prison staff have found it necessary to try to define strictly what is confidential and what is not confidential. Clause 6 attempts to define such information as being primarily obtained by persons as part of their official duties.

The Opposition believes the clause extends the secrecy provisions without any acceptable reason being advanced and would like to hear what the reasons are. It is a nonsense to say that information obtained by persons while carrying out their professional duties shall be confidential because otherwise it could possibly be revealed through a freedom of information application. Such an argument ignores the rigorous exemption provisions of section 31 and other provisions of the Freedom of Information Act. Those sections protect the confidentiality of certain information.

I do not propose to give the detail of section 31 of the Freedom of Information Act at this stage, but that section, together with other sections, clearly protects the confidentiality of material; therefore, arguments advanced along the lines expressed earlier do not carry any weight with the Opposition.

The reality of the intent of the clause is that it seeks to expand the secrecy provisions of the government without demonstrating need. It virtually eliminates public interest from any matters involving the prison system. I understand the matter is also being examined by the Legal and Constitutional Committee.

Here is a matter that is currently before a committee of this Parliament, where it is being examined in great detail. Obviously the Legal and Constitutional Committee is not moving fast enough for the government, or perhaps it is not moving along the lines the government would like it to move and, therefore, the government is seeking to bypass a committee of Parliament and take the matter in hand, dealing with it in the Bill. It is not allowing what it believes to be fair and reasonable by definition in clause 6—I assume the government means it to be fair and reasonable—to be tested before a committee of Parliament.

There have been enough attacks on the Freedom of Information Act by the government. The public must recall that the Act was a creature of the government; in fact, it was a creature of the Premier.

Mr McNamara—He was quite keen on it!

Mr COOPER—Yes, he was quite keen on it at one stage. Now it appears we have a government backing away from the Freedom of Information Act.

Mr Crabb interjected.

Mr COOPER—The Minister for Police and Emergency Services says by way of interjection that the clause is not about freedom of information. It is very much about freedom of information.

Mr Crabb interjected.

Mr COOPER—Here we go! Now the Minister is resorting to bluster. He is starting to become abusive and blustering. He is not prepared to listen. He wants to shovel the Bill through; he does not want any debate; he does not want any freedom of information in this debate in Parliament. If he is too tired and emotional, we will adjourn the debate and he can go and have a little sleep; he might come back a little nicer tomorrow! He is not going to get away with this sort of thing!

The matter should be allowed to go to the Legal and Constitutional Committee where the views of the government can be tested. The Opposition will not allow the government to bypass the committee on this issue. The government will not get around it by quoting some phoney arguments, which have been trotted out before and no doubt will be trotted out again, that the confidential information is so sacrosanct the Bill must be rushed through without allowing the Legal and Constitutional Committee to test the clause. The Minister should be required to put the arguments before that committee.

Mr CRABB (Minister for Police and Emergency Services)—I should have thought it was manifestly obvious to any honourable member that it would not be unreasonable that the matters categorised in clause 6 ought to be regarded as confidential. I refer to:

(*d*) information concerning procedures or plans to be adopted or followed in a prison in the event of an emergency.

That is, in the event of an escape. One would expect that even the honourable member for Mornington would agree that that should be confidential information. Similarly, the information given to official visitors, who perform an excellent unpaid duty in prisons, should be confidential, otherwise no-one would speak to them.

Mr Cooper interjected.

Mr CRABB—It might not be. The point is that if it is already there, there is no harm in including it in the Bill. It may not be there. Equallly, the considerations of the Adult Parole Board ought not to be made public, as it would not be in the best interests of the proper functioning of the board. Anyone with any commonsense would appreciate that the matters encompassed by clause 6 ought to be confidential.

The Committee divided on the clause (Mr Norris in the chair).

Ayes	42
Noes	36
Majority for the clause	6

AYES	NOES
Mr Andrianopoulos	Mr Brown
Mr Baker	Mr Coleman
Mrs Barker	Mr Cooper
Mr Cain	Mr Delzoppo
Mr Cole	Mr Dickinson
Mr Crabb	Mr Elder
Mr Cunningham	Mr Gude
Mr Dollis	Mr Hayward
Mr Ernst	Mr Heffernan
Mr Fordham	Mr Honeywood
Mrs Garbutt	Mr Jasper
Mr Gavin	Mr John
Mrs Gleeson	Mr Lea
Mr Harrowfield	Mr Leigh
Mrs Hill	Mr Lieberman
Mrs Hirsh	Mr McGrath (*Lowan*)
Mr Jolly	Mr McGrath (*Warrnambool*)
Mr Kennan	Mr McNamara
Mr Kennedy	Mr Maughan
Ms Kirner	Dr Napthine
Mr McCutcheon	Mr Perrin
Mr McDonald	Mr Pescott
Mr Mathews	Mr Plowman
Mr Micallef	Mr Reynolds
Mr Pope	
Mrs Ray	

AYES	NOES
Mr Roper	Mr Ross-Edwards
Mr Rowe	Mr Smith (*Glen Waverley*)
Mr Sandon	Mr Smith (*Polwarth*)
Mr Seitz	Mr Steggall
Mr Sercombe	Mr Stockdale
Mr Sheehan (*Ballarat South*)	Mr Tanner
Mr Sheehan (*Northcote*)	Mrs Wade
Mr Shell	Mr Wallace
Mr Simmonds	Mr Weideman
Mr Spyker	Dr Wells
Mr Thomson	
Dr Vaughan	*Tellers*:
Mr Walsh	Mr Bildstien
Mrs Wilson	Mr Clark
Tellers:	
Mr Hamilton	
Mr Leighton	
PAIRS	
Mrs Setches	Mr Maclellan
Mr Trezise	Mr Evans

Clause 7

Mr McNAMARA (Leader of the National Party)—In relation to clause 7, which deals with the powers that are given to prison authorities to apprehend visitors to prisons who are suspected of carrying illicit drugs and to search them in an attempt to stem the introduction of those drugs into prisons, I ask the Minister to inform the Committee what steps will be taken to stem the introduction of such drugs, particularly by people who are employed in the prison system. I also ask the Minister to inform the Committee about the present rate of apprehension of such people.

Mr CRABB (Minister for Police and Emergency Services)—The clause relates specifically to people who visit prisons. Currently visitors who are suspected of carrying contraband, as it is called, may be searched by prison officers but not detained; so those people can shoot through without being caught. The provisions contained in clause 7 will give prison officers the ability to hold such people until the police arrive, if the matter needs to be dealt with by the police.

As to the general measures taken by the Office of Corrections with respect to contraband introduced into prisons, there is extensive surveillance of prison officers and other workers who enter prisons; and those investigations are carried out largely in a secret way. Prison officers observe one another with some care. But an official investigation squad carries out more detailed surveillance when it is evident that contraband is being introduced into prisons.

The clause was agreed to, as was clause 8.

Clause 9

Mr COOPER (Mornington)—Clause 9 refers to the power of the director-general to withdraw privileges. It is a clause that reverses the onus of proof. Proposed section 54A provides that one or more privileges can be removed if a charge has been made against a prisoner. A number of privileges can be removed before any charge is proved. Therefore, the onus of proof has been reversed. There has been a long history in the prison service of prisoners being arbitrarily charged with offences because they have got on the wrong side of certain prison officers. That has been admitted in a number

of recent articles relating to the prison system. Nobody pretends that everything is 100 per cent regarding the actions of certain prison officers.

If proposed section 54A is passed, then such prisoners will immediately lose their privileges without charges being proved against them. Will the Minister respond on how he believes the proposed new section should be implemented? It is a serious matter in that it reverses the onus of proof. While I understand and support the need for control and discipline in prisons, it is unreasonable that someone who has been charged should be found guilty prior to the charge being proved.

Mr CRABB (Minister for Police and Emergency Services)—I do not think it is a matter of being found guilty in the sense of anyone ending up with a prison term, although that may ensue in due course. The intention of the Bill is to enable the director-general to respond quickly following the commission of a serious prison offence, such as a riot, serious assault, escape and so on. This would avoid the lengthy delays that can result through the formal charges process. It is appropriate that the director-general should have the capacity to deal immediately with the withdrawal of privileges for those who have been involved in the perpetration of riots and assaults.

The clause was agreed to.

Clause 10

Mr CRABB (Minister for Police and Emergency Services)—I invite the Committee to vote against this clause. The clause is superseded because the recommendations of the advisory committee on the leave of absence program are now included in my amendment No. 15.

The clause was negatived.

Clause 11

Mr COOPER (Mornington)—I move:

2. Clause 11, line 35, omit "including" and insert "excluding".

The intent of the amendment and my foreshadowed amendment No. 3 is to address the issue of truth in sentencing and to ensure that the community and the person convicted have no doubt that, regardless of whatever merit time is determined, there will be no reduction below a minimum period. As the Bill is presently drafted, when merit time is finally phased down to one-seventh from the present situation of one-third by way of automatic remissions, a prisoner can be released earlier than the minimum term fixed by the judge.

There is overwhelming community support for saying that this provision is not acceptable, and it flies in the face of the Victorian Sentencing Committee's report, which called for a halt to such remissions, as has the community. They believe a person who is sentenced to a term in prison should serve that term. In other words, if a person is sentenced to a minimum of seven years, the term served should not be seven years less one-seventh, one-third, one-fifth or anything else.

The Opposition believes merit time must take into account truth in sentencing. Truth in sentencing is that any minimum term will be served. The amendments are part of the Opposition's determination to see that concept established.

I direct to the attention of the Committee that in a later proposed amendment the Opposition will seek to amend the Bill to further protect this truth in sentencing position.

Mr CRABB (Minister for Police and Emergency Services)—The government does not accept the amendments, although to some extent it accepts the sentiments behind

them. There is no disagreement in the community that we must get rid of the confusion that exists consequent upon automatic remissions and terms being reduced by one-third.

The Victorian Sentencing Committee headed by Sir John Starke recommended that remissions should be totally phased out over five years. If it were done instantly, it would create some trauma in the system as well as the prisons having to cope with additional prisoners. The government is following the Starke committee's recommendation to phase out remissions over five years. It has introduced a schedule under which remissions will be run down.

In five years time the government will consider the position to ascertain whether some smaller merit time scheme should be used. That review will be carried out in another jurisdiction. At present only a couple of States have entirely abolished remissions. It is fair to say that whoever is the Minister at the time—I have no doubt it will be a member of my party, but I hope it is not me—will be in a better position to make that judgment. The intention is that at the end of five years there should be no remissions or a small area covering earned remissions.

The Opposition's amendments will abolish all remissions forthwith and that is not what is recommended in the Starke report. Nor is it practical or something that can be achieved at this time. It is appropriate to follow the Starke committee's recommendation, which is to phase out remissions over five years and to provide for earned remissions from day one rather than their being automatic.

The Committee divided on the question that the word proposed by Mr Cooper to be omitted stand part of the clause (Mr Norris in the chair).

Ayes	41
Noes	36
Majority against the amendment	5

AYES	NOES
Mr Andrianopoulos	Mr Bildstien
Mr Baker	Mr Brown
Mrs Barker	Mr Clark
Mr Cain	Mr Coleman
Mr Crabb	Mr Cooper
Mr Cunningham	Mr Delzoppo
Mr Ernst	Mr Dickinson
Mr Fordham	Mr Elder
Mrs Garbutt	Mr Gude
Mr Gavin	Mr Hayward
Mrs Gleeson	Mr Heffernan
Mr Hamilton	Mr Honeywood
Mr Harrowfield	Mr Jasper
Mrs Hill	Mr John
Mrs Hirsh	Mr Lea
Mr Jolly	Mr Leigh
Mr Kennan	Mr Lieberman
Mr Kennedy	Mr McGrath *(Lowan)*
Ms Kirner	Mr McGrath *(Warrnambool)*
Mr Leighton	Mr McNamara
Mr McCutcheon	Mr Perrin
Mr Mathews	Mr Pescott
Mr Micallef	Mr Plowman
Mr Pope	Mr Reynolds
Mrs Ray	Mr Ross-Edwards
Mr Roper	Mr Smith *(Glen Waverley)*
Mr Rowe	
Mr Sandon	
Mr Seitz	

AYES	NOES
Mr Sercombe	Mr Smith
Mr Sheehan	*(Polwarth)*
(Ballarat South)	Mr Steggall
Mr Sheehan	Mr Stockdale
(Northcote)	Mr Tanner
Mr Shell	Mrs Wade
Mr Simmonds	Mr Wallace
Mr Spyker	Mr Weideman
Mr Thomson	Dr Wells
Dr Vaughan	
Mr Walsh	*Tellers*:
Mrs Wilson	Mr Maughan
	Dr Napthine
Tellers:	
Mr Cole	
Mr Dollis	
PAIRS	
Mr McDonald	Mr Kennett
Mrs Setches	Mr Maclellan
Mr Trezise	Mr Evans

Progress was reported.

ADJOURNMENT

Exemption from union-controlled superannuation funds—Yarrawonga foreshore committee—Schizophrenia Awareness Week—Woodend Water Board—Teachers salaries at Swan Hill Technical School—Bus for disabled children at Mill Park—Pedestrian traffic light for Neerim Road, Carnegie—Science Olympiad

Mr ROPER (Minister for Planning and Environment)—I move:

That the House do now adjourn.

Mr WEIDEMAN (Frankston South)—I direct to the attention of the Minister for Labour the recent announcements about superannuation requirements now involving 3 per cent of income being paid into an approved fund. Some 240 awards have been gone through and the situation has been put to the printing industry. The Clerical Administrative and Retail Employees Superannuation Pty Ltd has been brought to my attention.

By 28 May this year those who wish to seek exemption from contributing to a union-controlled superannuation fund must put an application before the Australian Industrial Relations Commission. The details in respect of the superannuation scheme for clerical employees is that it will commence from the first pay period on or after 28 May 1989. The contribution is 3 per cent of ordinary-time earnings and full-time and part-time employees will have a qualifying period of one month. I have with me a sheet outlining the details, which states:

It is administered by Australian Administration Services a wholly owned subsidiary of the AMP Society.

Its assets are presently invested in AMP's No. 1 Capital Guaranteed Fund—current yield is 17 per cent.

It further states:

It offers voluntary death and disability cover, 24 hours a day, seven days a week . . .

CARE received preliminary listing from the Occupational Superannuation Commissioner Interim Group in December 1986.

The trustees of the board—

This is the point I wish to make—

. . . consist of an equal representation for both employers and employees.

Obviously that means the union. My reason for raising the issue is that in the community few people are aware that they have the right of exemption. I ask the Minister to inform the public of that right. If one does not apply by 28 May, one will not have that right. This could represent many millions of dollars. It is a matter of the freedom of choice of the employer. Most employers have no objection to adding the 3 per cent. If they have a fund, they have to add another 3 per cent.

What concerns my constituents and me is that most money will go to a union-controlled fund which could be used in many ways, including political involvement. I refer to an article that appeared in the *Australian Financial Review* of Tuesday, 10 January 1989 headed, "Freedom of choice is paramount". The article gives two examples. The first is a union/industry fund and with a $10 weekly contribution it lists the retirement benefits for ages of entry of 25, 35 and 45 years. A person who is 45 on entry to the fund will receive $9543 at age 55; if he was 35 at entry he will receive $49 861 at age 55; and if he was 25 years on entry, he will receive $220 199 at age 55. A person who retires at 65 years of age will receive $49 861 if he was 45 years on entry to the fund, $220 199 if he was 35 years old at the time of entry, and $939 867 if he was 25 years at the time of entering the fund.

The second calculation is for an independent fund and is based on the same figures. A person who retires at 55, and whose age at entry was 25 will receive $248 550. Therefore, there is a $28 000 advantage there. A person who retires at 65 and whose age at entry was 25 will receive $1 116 550 from the independent fund, as against $939 867 from the union/industry fund.

There is a matter of freedom of choice. The independent fund will show a higher return. I ask the Minister to highlight in the community, in the few days left until 28 May, that those employers who wish can apply for exemption under the Act and make sure they give their employees the best opportunity for superannuation that can be made available to them.

I can understand that a Labor government would not want to do that but, in the interest of employees, they should have the best opportunities. I ask the Minister to make this point in this place and in the press.

Mr JASPER (Murray Valley)—The matter I direct to the attention of the Minister for Water Resources concerns charges imposed on the Yarrawonga foreshore committee for the grazing licence for the area it occupies along the edge of Lake Mulwala. It is a fairly large area along the banks of Lake Mulwala known as the Yarrawonga foreshore reserve. It is managed by the Yarrawonga foreshore committee, a committee of the Yarrawonga shire council.

The charges imposed by the Rural Water Commission on 18 March 1989 were $335. That is an annual charge. The Yarrawonga foreshore committee advised me that the licence fee is most unfair because the committee raises thousands of dollars from events held along the foreshore. On New Year's Day a speedboat carnival is held and, on other occasions, functions are conducted in the area.

The profits raised by the committee are spent on beautifying the area for the use of residents and tourists who wish to use the shores of Lake Mulwala. The committee has no objection to paying the licence fee if it will gain a direct benefit by being able to graze cattle or sheep along the foreshore. The only benefit the committee gains is the

ability to conduct functions on the foreshore from which any profits raised are spent on beautifying the area.

Earlier I mentioned that thousands of dollars have been raised; that was raised over a period of years to be used to beautify the area and for reclamation work, which will cost at least $50 000.

The committee asks why it should have imposed on it a high annual grazing and occupation fee, which has accumulated because the committee has not paid it since 1983–84. The amount outstanding currently is $895. I ask the Minister to investigate the fee of $335 for this year when the committee is only maintaining the area for the benefit not only for the residents but also for all the other people who visit the area. The Minister should recognise the importance of the Yarrawonga foreshore committee and reduce the fee it must pay for previous years, this year and for future years.

Mrs RAY (Box Hill)—I direct to the attention of the Minister for Planning and Environment a matter for the Minister for Health relating to Schizophrenia Awareness Week. Last Sunday I launched and walked with a group of others to mark the beginning of Schizophrenia Awareness Week, which was organised by the Schizophrenia Fellowship of Victoria, which is the largest family-based organisation in the mental health area in this State under the directorship of Margaret Leggett.

The organisation provides significant support to more than 1000 families in Victoria. It has received support from the Office of Psychiatric Services for its family support services, the funding of which includes 24 groups across Victoria as well as a Melbourne-based telephone crisis service; a day rehabilitation program, which is in the process of relocating from South Yarra to Richmond; an active participants group, which enables the consumers to take part in the planning of their programs; supported accommodation services, which includes several group homes in various locations; and a staffed apartment house which operates in St Kilda. The funding from the Office of Psychiatric Services amounts to approximately $500 000.

Another group which has worked actively during the past eighteen months was formed by a group of mothers and it is called CATS, Changing Attitudes to Schizophrenia. I have requested that the Minister in the near future meet representatives of this group to hear its concerns. These concerns have been expressed in a number of individual letters which I shall formally hand to the Minister tomorrow.

These letters express the concerns of the organisation in the following areas: a perceived need by families for more admission beds; the need to significantly increase community treatment and support services; increased stress and vulnerability to violence in the face of apparently more restrictive admission practices; and a perceived failure on the part of health professionals, particularly at the point of admission, to give sufficient weight to a family's assessment of its ill member's medical condition.

I ask the Minister to respond to the needs expressed by the families in the letters that I shall hand to her tomorrow and to take appropriate action.

Mr REYNOLDS (Gisborne)—I raise a matter for the attention of the Minister for Water Resources. I have already raised on several occasions and will continue to raise the problems facing Woodend residents and the Woodend Water Board. As the House is aware, and I am sure the Minister is aware, early in February a fire caused damage to 90 properties that requires approximately $15 million in compensation. There are 1394 ratepayers in the Woodend district. If properties were levied equally the average payment by each property would be $8734, that is if the ratepayers were liable for the compensation.

This problem is causing enormous concern to Woodend residents and it must be solved. The only person who can solve it is the Minister for Water Resources. The water board's insurance claim has been placed in trust and the amount of money currently in the fund is $3·8 million. Every day the matter is unresolved means that that $3·8 million is being eaten up by lawyers fees, legal costs and interest on the money owed. The matter must be resolved quickly.

The residents say they cannot and will not pay. Many residents in Woodend cannot afford to pay that sort of money. Therefore, the government must act. It is interesting that the first court case for the claim of Mrs Bell and her family was settled outside the door of the court for $550 000. That creates an interesting precedent because if a claimant is lucky enough to have his or her case heard early, the funds will be available; and the $3·8 million in trust will be spent on settling those early cases. If, say, the first 20 of those 90 cases hit the court door their claims will be met but there will be no money left for the remaining 70 cases, other than by a levy on the 1394 ratepayers of the district.

That is an untenable situation. The Minister has the solution in his capable hands. He has been asked to receive a deputation from the Woodend Water Board but at this stage he has not seen his way clear to do so. I ask again that he receive the deputation.

The economy of the town is depressed and anxiety and apprehension abound. People such as pensioners who have settled in the town and not owed anybody a cent now have a huge black cloud hanging over their heads in the form of a threat of a large debt. It is a threat to the livelihood of those who have limited resources.

I ask the Minister to act as soon as he possibly can to remove the fear and trepidation from these troubled residents of Woodend. The atmosphere in the town is charged with emotion and the situation must be remedied as soon as is humanly possible.

Mr STEGGALL (Swan Hill)—As equal opportunity has rated a mention around the traps today, I hope the Minister for Education will be able to help me out with an equal opportunity problem being experienced at the Swan Hill Technical School. I refer to the starting salaries for teachers.

Recently three teachers have commenced working at the technical school, all of whom are capable of teaching students up to year 12. One of them, who is qualified to teach one subject through to year 12, has started with a grade 7 ranking. I shall not detail the salaries. The second teacher has commenced with a grade 6 ranking, and is qualified to teach two subjects up to year 12. The third teacher has commenced at a grade 5 ranking, and she is also capable of teaching two subjects through to year 12.

The Minister will be aware that there is much difficulty in attracting teachers to country areas. Schools throughout my electorate, as do those in the western suburbs, must advertise teaching positions. The Swan Hill Technical School has been advertising throughout New South Wales, South Australia and Victoria for teaching staff to fill the vacancies that the Victorian education system has been unable to fill. The school was successful in attracting those teachers but, for some reason, it does not seem possible to have a common starting salary. There seems to be no rationale for the differences in the teacher gradings.

Now that there is a common role for teachers and there is no longer a distinction between technical and high school roles, I suggest there is a need for some assistance in attracting teachers into our schools, and there should be some justification for applying the different gradings.

For the assistance of the honourable member for Springvale, who interjects, I point out that one of the teachers whom I have mentioned, who is capable of teaching two

subjects right through to year 12, is being paid less than the clerical assistant at the school. I do not believe that is appropriate. If they were all emergency teachers, of course, they would be paid the same salaries.

The principal of the school has sought my assistance and that of the Minister for Education in coming to some arrangement whereby commonly trained teachers who start at schools—in this case, the Swan Hill Technical School—who are properly trained and qualified, can be paid a common starting salary. The differences in salaries and grades are not justified. On previous occasions, it has been necessary to raise this sort of problem with the Ombudsman in order to get satisfactory results. I, therefore, ask the Minister to address that concern and to take steps to establish a proper starting salary for teachers starting at schools.

Mrs GLEESON (Thomastown)—I ask the Minister for Community Services tonight to give compassionate consideration to the situation of the community residential unit at Mill Park, which has resulted from the closure of the St Nicholas Hospital in 1984. The community residential unit accommodates people who have disabilities, and they urgently need a bus that is appropriately converted to cope with wheelchairs and other equipment to assist the students in attending the special school in Epping. It is a section of the Norparrin Centre for Disabled Children.

If the children are not able to get to the school they will not be able to obtain the special learning processes, not just in class exercises but in such matters as learning how to use cutlery, which we all take for granted. It is a long learning process for these children. There are various other projects that help them in advancing their social life so they can more fully integrate into community life.

The government was forward looking in establishing the community residential unit at Mill Park, but the children now need the appropriate vehicle so that they can take advantage of the excellent education opportunities provided for them at Epping. I know that the Minister for Community Services would be proud to see that unit and that the Minister for Education will visit the unit next week. I know the Minister will be most impressed when she sees the unit.

The children are transported with great difficulty from Mill Park because the area is isolated from all forms of transport and as the children are in wheelchairs it is almost impossible to take them out of their establishment. The children's basic disabilities should be considered as well as their need to learn to fit into the social life of the community.

I know that the community of Mill Park is pleased that the community residential unit is sited in that area and to have the children in its midst, but the community is also keen for the government to acknowledge the need for a converted commuter bus that will take wheelchairs and the other equipment the children need.

For some time the community residential unit has had to use a bus that was brought out from the old St Nicholas Hospital and that bus is well past its prime. I am not happy and I know the people looking after the children, and the wider community of Mill Park, are not happy about the continued use of the bus; we all would be pleased if a special bus were provided to meet the children's needs.

It should be viewed as a privilege that these children are involved in the community of Mill Park and I know that the community has taken the opportunity of responding and showing its concern. The matter has been raised with me on several occasions and I pass on the issue to the Minister and thank him for the work he has done in the past. I ask the Minister to bear with me with this further request for the children of Mill Park.

Mr TANNER (Caulfield)—I direct to the attention of the Minister for Transport the urgent need for the installation of a pedestrian operated signal light crossing in Neerim Road near the intersection of Truganini Road, Carnegie.

This roadway is subject to speeding traffic and has a broad bend on it that reduces the visibility, not only of pedestrians but also of motorists. It is a very dangerous area, particularly for children who attempt to cross the road to go to and from the Carnegie Primary School and for elderly people who intend to shop or return from shopping in Koornang Road. In addition, there are young mothers with children, some in prams, who have a need to cross the road in this area.

It is very dangerous and I ask the Minister to pay particular attention to the matter and to direct the installation of the pedestrian crossing as soon as possible.

Mr STOCKDALE (Brighton)—The matter I direct to the attention of the Minister for Education concerns a request by a constituent, a young man selected to represent Australia in the Science Olympiad overseas. I have written to the Minister seeking assistance to the extent of $1500 to pay for the student's fares and expenses overseas out of a total to be raised by each student of $4500.

The Minister for Education wrote to me indicating that at that stage the government was not prepared to provide the assistance sought, on the ground that the participant—in this case representing Australia but drawn from Victoria and the only one drawn from Victoria—attends a non-government school, and she would wish to see students drawn from government and non-government schools.

I will need to check the matter. Tonight I have discussed it briefly with the Minister for Education. My understanding is that the competition won by the student is open to students from government and non-government schools. I understand also that students from government schools will go from other States.

In those circumstances, I ask the Minister whether she would be prepared to re-examine the matter, provided I can satisfy her that the competition is open to entry from students from government and non-government schools, because there is only one student drawn from Victoria.

It is an honour to represent one's country and it is not uncommon for governments to provide assistance for people who represent their country. The competition is a bona fide international competition of considerable standing. The last event was held in Australia. It is a matter of some prestige for Australia that we do well and it behoves the Victorian government to provide support, if possible, for Victorians who represent the country.

The student who will represent Victoria will still be required to raise by himself and through his supporters twice the amount the supporters are requesting in the form of assistance from the government. Subject to ascertaining that it is the fact that the competition is open to students who attend government and non-government schools, I ask the Minister to reconsider the decision so far made.

Mr WALSH (Minister for Water Resources)—The honourable member for Murray Valley raised a matter concerning the Yarrawonga foreshore committee and charges imposed by the Rural Water Commission on that committee. He mentioned a bill of some $335. He said that it was unfair that the committee be charged that sum when it raises thousands of dollars for charitable organisations and puts money back into the foreshore.

Fees charged for using water are in the same category as those charged for using electricity; the committee may be charged if it is using electricity. The honourable member mentioned that the committee has not paid the fees and there are accounts

outstanding from 1983. He mentioned a figure which I do not recall. The committee may have been charged fees prior to 1983 and may have paid those fees.

As I understand it, the Yarrawonga foreshore committee comes under the jurisdiction of the Department of Conservation, Forests and Lands. I shall consider the matter and be in touch with the honourable member about it.

The honourable member for Gisborne raised again a matter concerning the Woodend Water Board. This is the second occasion in this sessional period of Parliament on which he has raised this matter. He is obviously concerned about the matter and I understand his concern.

The Woodend Water Board is responsible for claims made against it. The board is locally elected and self-managed. It has legislative responsibility for the operation and financial management of the water and sewerage services in Woodend. The government is not responsible or liable for any of the claims that have been made as a result of the fires that occurred six years ago; they are the total responsibility of the Woodend Water Board. The government accepts no financial responsibility whatsoever, and I make that quite clear tonight.

The honourable member for Gisborne also asked about a deputation coming to see me. As I understand it, court cases are pending on the matter and one case has already been heard. I cannot see any value in meeting a deputation because the members of the deputation will receive only the same answer as the one received by the honourable member tonight.

Ms KIRNER (Minister for Education)—The honourable member for Swan Hill raised with me his concern about three new teachers at Swan Hill Technical School on three different gradings. He seeks my assistance to ensure that they are put on a common salary upon entry to the system now that there is a common teaching role for teachers from technical and high schools.

I suspect the issue will be resolved when all schools become secondary colleges as from 1 January 1990 and/or when the government addresses some of the anomalies in the career restructure, the first stage of which is at present before the Industrial Relations Commission; the second stage will go before the commission in several months. However, in case that is not a sufficient response, I shall be happy to have the specific matter examined in detail.

The second issue raised with me by the honourable member for Brighton concerned a matter he has raised with me through correspondence, seeking government financial assistance for a non-government school student attending an international Science Olympiad, representing Australia. My previous response to the honourable member stands, in that I would want to be assured that government students have an equal opportunity to be involved in and perhaps be successful in the competition. If the honourable member would like to advise me further on the matter, I shall be happy to examine it again.

Mr SPYKER (Minister for Community Services)—The honourable member for Thomastown raised a matter regarding the community residential unit at Mill Park and the transport of clients to the special school at Epping. Apparently the bus is in a poor condition, and concerns are raised about the nature of the transport used by the students from Mill Park.

I shall investigate the matter and decide whether funds can be included in the department's next budgetary considerations. I thank the honourable member for raising the matter. It again indicates her continued keen interest in her electorate, in

ensuring that the residents—particularly those in community residential units, who are in great need—receive her care and attention.

Mr ROPER (Minister for Planning and Environment)—The honourable member for Frankston South raised a matter for the attention of the Minister for Labour; I shall draw that matter to his attention.

The honourable member for Caulfield raised a matter regarding pedestrian crossings in his electorate. I shall refer that matter to the attention of the Minister for Transport.

The honourable member for Box Hill raised a matter regarding assistance to community groups concerned with assisting those with schizophrenia, and I shall direct that matter to the attention of the Minister for Health in the other place.

The motion was agreed to.

The House adjourned at 2.18 *a.m. (Wednesday).*

Wednesday, 24 May 1989

The SPEAKER (the Hon. Ken Coghill) took the chair at 11.5 a.m. and read the prayer.

ABSENCE OF MINISTER

The SPEAKER—Order! I advise that the Minister for Agriculture and Rural Affairs will be absent from question time today on Ministerial business.

QUESTIONS WITHOUT NOTICE

TRICONTINENTAL CORPORATION LTD

Mr BROWN (Leader of the Opposition)—I ask the Treasurer: is it a fact that Mr Johns and Mr Ziebell, two senior officers of Tricontinental Corporation Ltd, are under investigation by the National Companies and Securities Commission and Corporate Affairs Victoria? Does the Treasurer continue to have confidence in these two men or will they be stood down pending the outcome of the inquiries?

Mr JOLLY (Treasurer)—It is interesting that there is a new Leader of the Opposition yet he is still getting his questions from the *Herald*. In respect of the investigations by the National Companies and Securities Commission, I should point out that I am advised that investigations are being undertaken of a number of people in Victoria and in other States in respect of insider trading, and some of that investigation extends to Tricontinental Corporation Ltd employees.

Obviously the Leader of the Opposition will have been aware for some time that a former employee of Tricontinental Corporation Ltd was involved in investigations by the commission, in any case. I should also point out that one of the effects of the State Bank Victoria board decision to fully integrate Tricontinental operations into the State Bank is that——

Mr Maclellan—It is a cover-up!

Mr JOLLY—The honourable member for Berwick is the only one who has been involved in a cover-up.

The SPEAKER—Order! I ask the honourable member for Berwick to refrain from interjecting.

Mr JOLLY—I can understand his nervousness and tension because he is not sure whether he is on the frontbench at this stage. They all want to be on the frontbench—there is no doubt about that, so it will be an interesting decision by the new Leader of the Opposition next week when he decides on the composition of the frontbench.

With the full integration of Tricontinental into the State Bank Victoria operations——

Mr Maclellan interjected.

Mr JOLLY—The honourable member should not get so upset. He will soon be out in the corridor with his cigarette, smoking again because of the nervous tension that has been generated. The effective result of the full integration of Tricontinental is that Mr Johns will not have executive responsibilities. His role will be as a consultant to

the Chief Executive of State Bank Victoria in respect of the former Tricontinental Corporation Ltd accounts.

DEBT CHARGES

Mr W. D. McGRATH (Lowan)—In responses the Treasurer gave to the Estimates Committee he identified an additional amount of $116·9 million of debt charges to be paid from the works and services appropriation for the financial year 1987–88. Will the Treasurer tell the House exactly where that appropriation is identified in the 1987–88 Budget Papers?

Mr JOLLY (Treasurer)—In respect of the matter of detail, I shall follow it up, but I emphasise that we anticipate that our expenditure in relation to those charges will be approximately in line with the Budget. I indicate also that the State Budget is in a strong position because of the strength of the Victorian economy.

As the Premier highlighted yesterday, Victoria has had the lowest unemployment rate for 71 consecutive months. That, in addition, is associated with extra activity in this State. For the detail of the question raised, I shall take the question on notice and provide the honourable member with the appropriate advice.

JOLIMONT RAILWAY YARDS

Mr DOLLIS (Richmond)—Can the Premier advise the House what progress has been made at the Jolimont railyards to enable the first stage of the redevelopment of the site?

Mr CAIN (Premier)—I thank the honourable member for Richmond for his question because I think he realises that what started today was something people said would never happen. For 60 to 70 years people have been asking about redevelopment of some kind of that Jolimont area. Today a start was made on ripping up the rail lines in the eastern portion, which is the subject of the first part of the development. Therefore, it realises a 70-year old vision for this part of Melbourne. A car park for 1000 vehicles will be built there and it will serve the Melbourne Cricket Ground, as well as other users such as the National Tennis Centre; and a residential and commercial complex will be built on the site.

This is only the first stage in a ten-year plan to redevelop the railway yards in a number of stages and I guess I can say with some satisfaction that it is one of so many things that the former Liberal government found too hard. As the Leader of the Opposition acknowledged today on the radio, that former government could not handle the Builders Labourers Federation and the matter was left to the Labor government to handle. I feel great satisfaction in seeing the significant achievements in the longer context that this Labor government is clocking up year after year and I put the redevelopment of the Jolimont railyards in that category. I also thank the Leader of the Opposition for his support of the Labor Party this morning when he told John Jost that the Labor Party was on about doing things for the average person, being concerned about doing the right thing for the majority of people and looking after Mr and Mrs Average. He is absolutely right. That is what we are on about.

I was pleased to hear the Leader of the Opposition espousing great social democratic principles. Yesterday he had the public sector in his sights, the new right, and was all about small government being the be-all and end-all. I hope today's face of being a social democrat is his real face.

Redevelopment of the Jolimont railyards will transform the eastern approaches to our city and enhance the entertainment and sporting areas around the MCG and Flinders Park. Looking at the bigger picture, it is further evidence that our great city is taking shape as an attractive utalitarian city that is starting to work well. It is a great city in world terms. One has only to look at the Yarra River and our urban and city parks. There are 40 kilometres or more of bike paths running along the Yarra River and Merri Creek making the city a living place. Melbourne is becoming a city of which we can be proud because of the things this government has done like providing better amenities for its citizens. As those bike tracks make the Yarra River, Merri Creek and parts of the Darebin Creek a part of our living environment, they are terrific.

While we are doing all these things and putting the city in great shape and making it a world-class city, the Opposition goes on squabbling about leadership and the prizes of office. I know what it is like—we did it in the '60s. The Opposition will go on squabbling and lose sight of the bigger picture.

Mr DELZOPPO (Narracan)—On a point of order, once again, Mr Speaker, the House has been very patient in listening to the Premier's reply. However, I believe he is debating the question and I direct your attention to Standing Order No. 127 and ask you to bring him back to order.

Mr Maclellan interjected.

The SPEAKER—Order! I do not require the further assistance of the honourable member for Berwick. The honourable member for Narracan has directed attention to Standing Order No. 127 and, although the major part of the Premier's answer has been substantive and related directly to the question, there have been some comments that seemed to be debating the question. I uphold the point of order and ask the Premier to round off his answer.

Mr CAIN (Premier)—A start is being made on what will be a superb reshaping of our city to remove the eyesore of the railyards from the eastern edge of the city. It will take some time, but a start has been made, I repeat: we will go on doing these kinds of things to make this city a place of which we all can be proud, while the Opposition squabbles over things of little importance. Whoever is put on the frontbench will be on the interchange until the National Party comes along. It will be an interchange bench until that time. We will go on developing this place and making sure it is a better city.

Mr DELZOPPO (Narracan)—On a similar point of order, Mr Speaker, for how long is the Premier allowed to defy your ruling? I ask you to bring him back to order.

The SPEAKER—Order! It appeared to me that the Premier had concluded his answer. Is that correct?

Mr CAIN (Premier)—Yes.

The SPEAKER—The Premier has concluded his answer.

WORKCARE

Mr GUDE (Hawthorn)—I refer the Treasurer to his statements in answer to questions on 11 and 12 April that WorkCare has current cash reserves in the order of $800 million. Are these cash reserves or does that figure also include assets not easily realisable, such as long-term fixed investments, equities and properties?

Mr JOLLY (Treasurer)—I stand by the answer I gave in Parliament previously. In respect of WorkCare, the financial year 1988–89 will be concluded with a cash surplus

position. I also point out that the government is undertaking a fundamental review of WorkCare and it is interesting that no-one from the Liberal Party at this stage has given any comprehensive view on the nature of the reform that should be undertaken in the WorkCare scheme. It is rather amazing that the Opposition is bereft of any policies whatsoever.

Mr Maclellan—Is it cash?

Mr JOLLY—It seems that the honourable member for Berwick enjoys being part of the rabble and is obviously very concerned to be on the frontbench.

Mr Maclellan—Is it cash? Is it cash?

The SPEAKER—Order! Would the Treasurer resume his seat? The honourable member for Berwick is out of order in interjecting. I remind the honourable member that I have already cautioned him once this morning and I do not wish to take further action against the honourable member. I advise the Treasurer to ignore interjections.

Mr JOLLY—I repeat that in relation to the WorkCare system and the Accident Compensation Commission in particular we will end up with a cash surplus this financial year. We are undertaking fundamental reforms that will ensure the long-term viability of the WorkCare system.

STATE DEBT

Mr McNAMARA (Leader of the National Party)—In a further response provided by the Treasurer to the Estimates Committee, he revealed a previously unmentioned amount of $323 million outstanding as unpaid accrued interest on the State debt at 30 June 1988. I ask the Treasurer why he did not disclose this amount in a Budget document, thereby not indicating the true level of the cost of servicing the State debt? I further ask the Treasurer whether he agrees that in concealing that amount of $323 million he in fact misled the Parliament.

The SPEAKER—Order! The Leader of the National Party is out of order in seeking an opinion. The first part of the question is in order.

Mr JOLLY (Treasurer)—I understand that the Leader of the National Party is not a member of the Estimates Committee but he was a member of the WorkCare Committee and rarely turned up. Because of his ill-informed question today, I surmise that he has not had the opportunity of reading the answer that was provided to the Estimates Committee. It would be most inappropriate for him to read that answer because he is not on the Estimates Committee.

The Leader of the National Party gets a bit agitated because when he is wrong he is obviously embarrassed about it. He has been wrong more often than the former Leader of the Opposition in this place and if anybody is under threat it should be the Leader of the National Party.

The answer provided to the Estimates Committee made it clear that the figure mentioned by the Leader of the National Party was in the Treasurer's financial statement and that has been placed before the Parliament. I am amazed that that information was not brought to the attention of the Leader of the National Party before he asked this question this morning.

COUNTRY POLICE STATIONS

Mr McDONALD (Whittlesea)—I ask the Minister for Police and Emergency Services whether he has investigated the alleged hit list of closures of country police stations. If so, will he advise the House of the results of his investigation?

Mr CRABB (Minister for Police and Emergency Services)—It came to my notice last week that the Leader of the National Party claimed that the government was to close twenty police stations. That is simply not true. There is no shred of truth in that claim. It is a simple, basic lie.

Mr McNamara—You are not telling the truth!

Mr CRABB—There is no hit list. It is a lie to suggest there is a hit list. Never has there been a hit list.

Mr McNamara interjected.

The SPEAKER—Order! If the Leader of the National Party wishes to ask a further question I shall call him at the appropriate time. In the meantime, I ask him to refrain from interjecting.

Mr CRABB—The government does not dictate operational policy to its Police Force. I know the National Party would love to be in government. The National Party has a good track record in Queensland where it has run the Police Force for the past fifteen years. That is not the way the government in Victoria operates. It leaves operational decisions to the Police Force and it ill behoves the Leader of the National Party to be desperately trying to get his picture in local newpapers by criticising our Police Force.

The government has currently embarked on the largest capital program of police facilities that has ever been undertaken by any government in this State, either Liberal, National Party or anybody else. One should look at the list of stations that the Leader of the National Party says the government has conspired to close.

Mr McNamara—I didn't say that. I said that was the list from last time. Get it right!

Mr CRABB—I shall quote what you said: "The government is to close twenty police stations". That is a lie. The fact is that of the twenty stations listed——

The SPEAKER—Order! I have already advised the Leader of the National Party that if he wishes to ask a further question I shall call him at the appropriate time. I do not wish to take further action against him, but if necessary I shall.

Mr CRABB—There has never been a list of twenty police stations to be closed. There has never been a list of any police stations that will be closed. One would think that before the Leader of the National Party claimed this list of police stations existed—he is just trying to stir up trouble—he would have visited, for instance, the police station at Harrow, which he claimed was one of the police stations on the list. If he had visited that police station he would have seen that work is actually under way this very day to build a new police station and a new police residence.

One would have thought the Leader of the National Party would travel around Victoria. He claimed that the police station at Piangil was on the list—Piangil is situated between Swan Hill and Mildura. Perhaps the Leader of the National Party does not travel to Mildura very often these days! The government is now spending $35 000 renovating the police residence at Piangil, but the Leader of the National Party says the station is being closed!

I am amazed that this information was dreamed up. Perhaps the Leader of the National Party received the information during the conspiratorial meetings that he held with the honourable member for Bennettswood. That honourable member may have shared his hit list with the Leader of the National Party; he is an expert on hit lists, as his colleagues on the Opposition frontbench can testify. Before the last State election the honourable member for Bennettswood produced a hit list of twenty public

servants who would get the sack in the unfortunate event of his ever being on the government benches, so perhaps that is where the hit list idea came from.

The police station on the list that really caught my eye was the police station at Tallarook. It may be that we are short of crooks in Tallarook. I was really disappointed with the press release of the Leader of the National Party because he did not even have the wit to make a joke about the police station at Tallarook.

The exercise conducted by the Leader of the National Party is completely false, deliberately false, and he should be ashamed of himself.

WORKCARE

Mr STOCKDALE (Brighton)—In view of his earlier response in relation to the reserves of WorkCare, I ask the Treasurer to advise the House what impact there will be on those reserves resulting from the recent High Court decision that clearly establishes an insurance industry entitlement to $300 million in workers compensation supplementation fund moneys?

Mr JOLLY (Treasurer)—It is no longer the shadow Treasurer who asks the question. The honourable member for Brighton is the real runner-up in the leadership stakes and could be the next shadow Minister for Education. I wish him well if he does take on that responsibility.

I have already answered the question asked by the honourable member. It is a recycled question and it is obvious already that the Opposition has run out of ideas, barely 24 hours into the new leadership.

I had indicated in relation to the issue raised by the honourable member that it is not as clear cut as the moonlighter from Brighton would have the House believe. It is not a simple legal position, as outlined by the honourable member—that is the advice provided to me. Other matters have to be considered before anyone can put a precise figure on that entitlement. I reject the approach adopted by the Opposition, which was previously referred to, that there should be an immediate payout. That would be financially irresponsible.

RECYCLING OF PAPER PRODUCTS

Dr VAUGHAN (Clayton)—In light of the recent trip of the Minister for Conservation, Forests and Lands to Scandinavia, will she outline to the House the proposals she intends to develop for paper manufacturing processes in Victoria?

Mrs SETCHES (Minister for Conservation, Forests and Lands)—During my recent trip to Sweden and Finland I was pleased to be involved in a number of discussions about pulp and paper manufacturing with authorities in both countries. The people I was privileged to meet included members of the environment protection boards, the paper worker industry unions and the paper manufacturers. I was able to make contact with members of the Green Party in the Finland Parliament and I also met with members of the Greenpeace movement in Sweden. I also met a number of consultants in the paper manufacturing development business in both countries.

Although it was a short trip, I considered it important to go to Sweden and Finland to try to get a better understanding of what will be facing Victoria in June when the government is given the documents in respect of decisions made by Amcor Ltd and North Broken Hill Holdings Ltd. It was considered it would be of benefit for me to look at the processes developed in both these countries before the government made its decision.

Honourable members should be aware of a number of facts in respect of both Sweden and Finland. Both countries are concerned about their environment—in Finland their concern is particularly with air pollution and in Sweden it is with air and water pollution.

While I was in Sweden I was most struck by the spontaneous consumer-led change that has taken place with non-chlorine bleached paper products. Swedish supermarkets have a large number of goods provided in a range of paper products which include diapers and tissues and paper products that have already been recycled a number of times and which are used almost exclusively for toilet paper throughout Sweden, Finland, and even Germany.

I am pleased that the Treasurer mentioned recycling before, because it seems to me that the three things I learned from my visit to Scandinavia have direct parallels with the Liberal Party. Recycling is the flavour of the month not only in Scandinavian countries but also in Australia. Andrew Peacock has been recycled as the Leader of the Federal Liberal Party. The honourable member for Burwood may be interested; he could wait in case there is a chance for him to be recycled!

Honourable members interjecting.

Mr DELZOPPO (Narracan)—On a point of order, Mr Speaker, while the House has enjoyed the Minister's travelogue, I ask that she stay with the travelogue and not debate the matter. I ask you under Standing Order No. 127 to bring the Minister back to order.

The SPEAKER—Order! The honourable member for Narracan has directed my attention to Standing Order No. 127. I believe the Minister was making only a passing reference to the matters to which she was referring.

Mr Leigh—What has Andrew Peacock got to do with it?

The SPEAKER—Order! The honourable member for Malvern is severely testing the patience of the Chair and I do not wish to have to caution him again today. I uphold the point of order and ask the Minister to return to the substance of her answer.

Mrs SETCHES (Minister for Conservation, Forests and Lands)—As I said, recycling is important both in Sweden and Finland and it is, of course, important to the Liberal Party.

The second thing I learned during my visit was that it is absolutely desirable to remove from the pulp the brown effluent that comes from the wood. The newly elected Leader of the Opposition may be able to remove effluent from the Liberal Party! The brown effluent comes from lignum, which is the substance that holds timber together. I wonder whether this "Brown" will be able to hold the deadwood in the Liberal Party together!

I have brought back with me a number of the new products that have been developed in Sweden. I shall ask the Australian Consumers Association to examine them with a view to making more non-chlorine bleached paper products available in Australia. I shall also approach paper manufacturers to see what they can do to develop a market for these products in Australia.

I shall also approach the all-party Parliamentary committee that is examining the question of waste management to see whether it can arrive at a quick answer concerning the recycling of paper products, in particular. Finally, the government will ask the two companies involved in the planned project to examine the technology involved in the production of paper products in their pre-feasibility documentation.

PETITIONS

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

Price marking of goods

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

The humble petition of the undersigned citizens of Australia respectfully sheweth:

that your petitioners are gravely concerned that the introduction of computerised price scanning into supermarkets has resulted in the removal of individual price marking of goods and that this will disadvantage consumers in the marketplace and severely handicap their rights as shoppers.

Your petitioners most humbly pray that the Parliament ensure the retention of individual price marking of goods in shops using price-scanning computers.

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

By **Mr Cunningham** (105 signatures)

State Emergency Service 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 their great concern at the lack of funding provided by the State government for the volunteer units of the Victoria State Emergency Service.

Your petitioners therefore pray that the Parliament will give urgent attention to providing additional funding for the volunteer units of the Victoria State Emergency Service so as to enable them to efficiently and safely carry out the statutory functions delegated to them under the Victoria State Emergency Service Act 1987.

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

By **Mr Shell** (699 signatures)

Firearms restrictions

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

We, the undersigned women of Victoria draw the Parliament's attention to the danger still posed to the women and children of this State by the widespread and easy availability of firearms and respectfully do petition as follows:

1. that legislation be enacted which would place a ban on all semiautomatic weapons as being dangerous out of proportion to their legitimate use;

2. that legislation restrict the ownership of firearms to those who have a legitimate purpose for their use, who would in each case be trained and hold a licence; and

3. that Parliament strengthen the gun legislation in order to reduce the number of guns in households in this State.

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

By **Mr Gude** (8 signatures)

Speed limits and blood alcohol levels

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

To cut the road toll the following restrictions will reduce death and injury. That speed be cut from 110 km per hr to 80 km per hr, this the speed limit, other 60 to 80 kilometres an hour. The blood alcohol level be reduced to almost zero. Drink-drivers and those breaking the speed limit to have their licences cancelled and cars confiscated for a period of at least twelve months. As drink and speed are the main factors in smashes (also impatience) this law should be strictly enforced, accidents would not be so fatal. This applies to all road transport, including all buses, semitrailers, trucks (and B-doubles, which should not be on the road at all). The only way to stop speeding drivers is to alter the speedometer to the 80 km per hr, and new cars to be made only to go at the 80 km limit also. Only police, fire cars, ambulances, and a few taxis for emergencies should be allowed to have a higher speed limit. No excuses or opposition to road safety.

So we the undersigned do humbly pray that the government will take action now to slow it down and save lives.

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

By **Mr Baker** (310 signatures)

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

SOCIAL DEVELOPMENT COMMITTEE

Community violence

Mrs RAY (Box Hill) presented a report from the Social Development Committee on the inquiry into strategies to deal with the issue of community violence, together with appendices and extracts from the proceedings of the committee.

It was ordered that they 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:

Film Victoria—Report for the year 1987–88.

Statutory rules under the following Acts:

Drugs, Poisons and Controlled Substances Act 1981—SR No. 104.

Martial Arts Control Act 1986—SR No. 107.

Supreme Court Act 1986—SR No. 108.

ROOMING HOUSES BILL

Mr McCUTCHEON (Attorney-General) moved for leave to bring in a Bill to define the rights and duties of owners and residents of rooming houses and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

MURRAY VALLEY CITRUS MARKETING BILL

For **Mr ROWE** (Minister for Agriculture and Rural Affairs), Mr Roper (Minister for Planning and Environment) moved for leave to bring in a Bill to make provisions for a joint Victorian and New South Wales scheme for marketing citrus fruit and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

FISHERIES (AMENDMENT) BILL

Mrs SETCHES (Minister for Conservation, Forests and Lands) moved for leave to bring in a Bill to make miscellaneous amendments to the Fisheries Act 1968, to repeal the Victorian Fishing Industry Council Act 1979 and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

ADOPTION (AMENDMENT) BILL

Mr SPYKER (Minister for Community Services) moved for leave to bring in a Bill to amend the Adoption Act 1984 and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

WATER BILL

Mr WALSH (Minister for Water Resources) moved for leave to bring in a Bill to restate with amendments the law relating to water in Victoria, to repeal the Dandenong Valley Authority Act 1963, the Drainage of Land Act 1975, the Geelong Waterworks and Sewerage Act 1958, the Groundwater Act 1969, the Latrobe Valley Act 1958, the Mildura Irrigation Trusts and Sunraysia Water Board Act 1958, the River Improvement Act 1958, the Sewerage Districts Act 1958, the Victorian Water and Sewerage Authorities Association Act 1981, the Water Act 1958, the West Moorabool Water Board Act 1968 and certain other Acts, to amend the Land Act 1958 and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

JOINT PRINTING COMMITTEE

Mr ROPER (Minister for Planning and Environment)—By leave, I move:

1. That a Joint Select Committee be appointed to assist the Presiding Officers in all matters which relate to printing to be executed by order of the Legislative Council or Legislative Assembly, and for the purposes of selecting and arranging for printing returns and papers presented in pursuance of motions made by members of the Legislative Council or the Legislative Assembly.

2. That the committee consist of six members, comprising Mr President, Mr Speaker, two members of the Legislative Council and two members of the Legislative Assembly.

3. That three members of the committee constitute a quorum of the committee but a quorum shall not consist exclusively of members of the Legislative Council or members of the Legislative Assembly.

4. That the chairman shall be either Mr President or Mr Speaker.

5. That the committee may sit and transact business during any adjournment or recess of the Houses in the period for which it holds office but the committee shall not sit while either House of Parliament is actually sitting, except by leave of that House.

6. That the committee may send for persons, papers and records and report the minutes of evidence from time to time.

7. That the foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders and practices of the Houses, shall have effect notwithstanding anything contained in the Standing Orders.

I point out to the House that discussions have taken place with the Leaders of the parties in the other place and this House. It has been thought desirable that one printing committee should be established for Parliament and the motion is consequent upon those discussions.

The Printing Committee is certainly more active these days than it was when I first became a member of the House. In my first term I was a member of the Printing Committee and when we did meet we could find no-one alive to say that the previous minutes were a true and correct record. It is proposed that Parliament should have a Joint Printing Committee. I commend the motion to the House.

The motion was agreed to.

It was ordered that the foregoing resolution be transmitted to the Legislative Council with a message desiring its concurrence therein.

PORT OF MELBOURNE AUTHORITY (AMENDMENT) BILL

The debate (adjourned from March 16) on the motion of Mr Kennan (Minister for Transport) for the second reading of this Bill was resumed.

Mr BROWN (Leader of the Opposition)—It was without warning that I became aware a few moments ago that this item was listed No. 1 on the Notice Paper today and that because of other agreements the government is not in a position to debate other Bills. Of course, as I am now Leader of the Opposition I have had some unexpected arrangements thrown on me for today and one of those is an undertaking I am honouring right now. Therefore, whereas I was the spokesman on behalf of the Liberal Party for transport and proposing a fairly lengthy contribution on this Bill, I regret now I shall have to be very brief.

The Liberal Party does not propose to oppose the Bill. Unless it can get the concurrence of the government, it will be moving the usual amendment to enable either House to disallow regulations. That is now standard procedure for the Liberal Party, and has been so for some two years and will continue to be. That principle has been accepted by the government some 23 or 24 times and I hope the Minister can see fit in this debate to agree to that procedure, rather than amendments being required to be moved in another place.

Mr Speaker, should there be any difficulty in what I am advocating in that regard, I should be happy to speak with the Minister while the Bill is between this place and the other place, if that is acceptable. The Minister indicates his concurrence with that proposal.

The Bill provides that land sold by the Port of Melbourne Authority will no longer be subject to trusts and will form part of the municipal district in which it is situated.

Quite clearly, with land it is using for port purposes the current provisions require the authority to effectively have rights that are not available to private landowners. Of course, that should not be the case. At present planning requirements do not apply to land owned by the Port of Melbourne Authority. The premise within the Bill is such that if the government sold a particular parcel of land it would become part of the municipality in which it is situated. In other words, planning controls will then be enforceable under the jurisdiction of the local council. We support such proposals.

As is well known, the Port of Melbourne Authority has had a chequered history of recent years. In fact, I could go so far as to say, in the past few months. Many restrictive work practices are in place and they should have been tackled years ago. The government should address more vigorously the problems in the Port of Melbourne and how restrictive work practices affect the wider community.

In his recent report the Auditor-General highlighted that the Port of Melbourne Authority had entered into a contract with the Australian Department of Defence for the manufacture of two aluminium frigate superstructure modules. The report went on to say that the modules were constructed at the authority's Williamstown workshop and were completed in 1987–88 at a total cost of $1·5 million.

The Auditor-General also highlighted the fact that the authority incurred a loss of $842 000 on this commercial contract, primarily because the authority lacked suitable experience in such aluminium fabrication but more importantly because the price tendered was insufficient to cover the total cost of manufacture. The management's response was that the authority entered into the contract on a direct cost basis so as to utilise labour that would otherwise have been underutilised. The authority covered its direct costs and made a contribution to fixed costs, on the contract.

This is the relevant statement:

> In financial terms the authority was better off by taking on the work than it would have been by rejecting it.

The Port of Melbourne Authority lost almost $1 million, and yet in response to the Auditor-General it claims it was better off losing that amount than it would have been had it not taken on the contract. Outrageous situations such as that should be addressed forthwith by the Minister for Transport.

As the Leader of the Opposition it is clear that I have an increased responsibility generally, and that includes my attitude to the Public Service. A couple of years ago I made reference to one officer of the Public Service, Mr Paul Valero. I am aware that Mr Valero was upset about the comments I made in this House, but I believe those comments were taken out of context.

At that time I said that, when in government, the Liberal Party would deal with Mr Valero. As I am now the Leader of the Liberal Party, I make it clear that the concern I expressed at that time, which was interpreted to mean that Mr Valero would be disciplined by the Liberal Party when it returned to government, was incorrect. I make it clear to him and any other officer in the Public Service that that was not my intent. Any officer who transgresses in any way—I say publicly that I now know that Mr Valero did not transgress in any way—should be dealt with by the proper procedures. I was wrong regarding what I said of Mr Valero.

The point I wish to make is that I have had directed to my attention a matter of great concern, if it is true, relating to an officer of the Port of Melbourne Authority. As the Leader of the Opposition it is my proposal that anyone doing the wrong thing will be pursued with some vigour. However, rather than my publicly naming the officer in question and outlining the situation directed to my attention, I shall pass to the Minister for Transport the allegations that have been directed to the Opposition. I ask

the Minister to pursue the claims and give me a response in writing in a short time. We will then be in a position to assess whether the claims are valid, true and correct or otherwise. Clearly, if they are not valid, the Opposition would not wish unreasonably to name the officer. I ask the Minister to give me a response when he has had adequate time to consider the claims.

The Liberal Party supports the Bill. It is aware that the government has disposed of large parcels of land and holdings at the port of Melbourne will be divested in future years. Some of the land will be used for worthwhile purposes, and I assume some of it will be used for the construction of a future Olympic village to be used by athletes from other countries when they come to Victoria to compete in the Olympic Games.

On behalf of the Opposition, I give an unequivocal undertaking that any sensible action the government wishes to take in attracting the Olympic Games to Victoria and subsequently ensuring that they are held successfully will have my full and absolute support. I shall stand shoulder to shoulder with the Premier on this issue to enhance Victoria's position in attracting the Olympic Games to Melbourne.

Mr Kennan—Shoulder to shoulder?

Mr BROWN—I wish to do it in a worthwhile manner; the toe-to-toe discussions that may take place will not be on questions such as the Olympic Games. As I have outlined, the Liberal Party will support the Bill.

Mr J. F. McGRATH (Warrnambool)—The National Party supports the Bill and hopes it has a speedy passage through Parliament. The Bill provides that the land sold by the Port of Melbourne Authority is no longer subject to the trusts applying to the land by virtue of section 45 of the Port of Melbourne Authority Act, which dates back to 1918. Parliament is overdue in reviewing that provision of the Act.

The Bill enables the capital accrued from the sale of any assets to be retained within the Port of Melbourne Authority, thereby allowing the authority to put that capital into other assets that are more practical as the day-to-day operations of the authority change. In the past there has been the ridiculous situation where the capital accrued from the sale of assets referred to by the Leader of the Opposition has been lost from the authority. If the authority needed to expand, it had to borrow large sums of money and then significant Budget allocations had to be made for interest commitments. The Bill seeks to address that anomaly and gives back some autonomy to the authority. A clear illustration of that is the transfer of the World Trade Centre.

The Leader of the Opposition also mentioned the potential development of some of the land owned by the Port of Melbourne Authority for use as an Olympic village. Consideration must be given to land under the control of the Department of Conservation, Forests and Lands as part of the overall development, should Victoria be successful in winning the bid for the 1996 Olympic Games. I hope that bid will be successful because it would be a significant event in relation to the development and future prosperity of Victoria.

A turnaround has occurred in the financial performance of the Port of Melbourne Authority and honourable members welcome that. Perhaps it is attributable to the authority trading some of its assets and getting rid of some of its liabilities. It is estimated that the authority will show a $4 million profit for the year ending 31 December, and that is based against an estimated loss of $1 million. Obviously that is a turnaround in the performance of the authority.

When one considers the important role the authority plays not only in the State's economy but also the economy of Australia, it is very important that it not only be

viable but also that it be autonomous. The National Party supports the Bill and wishes it a speedy passage through Parliament.

The National Party will support any discussions that may occur when the Bill is between here and another place about the regulatory clause that has become standard in Bills. I understand that the Minister, by interjection, said that it is a simple Bill that does not refer to regulations. However, it is important to make it clear that the National Party does not accept regulations being referred to in Bills on the basis that they will be acceptable when they are produced. I am concerned that the government has made a practice of governing by regulation. Although the matter may not be handled in the Bill, it is important that it be included in the proposed legislation that there be a right by either House of Parliament to reject regulations.

I shall be interested to pursue those discussions when the Bill is between here and another place to obtain the Minister's response. The National Party supports the Bill. The fact that the trust was set up as early as 1918 clearly indicates that the Act is long overdue for review. It is necessary as we enter the 1990s for legislation to keep pace with society.

The motion was agreed to.

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

SUBDIVISION (AMENDMENT) BILL

The debate (adjourned from April 13) on the motion of Mr Roper (Minister for Planning and Environment) for the second reading of this Bill was resumed.

Mr JOHN (Bendigo East)—The Subdivision Act was passed by Parliament last year. It was assented to on 31 May 1988 but it was never proclaimed; it has never been put into operation because of a number of problems in the legislation. The main reasons why the Act was never proclaimed were, firstly, that there were requirements that all planning schemes in Victoria had to be amended and that obviously would have entailed an enormous amount of work. Secondly, there was a requirement for complex and detailed regulations to be drafted for the implementation of the legislation.

The government announced a number of dates on which the Act was to come into operation but it slowly became apparent that the powers in the principal Act were not adequate to allow the regulations to be formulated.

The legislation was seriously deficient and changes were required to provide for additional powers. The intention of the Bill is to cure these deficiencies. The main problem with the amending Bill is that it does little to alter the Act. The principal Act was conceived and possibly written by planners and not by lawyers or legal draftsmen. This led to many drafting errors and caused many of the problems that the Bill attempts to cure.

When the original Bill was debated in another place, the Honourable A. J. Hunt, now the President of the Legislative Council, on behalf of the Liberal Party made a valiant attempt to cure the faulty proposed legislation. I pay tribute to his efforts which in a bipartisan way attempted to assist the government out of its difficulties.

The Opposition and I, while I have had the conduct of the shadow portfolio, have made considerable attempts to consult and confer with interested parties to ensure that the best possible law is put in place for the subdivision and consolidation of land in Victoria. The principal Act and the amending Bill deal with complex and technical matters. I shall not go into detail about those matters because no matters of principle

arise from the amending Bill that have not already been canvassed and debated when the original Bill was before Parliament.

The Subdivision Act abolished the Strata Titles Act and the Cluster Titles Act and made changes to other Acts of Parliament such as the Local Government Act, the Sale of Land Act and so forth. An enormous amount of consultation has taken place. I acknowledge consultation has been conducted with interested parties not only by the Opposition but also by the government and its agencies as well. I pay tribute to the efforts made by the Law Institute of Victoria and in particular by three members of its subcommittee who had the conduct of the negotiations, Mr Paul Brotchie, Ms Genevieve Overall and Mr Peter Druce. They worked tirelessly to assist both the government and the Opposition in formulating some of the clauses of the Bill.

The Opposition has had consultation with the Master Builders Association of Victoria, the Municipal Association of Victoria, the Metropolitan Municipal Association, with Mr Owen Lennie of Costain Australia Ltd, who was helpful in putting the view of developers, the Housing Industry Association, the Kindred Industries Group (Housing Industry), the Urban Development Institute of Australia, the Institution of Surveyors (Victoria), the Royal Australian Planning Institute (Victorian Division), the Real Estate Institute of Victoria, the Australian Institute of Building Surveyors (Victorian Chapter), and people from the Land Titles Office, such as Mr Len Smart.

Many of the changes reflected in the Bill are the result of representations that have been made by private legal practitioners to the Opposition and the government. I thank legal firms such as Tolhurst Druce and Emmerson and Rivers Dickinson Stirling and Munz for taking the trouble in this complex area to set out their views about the amendments that should be made.

The Bill is substantially a planning Bill, rather than a legal Bill, and this is its basic flaw. Under the Act and the Bill a planning permit is required for all subdivisions, for the creation of easements, for restrictive covenants and so forth. The Bill goes much further than was the case with the Act. I understand the government will move an amendment during the Committee stage that planning permits will not have to be obtained for easements under most planning schemes. It will be a requirement that will have to be placed in planning schemes.

The area of compulsory acquisition is another matter of concern. I have had experience in this area in my previous legal practice when I acted on behalf of the Road Construction Authority when it made compulsory acquisitions with the transfer of strips of land and parts of property for roads, roundabouts, freeways and so forth. A plan of the land to be acquired was endorsed on a transfer document. It was a simple procedure and it did not take much in the way of complexity to effect a transfer in favour of the Road Construction Authority or any other acquiring authority. One problem under the proposed legislation is that in future it will be necessary for a full subdivision and probably a planning permit to be obtained in order to transfer a mere strip of land which an acquiring authority needs to conduct its statutory responsibilities.

One of the problems will be that the new procedures provided for in the Bill will add months and perhaps even years of further delay in the time that municipal councils and authorities such as the Road Construction Authority can take to get properties transferred to them.

Because the Planning and Environment Act requires every planning permit application to be advertised, and because planning departments at many councils are weeks, if not months, behind in processing planning permits, further delays of three months, six months or more will be created. I emphasise—and honourable members

must be aware of this—that the holding costs on developers engaged in subdivisional activities are increasing all the time. With the current interest rates a $1 million project will cost the developer approximately $20 000 a month in holding charges.

The combined effect of the holding charges with interest, the fact that every one of the authorities has its hand out for payments from the developer, and the provisions of this Bill will increase the bureaucratic procedures. That will damage private sector developers and prevent them from getting the land and home units on to the market as quickly as they would like.

In fact, only yesterday evening a developer said to me that it takes him as long to obtain a planning permit in Dandenong as it takes him to do the entire subdivisional development. That is a sad indictment on the processes and procedures, which will only be added to by the Bill.

I am pleased to say that the fruits of the labours of all three parties are evident, in that they have been successful in ensuring that the insurance provisions under the Bill are vastly improved. Under the previous legislation, the Strata Titles Act, there was a requirement that insurance be effected by the body corporate. There were many home unit developments throughout Victoria where this did not occur and where people simply insured their strata units separately and privately, which was not in accordance with either the letter or the spirit of that Act. There was a de facto insurance situation that was not properly authorised by the law.

Under the amending Bill and the regulations, insurance will be compulsory in high-rise developments, which is as it ought to be, and is to be effected by the body corporate. It will be optional, subject to regulations, for developments that are on one plane, such as modest home unit developments.

Another matter that has been of concern to the Real Estate Institute of Victoria and the Building Owners and Managers Association of Australia Ltd—which is otherwise known as BOMA—is the question of preselling. The principal Act and the Bill both specify that before one can sell a unit on a plan of subdivision a permit must have been issued and the plan of subdivision must have been certified by the municipality. The Bill also provides that one can still presell lots on a two-lot plan of subdivision, and that the Minister may designate special projects under which one can presell.

Under the present law, if one presells a lot before the subdivision is complete, a contract is signed which provides that completion may be subject to the registration of the plan of subdivision and the money is held in trust by the solicitor until that subdivision is completed. This worked very well under the Strata Titles Act. The Bill will make the process slower before one can sell a lot on a plan of subdivision. That is of concern to BOMA and the Real Estate Institute of Victoria because, as I said, the holding charges on developers are enormous. There is also concern that any slowing down of the selling process will affect the building industry and eventually add to the costs of home buyers.

As I understand it, from conversations that I have had with BOMA and government representatives, the government is prepared to review the Sale of Land Act and the question of preselling after a reasonable period. BOMA has informed me that it has been agreed that the Minister will exercise his powers under section 46 of the Act to declare special projects in or out of the central business district that do not require certification of plans prior to the sale of strata titles of large commercial projects; that there will be a six-month phasing-in period; and that the review of the Sale of Land Act will be carried out prior to the six-month phasing-in period.

I look forward to the Minister's acknowledgment and his undertaking at a later stage in the debate that the government is prepared to examine very carefully the

question of preselling, because it concerns many people in the development and real estate industries. It is of concern because the Bill will have the effect of slowing down the processes and several months will be added to the time in which a developer or a vendor is able to sell.

Another worrying aspect of the principal Act and the amending Bill is the requirement for an enormous number of regulations. Indeed, four different types of regulations are required to facilitate work through the Land Titles Office, certification procedures through municipal councils and so on. The Bill will increase bureaucracy and add cost to the development industry. Ultimately, that cost will be passed on to home buyers.

Having made those remarks, I point out that the Opposition does not oppose the Bill. However, I seek from the Minister at a later stage in the debate an undertaking on the matter of preselling.

Mr ROSS-EDWARDS (Shepparton)—The National Party supports the Subdivision (Amendment) Bill. It is very much a Committee-type Bill. It covers a variety of matters and it is probably more appropriate for most of them to be discussed in Committee.

The Bill amends the 1988 legislation which, as the honourable member for Bendigo East mentioned, has not been proclaimed because, for a whole variety of reasons, the timetables set out could not be complied with. I can understand that; it was a very complicated and difficult Bill, and the regulations, which are complex and numerous, were not ready on time.

I was amused to read in the second-reading speech that some of the amendments that were made in another place were not appropriate to the implementation of the legislation. Perhaps it is worth commenting in passing about making amendments on the run, because it occurs in this place time and again with complicated Bills where there is something wrong. There are enthusiasts among members of Parliament who want to put it right. Some honourable members have tremendous confidence in their own capacity to do so.

I have learnt over the years that the proper function of Parliamentarians, if they see a weakness in a Bill, is to highlight that weakness by bringing it to the notice of the House during debate, and perhaps to suggest ways in which the legislation could be altered. I am a believer in halting debate and sending the Bill back to Parliamentary Counsel. When the going gets tough and the complications too much, the Bill should be withdrawn and a new one prepared. It is difficult to build on something which has inherent weaknesses.

At times people are desperate, and the government could say, "We must get the Bill through because people are waiting for it". On many occasions situations similar to those in this case have arisen when a twelve-month-old Bill has not been proclaimed, and the House is now attempting to correct that. I am not casting blame on people because I am not involved in drafting or correcting the regulations or in conferring with other departments; I have no hesitation in confessing that that would be beyond my capacity.

I was interested to hear the compliment paid by the honourable member for Bendigo East to the subcommittee of the Law Institute of Victoria, and I pay tribute to that institute. Members of the institute do not receive much praise, and perhaps that could be termed self-praise because I am a member of it, although I have never been one to contribute to the institute on matters concerning the drafting of legislation. However, on hundreds of occasions I have met with members of the Law Institute of Victoria about proposed legislation before the House.

Although the institute could at times be accused of pushing its own interests, it brings great knowledge to the House; its members give freely of their time and talents. I thank the subcommittee that contributed to the preparation of the Bill and I pay tribute to the institute because, not only in relation to this Bill but also in other cases, seldom does a week pass when the institute does not make some contribution to material for debate on Bills before Parliament.

Amendments will be proposed to make the subject of preselling an easier one. I support that concept, but I remember only too well about 25 years ago when Parliament went to great lengths to stop preselling because it had got out of hand as a result of different circumstances. People were selling land before the appropriate time; three or four terms of contract would be occurring at once, particularly in the newer suburbs, on developments that were incomplete and at different stages. There was a complete mess and, as so often happens in politics, some people went overboard to correct the problem. Parliament then returned and legislated for two-lot subdivisions, but now it is going further.

Provision is made for special projects, and when one sees the complexity of some of the Melbourne projects at the moment, it is obvious that certain enterprises must be classified as special projects, ensuring special arrangements on those projects.

As has been mentioned during the debate, finance for development is a very real problem. The word "developers" often has a connotation of people who are grasping at profits and taking people down, but developers are businessmen. The majority are professional and honourable people in their field. Government has to work closely with developers, otherwise development in the State will stagnate. At the moment there is a rather satisfactory rate of development in Victoria; developers are playing their part. Any delay—whether it be for a planning permit or the provision of services—costs the developers dearly and they have no choice but to load that extra cost on to the purchaser of the property. Therefore, it is up to the government and municipal councils to do their utmost to ensure unnecessary delays do not occur.

A large number of rather complicated regulations will need to be introduced with reference to the provisions of the Bill. A bad atmosphere has been created about regulations because of an unfortunate confidence trick played by the government two or three years ago on the Local Government Bill. The Minister for Planning and Environment could well say that the opposition parties have now gone overboard and could be termed "difficult" when it comes to regulations. The government was wrong in what it did in relation to the Local Government Bill. The Opposition will give little cooperation until the government changes its ways.

The Bill is complicated but necessary. I hope this Bill will enable the 1988 Act, with amendments, to be proclaimed in the not-too-distant future. I hope the Minister can give an indication as to timetabling. Unfortunately, the Opposition did not request similar information twelve or fifteen months ago about the previous Bill. Many people in the business community want to know about the government's timetable and what it hopes to achieve.

Mr HEFFERNAN (Ivanhoe)—It was interesting to hear the honourable member for Shepparton remarking about the obligation of the government to help expedite the development sector and the private sector. The Opposition welcomed the rewriting of the Bill when it was introduced because the provisions contained in it were long overdue and most important to the private sector. It was important that decisions were made because delays appeared to be too lengthy for the private sector.

However, I am now beginning to wonder, because of the Bill before the House, whether Parliament has really taken a bipartisan approach to achieving what was

necessary to be achieved. When one examines the pile of statutory subdivision regulations to be introduced, one must finally wonder whether life has been made much easier for the people involved.

I take the shadow Minister for Planning and Environment to task in a slightly facetious manner in that the original Bill was brought into existence by people like planners in the industry. Things went wrong because of the non-involvement of the legal profession.

Mr Roper—They did.

Mr HEFFERNAN—A mistake that all honourable members must eventually experience is that we are a little too involved with the legal profession. As a result we get ourselves further tied up in knots. At some time I am willing to look with the shadow Minister at the situation regarding the involvement of the legal profession. That is not being at all critical of the input of the Law Institute of Victoria. I have always worked on the basis that if one wants to tie something up, one should give it to a lawyer and one will never get anything done.

Mr Ross-Edwards—That is a facetious remark.

Mr HEFFERNAN—That has become my belief after many years of dealing with lawyers. The legal profession is a necessary evil in some areas.

I commend the government on its use of regulations to cover many of the administrative aspects of the Bill. The Opposition has copies of the draft regulations covering registration fees, permits, certification fees, procedures and body corporate rules. The relegation of much of the subdivision material to regulation allowed the Bill to be passed last year well before the draft regulations were formulated. This should have ensured that the Subdivision Act was complete. Instead—and it should be highlighted—despite the extensive use of these regulations, honourable members are confronted with another amending Bill. Unfortunately, the Bill is half as long as the principal Act.

I know the Minister thinks it is important that it works and that the private sector acknowledges what the government is trying to do, but only time will tell. I personally do not believe it will work! One could be critical of the fact, as was the honourable member for Shepparton, that the Bill passed through the House in such an incomplete form. Over time, I have learnt that haste is risky; and I agree with the honourable member that sometimes it is better to stand back and wait a little longer. I have always said that the world will not stop if legislation is not passed; industry goes on. I often think that, with the continual rewriting of the Bills and regulations, we are going down the path of complication. It has taken eight years to reach this stage since the land task force was established in 1981. Another set of regulations has been introduced and the Minister continually will be hounded with problems.

A matter to which the Opposition does not object, but to which I personally object, is the ability of councils to spend money from public open space funds on parkland development. It is a grave mistake by the government to give councils the opportunity of using the 5 per cent of funds paid to councils on redevelopment work. In a year—and there will be tight times in local government when councils will be faced with rate rises and will be looking for funds—those councils will say, "Hold on, there are funds in our open space account; if we use that for parkland development we can keep the rates down". That, in turn, is false economics. The government has reiterated many times—and I have supported the government—that the urban sprawl must stop, and that, in turn, will create pressure on our inner suburban areas for open space and breathing areas.

Local government will be in the position where money is tight and funds are unavailable to develop open space and the only other money that is available is the 5 per cent. That will now be used, and I believe it should have been left to the discretion of the Minister of the day whether those funds should be used for development. I should like to hear the Minister's opinion.

Mr ROPER (Minister for Planning and Environment)—I thank the honourable members for Bendigo East, Shepparton and Ivanhoe for their contributions to the debate. The proposed legislation, as the honourable member for Ivanhoe said, has had a long and in some ways tortuous introduction into the statutes, and numerous draft regulations will follow. Some of the complications of the regulation system occur because of the requirements imposed by the Legislative Council. It is easy to ask whether the system should not be simpler? In fact, the way Parliament operates tends to complicate matters. The mass of amendments that occurred in the Legislative Council when the last subdivision Bill was debated caused difficulty in the operation of the legislation.

Since I introduced the present Bill in early April, the government has had detailed discussions with the Law Institute of Victoria, the Land Titles Office and many others. Further sensible suggestions have been made. I have always taken the view that it is rare that a Bill is introduced which cannot be improved on. As a result of those discussions, the government foreshadows a series of amendments in another place to facilitate the proposals of the Land Titles Office, the Law Institute of Victoria and the opposition parties. There will not be 300 amendments, or whatever it was last time by the government and by the former shadow spokesperson in the other place. The government has some protection in the other place now that it did not have before.

As the honourable member for Shepparton pointed out, there have been factional differences on the issue of preselling of lots and, from time to time, there have been significant problems. The government is aiming for a freer system, but not as free as some would like; certainly not as free as local government would like. The government has said that it will monitor the operation of the Bill and will be prepared to entertain further amendments if industry and others think that is justified.

The honourable member for Bendigo East said that there was the prospect of delay and mentioned the Dandenong City Council. It frustrates me sometimes when significant delays occur in local government. The government has some additional powers—not as wide as originally sought—to deal with some of those delays in the building control area. It is a problem, and the position is not made easier by the fact that local government during boom times finds it more difficult to obtain and retain the level of qualified staff than it would during normal times. In reality, what many council officers can make in salary and package outside the council attracts them away and leaves councils without the appropriately skilled people. The government is continuing discussions with the Municipal Association of Victoria and others on this significant problem which affects my Ministry also, because in boom times employers will pay well over the award salary to get the staff they want. That has affected the Ministry's building control branch and various other branches.

I thank the Opposition spokespersons for their contributions and suggestions. I shall make available the government's proposed amendments. A number of the matters raised by honourable members during the course of the debate have been incorporated in those amendments and will be debated in another place.

The motion was agreed to.

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

CRIMES LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

The debate (adjourned from May 4) on the motion of Mr McCutcheon (Attorney-General) for the second reading of this Bill was resumed.

Mrs WADE (Kew)—The Bill makes a number of unrelated amendments to provisions of the Crimes Act and a number of other Acts. One of the most important provisions is contained in clause 23, and that clause repeals the sunset provision of the National Crimes Authority (State Provisions) Act 1984.

The repeal of the clause will enable the National Crimes Authority to continue those operations authorised by Victorian legislation. The authority plays an important role in crime investigations, going across State boundaries, and it also co-ordinates the investigation activities of a number of other crime investigation agencies.

It is important that crime investigation not be dependent solely on reports of offences. There are many different sorts of crimes such as insider trading, tax avoidance and drug offences where it is not obvious that a crime has taken place. In most of these cases the effects of the offences are obvious but the people involved in the offences are not known, and on many occasions it is not even clear that an offence has been committed.

I should like to look back on the various inquiries that eventually led to the establishment of the National Crime Authority. The first of these inquiries was the McCabe–Lafranchi inquiry, which was instituted by the then Corporate Affairs Office under the previous Liberal government. That inquiry is a good illustration of why crime investigation authorities should not just sit back and wait for an offence to be reported.

The background to that inquiry was that a clerk in the then Corporate Affairs Office noticed that annual returns were not being lodged by a number of companies and that those companies had addresses in common. That clerk, being a person interested in the connection between these various companies, decided that the addresses should be visited to see whether there was anything that could be ascertained from looking at the premises at which these companies were registered.

As it turned out he found that many of those companies were registered at vacant blocks of land or they were addresses which did not exist. Some of them were registered in the names of premises occupied by prostitutes and some of them were registered at premises occupied by people who were subsequently identified as painters and dockers.

As a result of what started off as a Corporate Affairs Office investigation, a special investigator was appointed who was a barrister, Mr Patrick McCabe, together with a corporate affairs investigator, Mr David Lafranchi. Together they investigated all the companies that had been registered at the addresses initially discovered in the Corporate Affairs Office and what transpired after an investigation lasting several years was the disclosure of widespread tax evasion by way of what came to be known as the "bottom-of-the-harbour" companies.

That investigation changed the whole climate for tax evasion in Australia, and it is interesting that the investigation was commenced without any knowledge of the tax evasion implications which subsequently were to become apparent.

Following the McCabe–Lafranchi investigation the Costigan commission was established, and that commission picked up the work that had been done by the McCabe–Lafranchi investigation. It looked at other activities of painters and dockers, it developed a computer system and computer programs to crosscheck information,

and subsequently it was able to provide information about workers compensation fraud, social security fraud and additional cases of tax evasion.

The next step was the establishment of the National Crime Authority itself. The Attorney-General tells us in his second-reading speech that the National Crime Authority has now proven itself to be an integral part of the Australian law enforcement system and its continued operation, in both Federal and State jurisdictions, is an important response to organised crime.

I absolutely agree with everything that the Attorney-General has said on that point. However, recently I gained the impression that the authority has not been as active in the sort of work that I have been talking about—that is, going out and looking for crime as opposed to waiting for criminal offences to be reported to the authority, and I hope that with the appointment of Mr Peter Faris QC and, I understand, the move of the headquarters of the authority to Melbourne, that that aspect of the authority's work will be reactivated.

Another matter covered in the Bill is the law relating to the falsification of documents and the related repeal of offences of forgery and currency offences. Proposed section 83A (5A) in clause 5 of the Bill creates a new offence. It states:

> 5. After section 83A (5) of the Principal Act, insert—
>
> "(5A) A person must not make, or have in his or her custody, or under his or her control, a machine or implement, or paper or other material, which is, and which he or she knows to be, specially designed or adapted for the making of a false document, with the intention that that person or another person may commit an offence against sub-section (1).

I have pointed out to the Attorney-General that the word "false" before "document" will mean that that provision cannot be used in the case of someone who had stolen a genuine machine such as a machine to make bankcards or other credit cards, and I have suggested to him that the word "false" should be omitted so that the provision will cover both having a machine specially made to produce false documents and having a machine which has been originally designed for making the real thing but has been stolen or otherwise has come into the hands of someone who intends to use it for committing an offence.

I understand from the Attorney-General that among the large number of foreshadowed amendments he presented to me 10 minutes ago, there is an amendment that will implement that suggestion. Unfortunately, I have not had time to check up on that but, if it is so, I thank the Attorney-General for picking up this point.

I understand that so far as the repeal of the forgery and currency offences is concerned, the Attorney-General is satisfied and the Commonwealth authorities are satisfied that those offences are adequately covered by the Commonwealth Crimes Act.

I refer now to clause 13 which redefines "sentence" for the purposes of specifying when there is a right of appeal. This provides a right of appeal not only to a person who has been sentenced but also to the prosecutor. Among the provisions is paragraph (*e*) which deals with an anomaly. It picks up the situation with the Commonwealth Crimes Act where a person is dealt with by an adjournment of the case on the condition that the person enters into a bond, and the Commonwealth Director of Public Prosecutions cannot appeal against such a decision. The inclusion of paragraph (*e*) will ensure that there can be an appeal in such circumstances. The Opposition supports that provision.

I turn to clause 25, which states that the court, in fixing the sentence, may take into account the stage of proceedings at which a person pleads guilty. This clause is of some concern to the Opposition. It is not a problem if the accused has a legal adviser available before he or she decides to plead guilty. The justification for the provision is

that it will avoid a situation where a person has not given any notice of intending to plead guilty, where up to a week or more has been set aside for the trial and the accused decides to plead guilty at the door of the court. At that stage it is impossible to set down another case for that time. It will also have the advantages of getting cases listed more quickly, of ensuring accused people do not spend so long on remand and bringing about shorter hearings.

I can see these advantages but I am concerned about the pressure on a person to plead guilty at an early stage when he or she has no legal advice. I understand this proposal was a recommendation of the steering committee investigating delays in criminal courts—I am advised by the Attorney-General that it was the recommendation of the Chief Judge of the County Court. In these circumstances, the Opposition would not oppose this provision but I urge the Attorney-General to monitor this practice closely.

Clause 26 makes provision for people who have been sentenced to death and provides that in a case where a death sentence has been commuted to life imprisonment, a minimum sentence may be set. This is an amendment to section 18A of the principal Act which was inserted in the Act in 1986. It was thought that section 18A does exactly what we are now proposing to do, that is, allow minimum sentences to be set in the circumstances I have just described. I gather that the Supreme Court had been operating on that basis and, in six cases where people had been sentenced to death and their sentences commuted to life imprisonment, minimum sentences have been set, and in four of those cases, the people concerned have now been released from prison. However, a seventh person who made an application under this section had a minimum term fixed with which he did not agree; he felt it was too long. He appealed to the Court of Criminal Appeal, which found that in the circumstances of his case section 18A did not permit the fixing of a minimum term because he was not originally sentenced to life imprisonment but had originally been sentenced to death.

The Opposition did not oppose section 18A following an amendment introduced by the Honourable Bruce Chamberlain in another place which provided that minimum sentences imposed for murder may not be upset by administrative action or by a parole board or by any other government agency. Similarly, we do not oppose this provision now being inserted in this Act to clarify this situation but I should like to bring to the notice of the Attorney-General a Queensland proposal which I have seen recently reported in the newspapers: that in some circumstances a term of imprisonment should not be regarded solely as punishment and that there are protection of the community considerations, so that a court should be empowered, where it considers a person will be a danger to the community if ever released, to impose a sentence which will ensure that that person will never be released.

The Queensland proposal, as I read it, provided for appeal against a sentence of that sort, and provided other safeguards for people to apply during the course of imprisonment for reconsideration of their sentence. I ask the Attorney-General, in view of the community's concern about the release of people who are seen to be a continuing danger to the community, to obtain from the Queensland Attorney-General the details of the proposal that is being considered there and to give consideration to it.

I turn now to clause 27, which relates to community-based orders. At present community-based orders are concurrent or additional, depending on the order of the court. The proposal is that they will always be concurrent in the future unless the court provides that they will be additional. I will be proposing an amendment. I understand the real problem is that in many cases the court forgets to specify whether the sentences are concurrent or additional and this has created a problem. It seems to me that the solution is not the one put forward in this Bill which is to provide that basically they

are always concurrent. The court should be able to choose equally between concurrent and additional sentences and where the court forgets to specify whether a sentence is concurrent or additional, it should be deemed to be additional.

Mr Ross-Edwards—What about someone who is not represented?

Mrs WADE—If the court does not say whether they are concurrent and is dealing with a number of different offences and a person is being sentenced in respect of different offences, it is assumed the sentences are different. The section already contains provisions which specify that an offender is not permitted to serve more than so many hours a week on these community-based orders and not so much time in any one year. That provides sufficient safeguard.

Some other amendments might be thought to fall into the same category; amendments to the Alcoholics and Drug-dependent Persons Act which provide that suspended sentences will be deemed—if there is a breach of a condition of the suspended sentence—to be concurrent with any other sentence. The Opposition will not change that because, as the Attorney-General has just pointed out, unnecessarily, the general rule is that where the condition of a suspended prison sentence is breached, the sentence becomes concurrent with any other sentence which has been imposed.

Clause 34 is an amendment of the Wrongs Act to permit certain crime reports to be privileged. This section applies to documents issued by the Chief Commissioner of Police or on his or her behalf by a member of the Police Force of or above the rank of inspector. The publication can be in any published newspaper or other periodical publication or the transmission to the general public in a radio or television program. A copy of such a report or a fair and accurate report or summary of the document is privileged unless the publication is proved to be made with malice. This is to protect such things as *Crimespotters* reports and identikit pictures published in the newspapers.

The sitting was suspended at 1 *p.m. until* 2.3 *p.m.*

Mrs WADE—Before the suspension of the sitting I was discussing clause 34 which amends the Wrongs Act. I referred to the provision designed to protect newspapers and radio and television organisations that publish documents or reports issued for publication by the Chief Commissioner of Police or on his behalf by a member of the Police Force of or above the rank of inspector.

The provision confers privilege in those circumstances subject to the provisions of proposed subsection (2), which is a protection for someone who may feel he or she has been improperly identified in a *Crimestoppers* program or an identikit-type publication put out by the police. The person can request the newspaper publisher or television or radio station to publish a letter or statement contradicting or explaining the report. If such a request is made and it is not complied with, the newspaper proprietor, television or radio station does not obtain the protection that would otherwise be conferred by the provision.

The only problem I have with the provision is understanding proposed subsection (5), which states:

> Sub-section (2) is available only as a defence with respect to a publication made on or after 26 March 1989.

I am not sure of the significance of that date. I ask the Attorney-General to explain why 26 March has been plucked out of the air and put into that proposed subsection.

Finally, I refer to the amendments to the Transport Act contained in clauses 35 to 45 of the Bill. Largely, the amendments are directed at empowering police in addition to transport employees to take action in respect of traffic infringements. The traffic infringements that will be covered by the provisions are to be prescribed by regulation.

They are currently set out in a schedule to the Act. I have some concern because the regulations may introduce additional offences as well as prescribing those offences as transport infringements. I shall be moving an amendment providing that the regulations may be disallowed by either House.

Clause 38 contains a provision for transport officers to produce their authority before taking any action on an offence. This provision does not apply to a member of the Police Force. I ask the Attorney-General to consider whether, in the case of police officers who are not in uniform, there should be a similar requirement for them to produce authority.

The Opposition supports the provisions of the Bill, subject to the qualifications I have expressed in respect of clause 25 and the amendments I have foreshadowed. However, its support does not at this stage extend to the very large number of amendments the Attorney-General produced just before the adjournment of the sitting and which I have not had an opportunity of considering.

Mr ROSS-EDWARDS (Shepparton)—The National Party supports the Bill. I want to start on a constructive note and pay a tribute to the writer or writers of the second-reading speech. I have already mentioned to the Attorney-General that it was a pleasure to read an intelligent second-reading speech that was both informative and comprehensive. It does not appear to leave anything out and it contrasts with many second-reading speeches honourable members hear these days that are sometimes irrelevant, skimpy and, certainly on occasions, do not explain the proposed legislation in layman's language. That is what should be done because it is not only members of this place who are interested in second-reading speeches; they are also for the benefit of the general public, and it was refreshing to read these second-reading notes.

They happen to be the second-reading notes on a Bill that is exciting proposed legislation on crime. From the general public's point of view, the Bill will be welcome. It comprises a series of commonsense amendments to the criminal law. They are matters that members of the public can relate to in their day-to-day lives and, in my view, the proposed legislation will make the enforcement of criminal law in Victoria much more effective.

In passing—and it is irrelevant to this debate, I suppose—I should be interested to hear from the Minister whether it is proposed to have further amendments of similar quality in the reasonably near future because the matters referred to are relevant, necessary and full of commonsense.

However, by no means does the measure exhaust the possibilities. The public is crying out for sensible law and order and, by introducing the proposed legislation, the government has reacted to the demand. I hope the Minister will go forward now and see whether he can go further on a more comprehensive scale because the public is desperately keen to tackle the increase in crime which is so evident around us, both of major crimes, such as that handled by the National Crime Authority, and of the crime that occurs every night on Melbourne's public transport.

Although they are different types of crime they are relevant to John and Jill Citizen, who are concerned not only for their own welfare but also for the welfare of their children and grandchildren to come.

The Bill provides for a series of amendments to Acts that are unconnected and it would traditionally be called a Committee Bill. However, I shall deal with the provisions now and not at the Committee stage, apart from then commenting on the amendments.

The most important and relevant provision of the Bill relates to the National Crime Authority (State Provisions) Act 1984. At that time a sunset clause was inserted because the House was not sure how worthwhile or effective the Act would be. Five years has now passed and I am sure that every State of Australia would unanimously agree that the sunset clause should disappear. The sunset clause comes into operation on 30 June this year so it is important for the Bill to be passed this week because Parliament will not resume before the end of the financial year. This will allow the National Crime Authority to continue its operations indefinitely.

The Bill also relates to computer crime and, of course, to crimes relating to bankcards and automatic telling machines. The Bill brings the law up to date in regard to business practices that are relevant in 1989.

The third area of concern is coinage and currency. This provision will get rid of legislation that has been on the statute book for a long time. This area has for many years been a Federal responsibility and is no longer relevant to Victorian legislation.

Having been a practising solicitor in earlier days, I was interested in the amendments to the Penalties and Sentences Act, especially those relating to pleading guilty at an early stage. This provision appeals to me because I have often seen the ridiculous situation that occurs when an accused person acknowledges that he or she is guilty but decides to give it a go and plead not guilty. Ironically, although in the wings, I was involved in a case recently where a person pleaded not guilty, despite the barrister's advice, and the court case went on for days and days.

This provision tackles the problem. Currently, the courts can take into consideration that a defendant has pleaded guilty. However, the Bill provides that a court be empowered to take into account the time at which the accused person pleaded guilty. It is all very well for a person to change his or her plea to guilty at the last moment but that does not save the time of the court or the cost involved. It achieves nothing for the system. An accused person can expect to receive a lesser sentence by pleading guilty at an early stage rather than by being found guilty by the court.

The honourable member for Kew said that it is imperative for accused persons to obtain proper advice on this matter. I agree with that. However, it is hard to imagine a person pleading guilty to a major crime without receiving good advice about the implications of that plea. The Bill will encourage the legal profession to discuss with clients the advantages of pleading guilty at an early stage.

Another relevant factor is the benefit to the innocent victim of a crime. Victims of crimes such as rape or indecent assault often have to go through the trauma of court cases that last for some days. Judges have often stated that because innocent victims have been saved the embarrassment of being in court, the sentence should be reduced accordingly. It is obvious that an early plea of guilty will be a tremendous saving in every respect.

The Bill also provides for a person whose sentence of death has been commuted to apply for the fixing of a minimum term. This cleans up the law that applied prior to the abolition of capital punishment. That brings back memories of when capital punishment was abolished. The then Premier, Sir Rupert Hamer, led a minority of the Liberal Party across the floor to vote with the Labor Party, who voted as a block and got the numbers. Liberal Party members have probably forgotten that the majority of the Liberal Party voted in favour of capital punishment at the time and were supported wholeheartedly by the National Party. That is a little bit of history that the Bill brings back to mind.

I was interested in the clause relating to the publication of photo kits. I was concerned at one stage about the protection that this gave to the media. However, it gives

protection to the media only in respect of the normal use of photo kits of people accused of crime. Those kits are normally not published unless for a good reason. It has been found that programs that use photo kits, such as *Crimestoppers*, have been successful in helping in the apprehension of criminals who may not otherwise have been arrested. This provision gives protection from defamation to the print media and has the support of the National Party.

I was interested in the provision relating to transport infringements. It seemed ironic that up until now the police did not have the same powers as the Transit Police. The Bill gives the police those powers. It is to be hoped that police will now patrol trains. I could not understand in years gone by why, on a Saturday night, for instance, 30 or 40 police were not allocated to patrol trains. It is to be hoped that we will now see more police in uniform on trains because their presence has a magic effect on people guilty of offensive behaviour or of putting graffiti on trains.

We often talk about the police on the beat. I cannot think of a better beat than public transport. Police would need to go only a few stations on one train, get off and board another train and the message would soon get around to those who are a nuisance to the general public.

There are other miscellaneous amendments, one of which applies to those persons given community-based orders. That has been well explained by the honourable member for Kew. The Attorney-General and the honourable member for Kew have foreshadowed proposed amendments and I thank the Attorney-General for his offer to adjourn the debate for a few moments so that honourable members have the opportunity of studying the proposed amendments.

I compliment the government on the Bill because it is a refreshing and commonsense approach. It is a law and order Bill, and we have not seen too much of that in the past. It is sensitive and constructive and I acknowledge the government's approach to this matter.

The Minister for Police and Emergency Services has just entered the Chamber and I hope he has heard the comments that I have made about the proposed legislation, because it will go a long way towards making the day-to-day lives of average Victorians safer and more pleasant.

Mr McCUTCHEON (Attorney-General)—I thank the two speakers from the National and Liberal parties for their contributions. I agree with the remarks made by the honourable member for Shepparton, that basically the Bill is a collection of improvements and important additions to the Crimes Act.

The honourable member for Kew queried clause 25 regarding the guilty plea. The honourable member is aware that the provision is supported by the Chief Judge and arises out of the work done by the Criminal Delay Reduction Committee. I am unsure who gave the committee that name. The members of the committee include the Chief Justice of Victoria, the Chief Judge of the County Court, the Chief Magistrate, the Legal Aid Commissioner, the Director of Public Prosecutions, a representative from the Victoria Police, the Director-General of Corrections, the Secretary of the Attorney-General's Department and representatives of the Law Institute of Victoria and the Bar Council. It deals with all facets of the criminal justice system. That provision regarding guilty pleas has the blessing and the endorsement of the committee.

The honourable member for Shepparton, supported by that breadth of view, agreed that it was a way of improving the system so that people can be advised to make a decision to plead guilty at an early stage of the trial thus saving a lot of time and expense in the legal process. I take the point made by the honourable member for Kew, that those people should be properly advised. In most serious criminal cases

people are supported through the Legal Aid Commission or through advice that they obtain on their own account.

Clause 26, concerning the commuting of death sentences to life imprisonment, brings up the anomaly pointed out by the Supreme Court in dealing with a number of cases in recent times. I am glad all parties support the clause.

Clause 27, the community-based order provision, is a proposal that is in line with similar situations in which a court does not specifically indicate that the sentence should be served cumulatively and is taken to be served concurrently. The measure is consistent with the way courts operate and allows courts to specify that community-based orders should be cumulative, if that is the wish of the courts. The honourable member for Kew has foreshadowed that she intends to move an amendment to that clause and I ask her to think carefully about that provision because it follows the way the courts currently operate.

Crimestoppers and the publication of information that comes officially from the police to help in the public apprehension of criminals is a matter that was brought to the government's attention by the media. They were concerned that, if they published information and some innocent person was affected, for example, by the identikit photograph or picture they published, action could be brought. There was some diffidence in the media about whether they should continue with the *Crimestoppers* program. The measure is not 100 per cent satisfactory in terms of meeting all the requirements of the media, but it does deal substantially with the issue and enables the *Crimestoppers* program to continue.

The honourable member for Kew questioned clause 34 (5) relating to the date, 26 March 1989. That was the day on which the government announced its intention to take this different approach and so it is deemed to be the time from which the indemnity should apply.

I have already given notice that some new matters will be introduced in relation to fingerprinting; these are administrative matters that assist in the way fingerprints are taken and define more clearly the conditions relating to fingerprinting of people who come before the Children's Court. Those matters will be put in Committee. Honourable members are aware that it is intended to adjourn debate on the Bill once it is committed and to further consider the matter later this day.

The motion was agreed to.

The Bill was read a second time, and it was ordered that it be committed later this day.

Mr McCUTCHEON (Attorney-General)—I move:

That it be an instruction to the Committee that they have power to consider new clauses providing in the Crimes Act 1958 for (*a*) the fingerprinting of children and young persons; (*b*) the taking of fingerprints by persons authorised by the Chief Commissioner of Police; and (*c*) the removal of certain requirements on the taking of fingerprints following conviction.

The motion was agreed to.

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

Clause 1

Progress was reported.

CORRECTIONS (AMENDMENT) BILL

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

Discussion was resumed of clause 11

Mr CRABB (Minister for Police and Emergency Services)—I move:

4. Clause 11, page 8, lines 14 to 30, omit all words and expressions on these lines and insert—

"(*a*) Any period of remission with which he or she has been credited before that commencement with respect to the sentence must, at that commencement, be debited;

(*b*) At that commencement he or she must be taken to have earned a period of merit time of the same length as the period of remission with which, immediately before that commencement, he or she was credited with respect to the portion of the sentence served before that commencement;

(*c*) He or she is eligible to earn merit time with respect to the portion of the sentence served after that commencement at the rate at which he or she would have been entitled to remission with respect to that portion under section 60 (as in force immediately before that commencement) and Part 7 of the Corrections Regulations 1988 if section 11 of the *Corrections (Amendment) Act* 1989 had not come into operation.".

The purpose of the amendment is to outline more clearly and simply the provisions of the clause, although as one reads it one cannot help but think it must have been very complicated before.

I understand that the amendment arose after officers from the Office of Corrections had meetings with members of the Opposition. I am thankful for the positive approach taken by the Opposition in those discussions, which directed to our attention the fact that the wording could be misconstrued. The clause was taken back to Parliamentary Counsel so that a simpler and clearer definition of the provisions could be drafted, and the amendment is the result.

Mr COOPER (Mornington)—The Opposition supports the amendment and thanks the Minister for Police and Emergency Services for taking into account the views that were made known to the government by the Opposition, particularly by the honourable member for Kew. We thank the Minister for the briefing given by the Ministry for Police and Emergency Services, as a result of which the wording of this part of the Bill was able to be improved.

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

Clause 13

Mr COOPER (Mornington)—Clause 13 relates to the phasing out of the prerelease scheme and proposes that it be conducted over two years. The Opposition has made it quite clear in its statements on this matter that the phase-out should occur over a much shorter period, preferably immediately.

Much concern about the prerelease scheme has been expressed in the community. Some of the worst aspects of the scheme have been described in newspaper articles over a long time. As a result of that publicity and community concern the prerelease scheme is being dealt with by the government through the Corrections (Amendment) Bill. Again, I make the point that the scheme is not being dealt with in a way that the Opposition believes is reasonable and fair.

Recently I obtained a copy of a judgment delivered on 16 November 1988 in the Court of Criminal Appeal by Justices Fullagar, King, and Tadgell. The appeal was by two convicted people against their sentences. Part of the judgment delivered shows some of the reasons why community concern is so high in regard to the prerelease scheme, why the community is apprehensive about some of the provisions of the Bill,

and what are perceived to be the failures of the Bill. This is what concerns the Opposition.

I shall read part of the judgment because it is important that honourable members realise just what has been going on and how serious the matters are. I shall make the point later that the Bill does not address these issues. One of the men appealing against his sentence was Terrence Leslie Carrodus. In his judgment, Mr Justice Fullagar said that Carrodus's:

record included some half a dozen offences for violence . . .

the initiator of the attack and the man who jumped upon the victim's face . . .

And he was:

I find it extremely difficult to understand how the bureaucratic authorities came to grant an early release to Carrodus in this case, when he had the record of which I have spoken and when there were available to them the reports of the medical and psychiatric people, of which the representative of the director has spoken today. He was released from a sentence which was still running and would have run until, I think, late in February, and within fifteen days of the release Carrodus was the initiator of this attack, which left a man's face detached from his skull, and leaving him probably blinded for life. He was released without supervision and, so far as it appears, without counselling . . .

If the community should feel some outrage at this kind of decision on the part of the bureaucracy, I wish to assure the community that their sense of outrage is shared by me.

Mr Justice King said:

I have noted that Dr Barnes has made extensive reports on Carrodus's attitude, and he concluded in his latest report that he has a persistent and intractable personality disorder, and he said that this disorder is one which can only be defined in its social context as manifest anti-social behaviour and in this regard is a sociopathic personality disorder.

In the light of this clear statement I find it difficult to understand why he benefited from the early release scheme.

Mr Justice Tadgell said:

Carrodus has 73 prior convictions, dating back to 1981 . . . .

It seems to me that the community is entitled to expect a thorough investigation and explanation of the circumstances in which Carrodus was assessed as an appropriate subject for an early release permit . . . . having been released early from his sentence of sixteen months' imprisonment which had been imposed upon him on 21 July 1987, he was quite unsupervised after his release, having been in gaol for ten months. The judge was told that all that Carrodus had to do was to attend at the Office of Corrections at Moe and sign an attendance book, presumably periodically. No parole officer or counselling of any sort was provided to him . . .

Upon the evidence available to this court, it would appear that early release of Carrodus was unwarranted. An average, right-minded member of the community could be assumed to want to know why it happened.

I direct the attention of the Committee to the judgment because it is important that honourable members realise that clause 13 deals with the phasing out of the prerelease scheme, and yet its provisions are not adequate because of the many cases such as this. They must not be allowed to recur. The Bill provides no guarantees and none can be given by the government that these cases will not recur. It is important that the community realises that the Bill does not address the issue of keeping people in gaol who should be kept in gaol and not releasing them early.

The Bill simply moves the deck chairs around. One of Mr Justice Starke's colleagues described it as shifting the penal furniture around. The Bill is putting new names on an old disreputable system which has been refuted by the general community and should be changed.

The Opposition supports the phasing out of the prerelease scheme but it should be done immediately. The community not only deserves protection from criminals but also demands protection from people being released from prison.

There must be certainty in the sentencing system. When someone who is found guilty is sentenced to a term of imprisonment, that term should be served; a minimum sentence should mean what it says. The proposed phasing out of the prerelease scheme will not achieve that aim.

Mr McNAMARA (Leader of the National Party)—The National Party supports the Opposition's arguments for a more rapid phasing out—and preferably an immediate phasing out—of the prerelease scheme. There is a great deal of community concern about the way in which the scheme operates. As a result of that concern an inquiry was established to review the sentencing system. The work carried out by the committee chaired by a former Supreme Court judge, Sir John Starke, was excellent, and its three-volume report should be read by all who are concerned about this issue.

There has been too little supervision and counselling of prisoners who have benefited from the prerelease scheme. The case cited by the honourable member for Mornington is sickening. The person referred to by the honourable member is obviously deranged and has violent tendencies. He benefited from prerelease, but he was neither adequately supervised nor adequately counselled. If people who have committed violent crimes are to be inflicted on the community as a result of the prerelease scheme, they should be constantly supervised. They should be allowed back into society only on the basis that there has been an evident change in their behaviour; and if they revert to their previous violent behaviour patterns, immediate action should be taken. A person with a history of violence should be counselled and constantly supervised.

This issue is of grave concern to the community. In particular, members of the judiciary are concerned because they are forced to deal with people who constantly reoffend, and they have little alternative but to place those people on the same merry-go-round, where they go in one door and out the next.

The deepest concern is felt by those who have been victims of these criminals; and the families of those victims also suffer. A victim and the family of that victim face a terrifying prospect when they know that a person who has committed a violent assault on that victim is allowed to return to the community. Too much attention is paid to the wishes of those who have committed violent offences and too little concern is shown for their victims and the families of those victims.

I support the need for strictly defined terms of imprisonment. If a court determines a minimum sentence, that period should be the minimum sentence served. Certainly we should stop pussyfooting around on this issue. It would be preferable if the prerelease scheme were immediately abolished.

It is worth quoting the comments of Sir John Starke who, when he became aware of the Bill, was disgusted with the provisions contained in it:

> "This miserable Bill is no more than a dishonest exercise in political opportunism", Sir John said. The government had virtually ignored the recommendations of his committee's two-year inquiry . . .
>
> Sir John said sentencing problems, including the perceived lenient treatment of prisoners and confusion over maximum sentences would continue because the Bill did not change the remissions system.

Those comments were made by the man who chaired an inquiry which conducted the most detailed investigation of the sentencing system for many decades.

I hope the government will recognise the community's concern about this issue. The National Party does not want to become involved in a political grandstanding exercise. Bills such as this should reflect the very real concern of the community.

When members of the community live in fear at the prospect of again coming face to face with someone who has committed violent assaults against them or members of their families, Parliament has a responsibility to take measures to protect them. The concerns of the victims of violent crime should be placed ahead of the concerns of those who commit violent crimes.

Mr CRABB (Minister for Police and Emergency Services)—That rhetoric was more appropriate to a second-reading debate.

As to the clause, Sir John Starke recommended that the prerelease scheme should be abolished after five years. In reflecting the concerns that have been expressed, the government decided to phase out that scheme more quickly; and it will be phased out after two years. Consideration was given to whether the prerelease scheme should be abolished for all future offenders or whether it should apply equally to all prisoners.

The government decided that it should apply equally to people who are at present in prison and to people yet to be sentenced; and if justice is to be done, the prerelease scheme should be phased out and not immediately abolished. If it were immediately abolished a person who was prereleased today would benefit but a prisoner who was to be prereleased tomorrow would have to serve another six months, for example, and that would not reflect the intention of Sir John Starke's recommendations.

It is common ground that there has been a great deal of confusion about the prerelease scheme and, as a result, the community has lost confidence in it. Therefore, the government is phasing it out. It is easy to view these matters with the wisdom of hindsight. Honourable members will recall that Parliament introduced the scheme for what seemed like very good reasons at the time. It was seen as a measure to assist in the rehabilitation of prisoners; but unfortunately it has not had that effect.

I repeat: Sir John Starke recommended that the prerelease scheme should be abolished after five years. But the government will phase out the scheme from the date of the proclamation of the Act, which will be sometime in August. The decision to phase out the scheme will mean that there will be no glaring inequities between the way one prisoner is treated and another—depending on the date on which they were sentenced.

I believe the clause is worthy of the support of the Committee.

The clause was agreed to.

Clause 14

Mr COOPER (Mornington)—I move:

4. Clause 14, page 12, line 8, omit "unless the Board otherwise directs,".

This refers to proposed section 84D (6) (*b*) and it aims to omit the words "unless the Board otherwise directs".

Members of the Committee will see that proposed amendment No. 5 standing in my name goes hand in glove with this amendment because, after the word "is", it is proposed to insert the word "not". If the amendment were agreed to, the proposed subsection would read:

. . . the period during which the home detention order was in force is not to be regarded as time served in respect of the sentence of imprisonment.

This amendment, and the three that follow it, set out to make it clear that, firstly, home detention is to be regarded as a privilege to be extended to eligible prisoners and that an abuse of that privilege should be punished.

As the clause is currently worded, a prisoner who abuses the rules for the home detention program will be returned to prison but may be credited with time served in

respect of the sentence of imprisonment. The clause does not provide that that will automatically occur, but it is possible for it to occur as a result of the discretion of the parole board.

The Opposition is absolutely opposed to such a principle and will not support the clause. If home detention is to work—and the Opposition has some doubts whether it will work under this government—it can work only if there is no doubt that any breach of privilege will be seriously dealt with. The prisoner should not only be returned to prison but his or her time spent on the home detention program should be cancelled so that the full sentence period is served.

Section 3.9 of the Starke report refers to the theory of wilful default. It states that the Canadian Sentencing Commission observed that prison must remain as an exceptional sanction used only when other sanctions appear to be ineffective. In that sense the courts may have no alternative other than to use it as a last resort against offenders who wilfully default in carrying out obligations imposed under other sections.

The Opposition takes up that point and supports it. The proposal of the Canadian Sentencing Commission is reasonable and should apply in Victoria. The statement on wilful default emphasises that, if some option other than imprisonment is to be used as a punishment for an offender, that is fine, but where wilful default is committed within the term of that punishment, imprisonment must remain the acceptable sanction.

The Bill provides for prisoners to serve the last six months of their sentences under the home detention program. As this is a privilege, it is up to the prisoners to obey the rules and not to breach the terms and guidelines set out in the program. If prisoners breach the rules or guidelines they should immediately be returned to prison, as the Bill correctly provides, but they should also be forced to serve the full period of their sentences and not be credited with any time served in home detention. At present the Bill simply provides for a smack on the wrist for breaking the rules. It does not apply any meaningful penalty.

In rebuttal, the Minister for Police and Emergency Services may say that this will not occur all the time and that discretion can be applied. Proposed section 84D (6) (*b*) provides "unless the Board otherwise directs", but I suggest that the discretion should not exist in the first place. The community insists that a person who breaks the rules should be punished for doing so.

It is a question of whether home detention will work, and I shall say more about that later. Home detention will not work unless a significant penalty is applied to prisoners who abuse the rules when given a privilege. The removal of the words "unless the Board otherwise directs" will set an example to prisoners on the home detention program and they will know they had better obey the rules, or else. The amendment meets the overwhelming body of opinion in the community about the home detention program. I hope the government will see its way clear to support the amendment.

Mr McNAMARA (Leader of the National Party)—The National Party supports the amendment moved by the honourable member for Mornington. The home detention program should be seen as a privilege by prisoners. If they breach the rules they should be returned to prison and serve the remaining period they would have had to serve in prison anyway. The home detention program should not be seen as an alternative to prison.

The Minister for Police and Emergency Services may be able to advise the Committee about aspects of the parole system in Victoria. My understanding is that if a person receives parole with twelve months to serve and then breaches that parole, the

remaining twelve months must be served in prison irrespective of whether the person had been on parole for the full period. In no way should that parole period be deducted from the prison sentence.

Although a home detention order is more restrictive than that applying to people serving parole, it should be seen in the same fashion. It should be seen as a benefit or a bonus given to people who show industry and good behaviour in prison. If they breach that privilege, they must then serve the remainder of their sentences. The National Party has no problem in supporting the amendment, but it expresses concern about whether the proposed home detention program will work.

The National Party has received representations, particularly from the Police Association of Victoria, which has grave reservations about any sort of home detention program. Other organisations and individuals feel disquiet about whether we should be heading down this track.

The Minister should seriously consider supporting the amendment to ensure that home detention does what it intends. It should be a bonus for people who have been of good behaviour and who are given a home detention order in lieu of serving a period incarcerated in a proper penal system.

Mr E. R. SMITH (Glen Waverley)—Community groups believe certain families could be intimidated by prisoners, in advance of serving home detention orders. A prisoner knowing he qualifies under the proposed scheme will apply for such an order, whether his family wants him at home where they more or less will act as gaolers for him. I understand the human side of the pressure that will be placed upon them by the prisoner. The prisoner may contact the family by telephone from Pentridge Prison or some other prison and say, "I am coming home, whether you like it or not, provided the system lets me go". Many families are concerned about this provision.

I ask the Minister for Police and Emergency Services to advise the Committee how the family of a prisoner who is known as a wife-basher or a violent person can be protected if they say they do not want him. These families know that, if they say that, when the prisoner finally gets out of prison he will take retribution.

The second point I raise concerns the cost of the scheme. Will the families be compensated for the maintenance of the prisoner while he is at home? Honourable members know it costs $35 000 a year to keep a prisoner in gaol, so I am interested in what percentage of that cost will be provided. Will an amount of money be made available to the family during the home detention scheme?

Mr CRABB (Minister for Police and Emergency Services)—I shall try to address some of these issues. May I say first that the amendment proposed by the honourable member for Mornington is not appropriate because it proposes such a severe penalty on a breach of the detention order that it would be unworkable.

What we tried to do is the same as we have done with parole. The Leader of the National Party raised this issue. The Adult Parole Board has a degree of discretion to decide whether the period between initial release and breach of parole is counted as part of the sentence. That provides the board with the capacity to apply discretion, depending on the severity of the breach of the parole.

In the home detention situation, someone could flagrantly breach the order, such as commit another crime, in which case one would expect a very serious view to be taken. However, the breach might be relatively minor. He might have been drinking or something when he was not supposed to be. With serious breaches what has to be done is to put offenders back in gaol. For example, some prisoners are sent to prison

farms and if they misbehave they are referred to maximum security prisons. I think that is the appropriate way to handle the situation.

Dealing with the generalities of home detention, the honourable member for Glen Waverley asked whether we would reimburse the families for looking after them. I should say the contrary is probably the case. The intention with the home detention program is that people will go back to work. Home detention means people will actually be at work during the day and earning a living. In those circumstances we expect them to pay us for the surveillance—a modest sum, but enough to be equitable. In other words, somebody should not be better off as a result of being out in the community. So the intention is that the surveillance fee will be charged on a sliding scale, which is quite modest, but nevertheless enough to be equitable. That is how we expect it will be applied.

I refer now to the concerns expressed by some groups. May I say first of all that, prior to the election, the Honourable Bruce Chamberlain gave qualified support to the home detention program after having seen it in operation in the United States of America. However, I am surprised to hear the Leader of the National Party say that he heard from the Police Association of Victoria, because when we announced the scheme the association was unequivocal its support. Indeed, the press cuttings I have say that the association welcomed the State government's plan to allow prisoners to complete the final months of their sentences at home.

An honourable member interjected.

Mr CRABB—One cannot believe everything one reads in the newspapers but I certainly have spoken to officers of the association, not last week, but over a period. We entered the election being open and clear about the proposal. The only criticism I have had to fend off from the community has been from the Prisoners Reform Group. Essentially that is where it has come from.

There has been some degree of concern by Jeff Lapidos or some others, generally voicing concern about women particularly being pressured by their husbands into accepting them back home. We think this is unlikely to occur. It seems to be a very far-fetched hypothesis, to be honest, in a situation where someone, firstly, is not known to be violent in any way. One would not contemplate wife-bashers being eligible for this program. So it has to be someone who was not known to bash his wife. It has to be someone who then does so. I think that will be a rare event.

We do not expect more than maybe two dozen or 30 people to ever be eligible for this program because most of our prisoners frankly do not have a home to be detained in. Most of our prisoners are not people with wives and families and homes and jobs that they can return to. Only a small number of people would be likely to be eligible for the program. Our intention is to run it as a trial to see how it works, recognising that it has worked reasonably well in South Australia for a couple of years without having any of the problems that have been envisaged. So I cannot accept the amendment.

Mr COOPER (Mornington)—I take up the Minister's response to the amendment and his stated belief that it is inappropriate for a series of minor breaches of the terms of a home detention order. That may well be so, but the Bill does not in fact differentiate. Proposed section 84D (6) states:

> If a home detention order is suspended under this section after the person is released under the order—
>
> (*a*) the original warrant of commitment or other authority for the person's imprisonment is to be regarded as again in force;

It then goes on in paragraph (*b*) to talk about whether the person's period on home detention order would be regarded as time served in respect of the sentence of

imprisonment. If the Minister wants to start debating minor and major breaches, the Opposition is happy to oblige him, but the Bill does not do that. The Bill simply puts into one basket all breaches, whether minor or major.

The Bill simply says that, if a person breaches the terms of a home detention order, that person will go back to gaol, regardless of whether it is a major or minor offence. The Bill says that the original home detention order is suspended under this section. After the person is released under the order, the original warrant of commitment or other authority for the person's imprisonment is to be regarded as again in force. The Minister said only a few minutes ago that if the person should be caught drinking, the simple thing to do would be to put him back in gaol and then determine whether the time spent out of gaol should be credited or not credited as part of the sentence.

If the government wants to define minor breaches let us talk about minor breaches and say that if the person is caught having a glass of beer that is a breach of the order. If we are going to talk about something meaningful and something that will work, we will have to say that somebody who seriously breaches an order will be taken out of the home detention system and put back in gaol. In my opinion, that must mean a significant breach of the order, not a minor breach. At that stage the community would be saying that the person has breached the privilege, not by having a drink or whatever which might be regarded as a minor offence but by having significantly breached the order.

The Bill does not direct itself towards major and minor breaches, which may be a flaw in the Bill. It simply says that, where an order is breached, the person will go back to gaol. In that instance, the Opposition is saying if the breach is severe enough to take a person out of the home detention system, if the order is breached in such a way that the person is returned to gaol, that must be regarded as a severe breach of the order and the time served under home detention should not be counted as part of the gaol sentence.

As I say, if, while the Bill is between this place and the other place, the Minister wants to introduce a system of major and minor breaches, we will be prepared to talk to him and hopefully accommodate him on that. However, as the Bill stands at present, we are saying that, where a person is returned to gaol for a breach of a home detention order, there should be no crediting of the time spent out of gaol so far as the original sentence is concerned.

The Committee divided on the question that the words proposed by Mr Cooper to be omitted stand part of the clause (Mr Norris in the chair).

Ayes	43
Noes	41
Majority against the amendment	2

AYES	NOES
Mr Andrianopoulos	Mr Austin
Mr Baker	Mr Bildstien
Mrs Barker	Mr Brown
Mr Cain	Mr Clark
Mr Cole	Mr Coleman
Mr Crabb	Mr Cooper
Mr Cunningham	Mr Delzoppo
Mr Dollis	Mr Dickinson
Mr Ernst	Mr Evans
Mr Fordham	Mr Gude
Mrs Garbutt	Mr Hayward
Mr Gavin	Mr Heffernan
Mrs Gleeson	Mr Honeywood

AYES	NOES
Mr Hamilton	Mr Jasper
Mr Harrowfield	Mr John
Mrs Hill	Mr Lea
Mrs Hirsh	Mr Leigh
Mr Jolly	Mr Lieberman
Mr Kennan	Mr McGrath *(Lowan)*
Mr Kennedy	Mr McGrath *(Warrnambool)*
Ms Kirner	Mr McNamara
Mr Leighton	Mr Maclellan
Mr McCutcheon	Mr Maughan
Mr McDonald	Dr Napthine
Mr Mathews	Mr Perrin
Mr Pope	Mr Perton
Mrs Ray	Mr Pescott
Mr Roper	Mr Plowman
Mr Rowe	Mr Reynolds
Mr Saltdon	Mr Richardson
Mr Seitz	Mr Ross-Edwards
Mrs Setches	Mr Smith *(Glen Waverley)*
Mr Sheehan *(Ballarat South)*	Mr Smith *(Polwarth)*
Mr Shell	Mr Steggall
Mr Simmonds	Mr Stockdale
Mr Spyker	Mr Tanner
Mr Thomson	Mrs Wade
Mr Trezise	Mr Wallace
Dr Vaughan	Mr Weideman
Mr Walsh	
Mrs Wilson	
Tellers:	*Tellers:*
Mr Sercombe	Mr Elder
Mr Sheehan *(Northcote)*	Dr Wells
PAIR	
Mr Micallef	Mr Kennett

Mr CRABB (Minister for Police and Emergency Services)—I move:

5. Clause 14, page 12, after line 28 insert—

"(*c*) vary the residence specified in the order; or".

6. Clause 14, page 12, line 29, omit "(*c*)" and insert "(*d*)".

7. Clause 14, page 12, line 38, after "period of" insert ", or of the residence specified in,".

The amendments enable a circumstance to be accommodated where, although a person is on home detention at one address, the family may wish to move to another address. The amendments enable that to occur without having to obtain a further detention order. It is a technical process.

The amendments were agreed to.

Mr CRABB (Minister for Police and Emergency Services)—I move:

8. Clause 14, page 13, line 4, after "warrant" insert "or to any other institution within the meaning of that section which is more accessible or more convenient".

9. Clause 14, page 13, line 9, after "warrant" insert "or to any other institution within the meaning of that section which is more accessible or more convenient".

The amendments enable a member of the Police Force, where a warrant has been issued with regard to a home detainee, to take that person to the most convenient prison, gaol or relevant institution rather than having to take him back to where he

came from. They are practical amendments and reduce the time that police may have to be involved.

The amendments were agreed to.

Mr COOPER (Mornington)—Amendments Nos 6 and 7 in my name have the same import as amendments Nos 4 and 5 in my name. Because amendment No. 4 has been tested by the Committee, I do not propose to proceed with amendments Nos 6 and 7, although I give notice to the government that the Opposition will pursue those amendments with some vigour when the Bill is debated in the other place.

Clause 14 establishes the home detention scheme, which is a program to replace the prerelease system. The prerelease system, as it is currently enforced, enables qualified prisoners to be released into the community six months before they are eligible for parole. They are released under supposedly strict reporting provisions, and they are required to perform voluntary work each weekend as well as undergoing alcohol and drug rehabilitation programs, if that is appropriate.

Considerable concern has been expressed by the community about the prisoners who are gaining access to the prerelease scheme. Earlier today I referred to a judgment of the Court of Criminal Appeal in regard to a man named Carrodus who appealed against his sentence. This man who had committed an horrific crime also had an appalling track record of previous offences.

In past years the Police Association of Victoria has directed to the attention of the government the matter of releasing prisoners earlier than the period for which they were sentenced. A man named Neil James Taylor was sentenced at the Preston Magistrates Court on 20 October 1983 to twelve months. That man was released on parole on 28 October. He was released eight days later. Taylor has been charged and committed for trial and at the time of the imposition of the twelve months sentence, he was reporting on bail to the Reservoir police station on further charges for which he had been committed for trial. In a letter of 17 August 1984 to the then Attorney-General, now the Minister for Transport, the Police Association said:

> It seems astonishing he could be committed to parole after serving only eight days in prison, and while awaiting trial in respect of other charges.

The association detailed a number of other cases for early release or prerelease that created the situation of the prerelease program now having no credibility with the judiciary, the police or the community. It is clear that criminals regard it as a joke.

The home detention program provision in this clause purports to set up a system of early release which will be far stricter than the prerelease program has been. There has been considerable disquiet about the proposal. It is believed this program could be an even bigger shamble than the prerelease scheme.

The Starke report criticised the proposal to set up a home detention program. Mr Justice Starke said in a news report that the committee expressly did not recommend such a scheme. Many prison officers and those people who work at the coalface of the prison industry have described the program as a waste of time. They do not support the family home being turned into a prison. They have grave doubts about whether the supervision program will work properly, particularly in regard to those who have drug and alcohol conditions imposed.

We know how difficult that will be because where these people are detained in their own homes they will be visited on odd occasions, not programmed, by supervisors who must ensure that those prisoners do not contravene the terms of their respective home detention orders.

Drug and alcohol conditions, particularly restrictions on alcohol consumption, will be one of the terms of the order. I imagine there will need to be a huge staff of people in the Office of Corrections to do this supervising. What will happen to a prisoner who decides at 1 a.m. that he must have two or three beers? Can we expect that one of the supervisors will turn up at approximately 3 a.m. to ensure that the prisoner is not breaching the order?

Doubts have been cast by prison officers and by other involved people who are concerned about the prison system on whether the home detention program will work properly. They must be given some credence because it would appear that it will be a difficult task indeed.

Prison reform groups have also criticised the scheme. The Minister referred to that matter. These groups place particular emphasis on the problems that may ensue when the home is turned into a prison. The Federation of Community Legal Centres (Victoria) has directed attention to the concerns of these groups about family violence or the potential for family violence. It is no good the Minister saying that in this matter these groups are drawing a long bow. It may be a long bow but it will be necessary only for one case to blow up into a disaster to bring the home detention system into total disrepute.

Earlier I referred to Mr Carrodus who was given early release from prison. Obviously the professionals and bureaucrats in the system believed he was a suitable person for early release but within days of his release he initiated an attack on a man causing such severe injury to that man that his face was separated from his skull. That man is probably blind for life. That prisoner was assessed by the same professionals who will be involved in the home detention scheme. How can they guarantee that there will not be family violence of the kind to which the community legal centres and the Victorian Council for Civil Liberties and the prison reform groups have referred?

In an article in the *Herald* on 28 April Ms George of the Federation of Community Legal Centres states:

> . . . the scheme may be voluntary for prisoners, but their families will be coerced into taking part.
>
> Imagine if a woman refuses to have her husband at home on the scheme—for whatever reason. That man will get out of jail one day and then be able to seek his revenge.

What guarantee can Parliament and the community be given to ensure that that will not occur? The Minister has said that it is drawing a long bow but it is too late after the event to say: "We should have thought about it. We should have upgraded the supervision requirements and the requirements of assessment prior to these people going back into their homes under the home detention scheme". The article continues:

> What concerns the Council for Civil Liberties even more are the long-term sociological implications of the scheme. By placing prisoners back into the home and making the family have close contact with the Office of Corrections, children will gain a distorted perception of crime and punishment.

That is a reasonable statement to make. I do not want to throw cold water over the scheme but I direct to the attention of the Committee the fact that there are concerns in the community that are shared by the Opposition, which the government should take on board. The Opposition does not want the pilot scheme adopted with the attitude that everything is all right; the program is working elsewhere and, therefore, it must work in Victoria. That will not necessarily apply.

The Opposition acknowledges the arguments of these concerned individuals and groups. It believes the proper way to test the validity of those arguments and the scheme is by way of the pilot scheme—the Opposition does not oppose that scheme. It believes the pilot scheme should be assessed over a reasonable period. In supporting the Bill the Opposition makes the following points: firstly, it wants absolute guarantees

given to the community that no prisoner will be allowed to participate in the pilot program if there is any suggestion whatsoever that he or she could commit a crime of violence while on the program. The security and well-being of the general community should be paramount. Secondly, the Opposition wants absolute guarantees given that the surveillance of prisoners on the program will be kept at a high level. It is no good to introduce a scheme with surveillance and supervision factors and then to walk away from that scheme with the view that everything is all right and that it is only necessary to make contact once or twice a day. That attitude will rapidly bring the program into disrepute.

The third point that I make is that a comprehensive public report evaluating the program should be published after the first twelve months of operation of the program. That is fair enough. It is members of the community who will have the prisoners put out amongst them. It is the community that should, in fact, be given the opportunity of examining a comprehensive report of the system, be able to make submissions and comment upon it to the government or the Opposition, or even make public comment if they so desire. It is important that the communication lines be open to the community in regard to the assessment of this pilot scheme.

Fourthly, the Opposition says that no extension of the program should occur until that report is published and it is agreed by a committee of review that the program is working satisfactorily. That is a fair and reasonable thing to do. There will be a pilot scheme. The Opposition believes it should be assessed properly and there should certainly be no extension of the program until the community and the committee that will operate on the community's behalf are satisfied that the program is working satisfactorily.

The Opposition says that the committee of review should and, in fact, must include at least representatives of the Victoria Police, the Police Association, and the Victims of Crime Assistance League. They are groups of people who have a particular interest in this matter and they should be represented along with people from the Office of Corrections and others who the government believes would have a reasonable input in the assessment of the scheme. The Opposition believes it is important for those three organisations to be represented on the committee of review.

I make it clear that the Liberal Party is looking for these points to be agreed to by the government. It does not believe they are unreasonable. In fact, they are very reasonable. I would be surprised—indeed, I would be staggered—if the Minister said, "We will not take on board the points you have made. We will not put them into operation". There is nothing in the points I have raised that will destroy the program; they will simply guarantee that the people who go into the program are people who can be trusted, so far as any reasonable assessment can ascertain, not to commit crimes of violence while they are out in the community. They would guarantee to the community that the scheme would not go beyond the pilot stage until it had been assessed and that assessment had shown it was working properly.

If the government does not take on board what I have been saying and do what I am requesting it to do today, all I can say is that the concerns of the community about the prerelease scheme and now its successor, the home detention program, will be heightened. Once again, the concerns of the community will be made public about the fact that criminals are released from gaol early and allowed back into the community against which they have offended.

The Liberal Party simply says that the five points I have made need to be addressed and answered and guarantees need to be given that they will be adopted by the government. If the Minister does not provide unequivocal assurances on those matters, the Opposition will have to give very serious consideration to moving amendments

in the other place to provide for the concerns that have been expressed. However, I am confident that the Minister will see that what I have been saying in the past few minutes is reasonable and fair and that he will agree to implement what I have requested.

Mr CRABB (Minister for Police and Emergency Services)—I shall examine the issues raised by the honourable member for Mornington while the Bill is between here and another place. I am certainly not averse to having a review of the program although, to be honest, the proof of the pudding will be in the eating. If anyone offends while on this program, the hollers of, "I told you so!" will echo throughout the State. In fact, I believe I should get the red badge of courage for introducing the damned thing in the first place, particularly in view of the fact that everyone has been saying, "Okay, it is worth a trial, but it will be a disaster"; that is pretty much what I have just heard from the honourable member for Mornington.

The suggestion that this is a program to replace the prerelease program is really not correct. That is not the case. There are some 2200 criminals in Victorian prisons at present, and I do not envisage any more than approximately 30 prisoners ever being on the home detention program. It is a minor measure which has the capacity to be of considerable use in reducing recidivism and providing a means of assisting that small number of prisoners to return to being citizens, in the fullest sense of the word, in our society. To that extent I believe it is worth doing.

In regard to the degree of surveillance and care, given the amount of press coverage that has been given to the proposal, I can guarantee that the program will be as carefully administered as it is conceivably possible to do. It is worth saying that the weekend release program, which was suspended last year and which had been running for fifteen years or so, never produced a difficulty. There was never anybody who had committed an offence while on the weekend release program. The Office of Corrections and the prisoners themselves understand that programs of this nature cannot be abused because, if they are abused, they cannot function.

It is not a matter of having an evaluation at the end of six or twelve months; it is simply a matter of saying that, if anyone reoffends while out on the home detention program, that will be the end of the program.

The clause, as amended, was agreed to, as was clause 15.

Clause 16

Mr CRABB (Minister for Police and Emergency Services)—I move:

10. Clause 16, page 15, after line 37 insert—

"(*nb*) Conditions with respect to the eligibility of prisoners to apply for the issue of a custodial community permit;

(*nc*) Conditions to which a custodial community permit is to be subject;

(*nd*) The procedure of the Director-General with respect to the issue of custodial community permits;".

The amendment will extend the power of the Governor in Council to make regulations concerning the eligibility for and conditions of the custodial community permits and the procedures for their issue. The amendment is consequent upon the recommendations of the committee chaired by the Honourable Walter Jona and I believe it has community consensus. The amendment provides for the regulation of this weekend release program rather than the discretionary power that applied in the past.

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 17 to 19.

Clause 20

Mr COOPER (Mornington)—I move:

8. Clause 20, page 17, after line 23 insert—

'( ) In section 19A of the Principal Act, for "murder" substitute "an offence and sentenced to be imprisoned".

( ) The amendment made to the Principal Act by sub-section (6) applies only with respect to sentences of imprisonment imposed on or after the commencement of that sub-section.'.

The effect of the amendment would be that section 19A of the Penalties and Sentences Act would read:

Notwithstanding anything in any Act or any rule of law or practice to the contrary, if a person has been convicted of an offence and sentenced to be imprisoned and a court has fixed a minimum term in relation to the sentence of imprisonment imposed (whether under section 17 or 18A), the person must not be released from prison before the expiration of the minimum term.

Section 19A of the Penalties and Sentences Act was forced on the government by the Opposition in 1986 and it certainly reflected the wishes of the community and it received the community's applause. It meant that a minimum term was set for the crime of murder and that no person convicted of murder and sentenced to a minimum term could be released prior to the expiration of that minimum term.

My amendment simply extends that principle to other offences where people are convicted and sentenced to imprisonment. It is not a retrospective provision and it will, therefore, affect only those who are convicted after this provision comes into operation. In fact, the amendment is an acknowledgment of the reality of truth in sentencing, and it simply says that no-one will be released from gaol prior to serving the minimum term to which he has been sentenced; that any remissions, merit time or other methods used to reduce the time that a person must spend in gaol will come off a maximum rather than a minimum term; and that no reduction in the term of imprisonment will go below the minimum term handed down as a sentence.

The Opposition could cover that ground repeatedly, but I do not propose to go around in circles. Through its proposed amendment the Opposition is meeting community expectations and demands. It will pursue the matter here and in another place and will continue to do so until the Penalties and Sentences Act has those particular words inserted.

The Opposition knows that the vast majority of people in the community are sick and tired of seeing the soft approach taken to crime and to criminals. The community is demanding action. It is not demanding that people be taken to the guillotine, but it is demanding that the punishment fit the crime. It is preaching the obvious to the community and to this Committee—that on many well-publicised occasions the sentence not only does not fit the crime but also the sentence handed out is rarely, if ever, fully served.

The community is sick and tired of the present situation and wants some action from Parliament to get leadership in dealing properly with crime and criminals. Unfortunately, the Bill does not do that. The Opposition is attempting by moving amendments to ensure that the Bill will do that and to show the community that Parliament is fair dinkum about protecting lives and property by saying to the criminals, "If you break the law you will be sentenced and you will serve that sentence—not a day less".

Mr CRABB (Minister for Police and Emergency Services)—To some extent this is a rerun of the arguments already put. The intent of the amendment is that there would be no remissions, no early release, and no other considerations for anyone sentenced

after the date of proclamation of the Bill; the term of the minimum sentence would be served in a gaol.

The government is attempting to reach the stage where there is clarity about sentencing so that it is understood that when someone is sentenced to X years imprisonment, that is the time he will serve. There is one hedge on that: in five years time, at the expiry of what Sir John Starke saw as the time it would take to get to that position, it may be desirable to continue to have some level of good behaviour merit time.

I thought there was a reasonable degree of consensus about that position some months ago. The government has a mandate and has expressed with crystal clarity prior to the last State election what it intended to do. No-one would have any doubt about that. Not only did the government have a mandate to proceed along the course it is now pursuing, but also the Opposition has a mandate to do that because of the policy released by the Opposition prior to the last elections. Part of that policy stated:

> A Liberal government will aim to provide determinate sentences, with appropriate reductions for good behaviour earned during the course of sentence instead of the present automatic reductions when a prisoner enters jail.

During the last election campaign all parties went to the public and said, "We ought to have clarity in the sentencing process. We should get rid of the early release programs and the early remissions, and we should not have automatic remissions". The view was held that there needed to be a consideration of some good behaviour system because of what happens in every prison system in the world—except in some mid-western states in the United States of America. A much worse level of behaviour can occur in prisons if there is no incentive for a prisoner to behave well.

I am happy to go along with Sir John Starke's recommendations in every respect, but as to the last aspect, five years is a short wait for making that decision. There may be a need at the end of that time to say, "We must have a good behaviour bonus for those who behave well". The important aspect is that the Sir John Starke report, which has been lauded in this place from both sides, says that it should be done over a five-year period, at the end of which the government would have removed remissions and early releases and got rid of other confusing instructions about judicial sentencing.

At the same time he said, "You have to change your sentencing processes." That is part of the process not only of Parliament deciding on changes in sentences but also of the community educating the judiciary and magistracy as to how the sentence can be put. The argument is that judges have been sentencing people in the full knowledge and expectation that they would receive one-third in remissions, six months for good behaviour, and other considerations. Apparently they have often done their sums on an abacus and come up with the total sentence involved.

Mr McNamara—Some have.

Mr CRABB—The Leader of the National Party may not believe that. The whole thing is so confusing that it is difficult to work out what is the actual sentence. There have been occasions when people have stayed in gaol a few days longer than they should have. I have heard about them—sometimes one gets too much change; at other times not enough change. No doubt it may have occurred the other way. It is a complicated affair to work out a sentence, but it should be relatively simple. If somebody receives five years, and a newspaper reports "five years gaol" that is what it ought to be, and that is what the government is trying to achieve.

The proposed amendment tries to do that by the stroke of a pen, but it is not capable of being achieved in that way. The reforms proposed by the government for sentencing provisions and in the corrections system are the most extensive ever undertaken in

Australia. They cannot be achieved simply with a legislative stroke of the pen. It takes time for the judiciary and courts system and our own prison system to accommodate those measures.

The government intends to do all that in a shorter time frame than Sir John Starke originally recommended but it cannot be done instantly.

Mr McNAMARA (Leader of the National Party)—The point made by the honourable member for Mornington is that, when a prison sentence is imposed and the minimum time in that sentence is determined by a court, that is the minimum time to be served by any person.

The opposition parties and the government are trying to achieve the same objective; they are trying to put some truth into the sentencing system, and attempting to reflect basically the deep concern of the public that there seems to be some abuse of the sentencing system. A person may be given a sentence of nine years; he receives an automatic three years remission and time off for good behaviour. The nine-year sentence becomes a minimum of six years; the prisoner should serve six years, earning the entitlement of a three-year differential on the basis of his industry and behaviour within the prison.

Problems exist in some prisons where there is not the opportunity for prisoners to take part in various activities or industry. That fact should be taken into account. The general behaviour and attitude of the prisoner and his ability to adapt to the community when he has served his sentence should be taken into account. The community has made it clear that it expects people sentenced for various offences to serve a minimum sentence, whatever that may be. That attitude was made clear in the Starke report.

Basically, the parties are moving in the same direction. The amendment moved by the honourable member for Mornington is one that I hope the Minister will consider; certainly the National Party does not expect him to make a decision on the run but it hopes he will seriously consider the suggestion while the Bill is between here and another place because, ultimately, what is hoped to be achieved is appropriate action to bring back the penalties, and to return the community's lost respect which led to the establishment of the Starke inquiry.

All parties are working to achieve that. I hope some commonsense will apply and that all parties can sit down and discuss the Bill to try to resolve this problem before it is dealt with in another place.

Mr E. R. SMITH (Glen Waverley)—The Minister for Police and Emergency Services made reference to the Liberal Party policy as announced last October; he quite rightly quoted part of that policy. Policies are ongoing, continuing and reflective of community attitudes. That particular policy is in the same category.

The Liberal Party has gone a step further in the past few months because it is not tied to what had been announced some months ago. It is now proposing a harder line through the proposed amendment.

The amendment reflects the views of the community. The Saulwick poll held in March was an indication that the community feels strongly about law and order. About 47 per cent of males and 43 per cent of females said that law and order was the important issue. In their opinion, this issue is one that must be taken to its fullest extent. A minimum sentence means a minimum sentence with no remission. To remit the sentence by bringing it back to the minimum sentence reflects the community attitude, and that is why the Opposition has varied its policy since last October. The Chamber should take note of that because it is a matter of grave concern. Together with the National Party, the Liberal Party reflects the attitude of the community on

this issue. It is an important issue and one that the opposition parties will continue to promote so long as the community has that attitude.

Mr CRABB (Minister for Police and Emergency Services)—Honourable members were talking about minimum and maximum terms. That terminology is part of the reason for the difficulties that sentencing is now in. Whatever those terms were supposed to mean in the first place, they do not have the same meaning now. This measure changes the terminology so that people will be sentenced to a prison term plus a parole term. Part of the difficulty is the impression created by the words "maximum" and "minimum". The newspapers never publish a minimum term in the headlines. The headlines always give the maximum term; it is never a gaol term of ten years with a minimum of seven. The fact is that the seven-year gaol term is the real term. As the Leader of the National Party said, if a period of two years or so is taken from the ten years and the person is credited with the one year he has been in prison awaiting trial, the end result is seven years, not the ten years mentioned in the newspapers.

I do not disagree with anyone who says that more clarity is needed in the system. I cannot instantly remove all prerelease, remission, or anything else, on the date the Bill is passed. The Victorian Sentencing Committee's report examined those matters, and said that it would take five years to phase in those arrangements. The government hopes to phase them in over a shorter period. In practice, it cannot be done instantly. The government is not like the Australian Democrats: take all the credit and no responsibility. One has to ensure that the new arrangements work. The practicalities of the matter are that the provisions have to be phased in over a period, and two years is the shortest period in which I can do that.

Mr COOPER (Mornington)—I have listened carefully to the Minister's reply. The Opposition has not shifted its stance since September 1987 when it released its law and order policy. The Opposition has stuck with its policy, which reflects community opinion that a minimum sentence should mean a minimum sentence. The Minister says that it will be a prison term but with a parole term. The Minister used the example of a seven-year prison term with three years parole. The fact that the prison term can be reduced means that it is not the minimum term because it is subject to merit time.

Mr Crabb interjected.

Mr COOPER—I know it is 3.50 in the afternoon and the Minister is usually tired about this time.

Mr Crabb—I am bored.

Mr COOPER—The community is not bored; the community wants the Bill to be right; it wants to be protected, and the opposition parties will ensure that the community is protected. If the Minister is bored with protecting the community, I assure him that the opposition parties are not. I shall ensure that the Bill reflects community opinion.

The Bill provides for a prison term and a parole term. That is what the Minister said, but the Bill allows for merit time—time off the prison term. The Bill provides that the minimum sentence of, say, seven years will be reduced for merit time by one-seventh; in other words, the seven years magically turns into six years. That is how the provision will operate. The government is going about the measure in the wrong way. If the prison term is to be reduced, why not go about it another way? The Minister said that prisoners should be given an incentive to keep them under control; that if they have no chance of getting out of prison earlier, without any incentive they will become disorderly, disruptive and violent. That may well be a good point, but I believe it has been rejected by some. Why not go about it the other way and say to prisoners, "Instead of the prison term being seven years—which is your minimum

time in prison—and three years on parole, if you do not behave your three-year parole period will be struck off and you will spend more time in prison"? That is the incentive that should be offered to prisoners rather than the incentive of having a minimum of seven years that can be reduced to six years. The Opposition does not want to take away incentives, but Parliament has the opportunity of addressing the issue so that the minimum is in fact what it says—a minimum, not a minimum that can be reduced. Any incentive that keeps prisoners under control should be along the lines of reducing the parole term and increasing the term behind bars.

Will the Minister take on board the suggestions of the Leader of the National Party and consider the amendment of the Opposition while the Bill is between here and another place? The amendment to the Bill is one that the community demands: truth in sentencing. Truth is truth; it is not a sort of truth; not a kind of truth. Truth is truth; absolute truth. Absolute truth means that when a person is sentenced to a term of imprisonment that person will serve that term. The amendment achieves that objective.

The Committee divided on Mr Cooper's amendment (Mr Norris in the chair).

Ayes	39
Noes	42
Majority against the amendment	3

AYES	NOES
Mr Austin	Mr Andrianopoulos
Mr Bildstien	Mr Baker
Mr Clark	Mr Cole
Mr Coleman	Mr Crabb
Mr Cooper	Mr Dollis
Mr Delzoppo	Mr Ernst
Mr Dickinson	Mr Fordham
Mr Elder	Mrs Garbutt
Mr Evans	Mr Gavin
Mr Gude	Mrs Gleeson
Mr Hayward	Mr Hamilton
Mr Heffernan	Mr Harrowfield
Mr Honeywood	Mrs Hill
Mr Jasper	Mrs Hirsh
Mr John	Mr Jolly
Mr Kennett	Mr Kennan
Mr Leigh	Mr Kennedy
Mr Lieberman	Ms Kirner
Mr McGrath *(Lowan)*	Mr Leighton
	Mr McCutcheon
Mr McGrath *(Warrnambool)*	Mr McDonald
	Mr Micallef
Mr McNamara	Mr Pope
Mr Maclellan	Mrs Ray
Mr Maughan	Mr Roper
Mr Perrin	Mr Rowe
Mr Pescott	Mr Sandon
Mr Plowman	Mr Seitz
Mr Reynolds	Mr Sercombe
Mr Richardson	Mrs Setches
Mr Ross-Edwards	Mr Sheehan *(Ballarat South)*
Mr Smith *(Glen Waverley)*	
	Mr Sheehan *(Northcote)*
Mr Steggall	Mr Shell
Mr Stockdale	Mr Simmonds
Mr Tanner	Mr Spyker
Mrs Wade	Mr Thomson
Mr Wallace	Mr Trezise
Mr Weideman	Dr Vaughan
Dr Wells	

AYES		NOES
		Mr Walsh
Tellers:		Mrs Wilson
Dr Napthine		
Mr Perton		*Tellers:*
		Mrs Barker
		Mr Cunningham
	PAIR	
Mr Brown		Mr Cain

The clause was agreed to.

Clause 21

Mr COOPER (Mornington)—Clause 21 sets out that community-based orders should not include conditions as to restitution. I ask the Minister what justification the government offers on this matter with regard to eliminating financial restitution as part of a penalty given to an offender being placed on a community-based order, because that is what the clause does.

One of the most salutary punishments available to courts is the ability to order wrongdoers to compensate the victim for the damage done, and this clause is simply saying that this will not be so when an offender is placed on a community-based order.

If a car is stolen and it has been wilfully damaged by the offender, why should not the person who has deliberately damaged the car pay for the damages in an appropriate amount or form of compensation? Why should the innocent victim be out of pocket as a result of somebody else's criminal offence?

The Starke committee addressed this situation and it is fair to say that the committee was equivocal on the matter, but it acknowledged the likelihood that public opinion in Victoria favours reparation being available to the judiciary. In fact, the Starke committee said in 3 (10) (8) of its report:

> In most jurisdictions restitution orders are ancillary to other sentences that are imposed. In some jurisdictions there appears to be public support for the concept of allowing restitution to be taken into account in setting individual sentences particularly in the case of property offences.
>
> There are, however, a number of problems in doing so including the possibility of disparity arising between different sentences being imposed, and also the practical limits set by the financial means of the offender. It can also be argued that concentrating solely on reparation for the victim results in other socially desirable goals being ignored.
>
> The Canadian Sentencing Commission and the Australian Law Reform Commission have recommended that reparation or restitution be taken into account in sentencing. The Australian Law Reform Commission sees it as a primary aim of any sentence imposed on an offender, whereas the Canadian Sentencing Commission sees it as being a secondary consideration.

It is important to note those words in the Starke report and the views of the Canadian Sentencing Commission and the Australian Law Reform Commission because they see it as a major arm in dealing with offenders, particularly in property offences. For example, if a car is stolen and it is damaged by the offender, when the offender is caught and faces the court he or she may be given a community-based order, not put in gaol, particularly if it is a first offence.

This Bill provides that restitution is not to be a condition for granting a community-based order. In other words, an offender can receive a community-based order and get away scot-free so far as contributing or paying in full for the damage that has been caused. That is how I read the provision. The Minister has interjected that that is not true. I am glad to hear that interjection and I look forward to hearing his response.

Mr CRABB (Minister for Police and Emergency Services)—This is not an issue about saying there cannot be restitution; this is really an issue saying that a community-based correction system is not geared up for or an appropriate mechanism for organising restitution. Restitution is a fine or the payment of alimony or something of that sort. The present system is not in any way organised to supervise that or ensure that that occurs. The import of this provision is to say that, when somebody is sentenced to a community-based order, to be supervised by community-based correction officers is an appropriate way to go but in terms of the collection and transmission of moneys they are not the appropriate people to supervise that collection. That is how I understand it. If the suspicions or doubt of the honourable member for Mornington about the provision has more validity, I will be concerned. I will check that while the Bill is between here and another place and make sure.

The clause was agreed to, as was clause 22.

Clause 23

Mr CRABB (Minister for Police and Emergency Services)—I move:

11. Clause 23, line 19, omit "A court must not order that a person in default" and insert "If the person in default appears before the court, the court must not order that he or she".

The intention of this amendment is to establish a more equitable balance between the necessity to recover fines and the importance of keeping imprisonment for fine default as an option of last resort.

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 24 to 26.

Clause 27

Mr CRABB (Minister for Police and Emergency Services)—I move:

12. Clause 27, line 29, after "terms" (where first occurring) insert "of imprisonment".

13. Clause 27, line 38, after "terms" (where first occurring) insert "of imprisonment".

14. Clause 27, page 20, after line 3 insert—

'(ii) in sub-section (1), omit "of imprisonment";'.

Those amendments correct drafting errors.

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

New clause

Mr CRABB (Minister for Police and Emergency Services)—I move:

15. Insert the following new clause to follow clause 9:

'AA(1) For Division 3 of Part 8 of the Principal Act, substitute:

"Division 3—Custodial Community Permits"

Director-General may issue custodial community permits.

"57. (1) The Director-General may, subject to and in accordance with the regulations, issue a custodial community permit to a prisoner for any of the following purposes:

(*a*) A purpose related to the health, physical fitness or education of the prisoner;

(*b*) A purpose related to the administration of justice, including (but not limited to) being under police protection on account of evidence given or to be given by the prisoner in a legal proceeding within the meaning of the *Evidence Act* 1958;

(*c*) To look for, or perform, work, including (but not limited to) unpaid community work;

(*d*) To visit a person with whom the prisoner has had a long standing personal relationship if that person is seriously ill or in acute personal need;

(*e*) To attend the funeral of a person with whom the prisoner had a long standing personal relationship;

(*f*) To take part in a program approved by the Director-General that is designed to facilitate—

(i) the rehabilitation of the prisoner; or

(ii) the prisoner's reintegration in the community; or

(iii) the preparation of the prisoner for release; or

(iv) the maintenance of the prisoner's family ties.

(2) A custodial community permit—

(*a*) authorises the prisoner to be absent from the prison for the period stated in the permit; and

(*b*) is subject to the conditions set out in the regulations and any other conditions stated in the permit.

(3) Subject to sub-sections (4) and (5), the period stated in a custodial community permit must not exceed 3 days.

(4) The period stated in a custodial community permit may exceed 3 days if the purpose for which the permit was issued is—

(*a*) being under police protection as mentioned in sub-section (1) (*b*); or

(*b*) performing unpaid community work; or

(*c*) taking part in a program referred to in sub-section (1) (*f*).

(5) If—

(*a*) the purpose for which a custodial community permit was issued is performing unpaid community work; and

(*b*) the prisoner has been imprisoned in default of payment of a monetary penalty or an instalment under an instalment order—

the period which may be stated in the permit is the whole or the remaining part of the term for which the prisoner may be imprisoned.

(6) A prisoner who is authorised to be absent from prison under a custodial community permit continues in the custody of the Director-General while absent."

Breach of custodial community permit

"58. A prisoner who fails without reasonable excuse to comply with any condition of a custodial community permit is guilty of an offence and liable to imprisonment for a term of not more than 3 years."

Powers of Director-General with respect to custodial community permits

"58A. (1) The Director-General may before the prisoner is allowed to be absent from the prison under a custodial community permit or at any time during the period of such a permit—

(*a*) vary or revoke any condition of the permit or impose any additional condition; or

(*b*) subject to section 57, vary the period of the permit; or

(*c*) revoke the permit.

(2) The revocation of a custodial community permit or the varying or revocation of a condition or the varying of the period of such a permit or the imposing of an additional condition takes effect immediately.".

(2) In section 8 (1) of the Principal Act, omit "and Division 3 of Part 8".'.

I have referred to this new clause a number of times when discussing the earlier amendments. Its purpose is to achieve the regime for what used to be called weekend release but which will now be called custodial community permits. This regime has been produced after an examination by a retired Supreme Court judge, Mr Tony Murray, QC and a committee of representatives of the community, chaired by the Honourable Walter Jona. I take this opportunity to put on the record my gratitude to both Mr Tony Murray, QC and the Honourable Walter Jona and all the members of that committee representing a diverse range of organisations and representing the gamut of opinion on this matter. This provision is the result of their consensus position which I believe, as they do, will enable the benefits of this occasional short

release period from prison to accrue to prisoners who deserve it, without causing the community any concern or any diminution in their safety.

The new clause was agreed to.

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

FIRE AUTHORITIES BILL

The debate (adjourned from May 4), on the motion of Mr Crabb (Minister for Police and Emergency Services) for the second reading of this Bill was resumed.

Mr COOPER (Mornington)—The Fire Authorities Bill has been described as an omnibus Bill and I think that is probably an appropriate description. It makes a wide range of amendments to the Country Fire Authority Act, the Metropolitan Fire Brigades Act, the Victoria State Emergency Service Act, the Emergency Management Act, the Summary Offences Act and the Transport Accident Act, and most of the proposals in the Bill can be fairly described as machinery or housekeeping amendments.

I was particularly interested to hear one part of the Minister's second-reading speech where he said:

> It reflects a concern on the part of the government that the operational roles of the fire and emergency services be defined in terms that are clear, and minimise the likelihood of duplication, confusion and interorganisational rivalry. These role definitions also serve to remove any doubts about the entitlement of emergency workers to compensation in the wide range of operational situations in which they are expected to function. They also provide a framework for the imposition, where appropriate of fees and charges.

That section of the Minister's speech probably highlights the areas of concern that the Opposition has on a couple of parts of the Bill and which it will want to address in more detail in Committee. I do not want to over-emphasise the matter at this stage but I shall refer to the fact that some concerns have been expressed to the Opposition by some organisations that have a particular interest in the Bill. I am aware that those concerns have been forwarded to the Minister and that he is also aware of them.

One of the most important concerns has been expressed by the Victorian Urban Fire Brigades Association and relates to the definition in clause 3 of "volunteer member or officer". The association is extremely worried about this definition and wants action taken to allow them to participate in a recasting of that definition so that matters which are of great moment to urban fire brigades and a minority of rural fire brigades can be legitimised by this Bill.

I understand that the Minister has been uniquely blessed in this matter because I have been informed that he is the first Minister for Police and Emergency Services to have had drawn to his attention that some things are happening within the urban fire brigades in the servicing of private fire appliances that in fact come under the heading of remuneration for volunteers. Having been so blessed, the Minister is now obliged by his office to take some action. I suppose, probably in a quiet moment and certainly in a non-public moment, he would admit he has not been uniquely blessed in this regard. Nevertheless, it has been drawn to his attention and he is now required to take action.

That is acknowledged by the Victorian Urban Fire Brigades Association. Members of the association have told me that they understand the recasting of the definition of "volunteer officer or member" is necessary. They support the definition in the principal Act being redefined. They say their major problem is that they have not been consulted about this definition and that the definition does not take into account some of the

realities that are occurring within the volunteer fire brigades in the servicing of private fire appliances, so that is a matter of great concern to that association and, indeed, it is a matter of concern to members of the Opposition.

These things have been occurring now for many years in urban fire brigades and some rural brigades, and this action needs to be addressed and legitimised because, if it is not legitimised, we will see a significant source of income, and indeed, for some brigades the only source of income, disappear. That will be a grave matter for the fire brigades and their local communities.

Therefore, as I said before, the Opposition will want to explore that matter in the Committee stage. We hope the action we will suggest to the government will be agreed on as being sensible action that will meet the requirements of those who are concerned, and the requirements of the government to clear up an anomaly and a definition in the Act that certainly needs to be redefined.

The Victorian Rural Fire Brigades Association has drawn to my attention a letter that it sent to the Minister on 10 May in regard to this Bill. The association addressed a number of areas of concern to it and the first of those matters relates again to the same clause that affects the Victorian Urban Fire Brigades Association, that is clause 3. In this case the Victorian Rural Fire Brigades Association is worried about the definition of the word "demonstration". The association said in its letter to the Minister that it has a particular aversion to the word "demonstration" and its broader connotations in the wider community. It is considered an archaic and obsolete term within the country fire service.

It was clearly understood, when the former legal officer of the Country Fire Authority discussed this matter with the association's central council almost three years ago, that it would be replaced by the word "competition". The fact that this has not been done is a matter of concern to the Victorian Rural Fire Brigades Association. I can understand that concern. I believe it would be realistic for the Minister to respond and give his reasons why that assurance that was given to the Victorian Rural Fire Brigades Association by the Country Fire Authority's legal officer three years ago has not been kept, and why that Bill will continue with the definition of the word "demonstration" rather than changing to a word that would have total support within the Victorian Rural Fire Brigades Association community. That is the word "competition".

I refer to the other matter of concern. When I was speaking today to the Secretary of the Victorian Rural Fire Brigades Association he re-emphasised to me how grave the concern of the association's members is on the question of the fire danger period declaration. They state that they are very supportive of the changes the Bill is making in that the Chairman of the Country Fire Authority, after consultation with the Director-General of Conservation, Forests and Lands, will now be able to declare fire danger periods within certain areas of Victoria. They believe that is a sensible and commendable change to the present Act, and the Opposition would also agree with that.

However, what they are saying is something that perhaps cannot be grasped by people who have not had a background in either the rural fire brigades or the rural communities. They are saying that while it is all very well to meet the statutory obligations of the Bill by publishing such declarations within major metropolitan newspapers such as the *Sun* and the *Age,* in many cases those newspapers are not read by people in rural communities. The newspaper that is read in many rural communities is the local paper, which gets read from cover to cover. I shall make absolutely sure that this week the Minister receives copies of my local paper, because I am sure the *Mornington Leader* and the *Mornington Mail* will be of particular interest to him. I

shall also send him the *Frankston* and *Peninsula News*, as the honourable member interjects, because the Minister will feature in the local papers. People in my community read the local paper, as they do around the State. It is the best read paper. In rural communities the local paper is "the" paper that is read. In many cases there are people who would not see fire danger declarations in the classified columns of the *Age* or *Sun* newspapers but would certainly see them in their local community newspaper.

What the Victorian Rural Fire Brigades Association is saying is that the *Sun* and *Age* newspapers can meet the statutory regulations, but if the news is really intended to get to people in the community that a fire danger period has been declared in the area, the declaration must be put in the locally circulating newspaper. It is not too much to ask. People may get the paper four or five days after the declaration has been made but at least they will get it within a short period of the declaration being made.

I assure the Minister, after seventeen years as a fire brigade officer, that when going around immediately after the declaration of fire danger periods to report on illegal fires, the most common excuse one hears within three or four days of the declaration being made and the fires occurring is that people say they did not see the declaration. One may tell them it was published in the *Age* or the *Sun* newspaper on such and such a day and they will reply that they do not get those papers or read them, and ask why it was not in the local paper because they always read the local paper. Year after year that excuse has been offered to fire brigade officers who turn out to an illegal burn. As the Leader of the National Party interjects, many people who leave the district continue to get the local paper sent to them. That shows how far the local papers have infiltrated into the culture of people in rural communities. It does not seem to be a big deal for the proposed legislation to incorporate the fact that apart from the metropolitan newspapers a locally circulating newspaper should carry the message to those communities.

That has been put to the government by the Victorian Rural Fire Brigades Association, and it is a reasonable point to make. The association is aware of how important locally circulated papers are in getting the message across. When a declared period is decided upon, I should have thought a major concern of the government would be to ensure that the message gets through to the people who will be affected. I hope the Minister for Police and Emergency Services will consider that point and make some moves to incorporate it in the Bill when it is between here and another place.

Another matter of concern to the Victorian Rural Fire Brigades Association is the constitution of the Country Fire Authority and the increase in its size. The association is concerned that, having received an assurance from the Minister on 29 September last year that there would be no change to the structure of the Country Fire Authority, the Bill changes the structure. Members of the association are surprised and aggravated that the Minister has done a back flip. They want that matter to be addressed.

The association has directed to the attention of the Minister its concern about road accident rescue units and changes to section 97 of the Country Fire Authority Act. Proposed new sections 97A and 97B refer to brigades that have been approved to carry out road accident rescues; they do not refer to accreditation. The Victorian Rural Fire Brigades Association does not believe the word "approved" carries with it the kind of power that the word "accreditation" has. "Accreditation" implies recognition or certification of a person or organisation in meeting a prescribed standard. The association believes that is particularly important in the case of units accredited to perform a road accident rescue service. The word "approved" does not mean that an organisation would have to reach a prescribed standard.

I direct those matters to the attention of the Minister and emphasise that the Victorian Rural Fire Brigades Association is not a hick organisation; it represents a vast number of volunteers who put their lives on the line, particularly during summer months. The association represents those people well, and its thoughts and desires should not be ignored. The government should give due regard and weight to the suggestions made by the organisation.

The Bill officially recognises the carrying out of road accident rescue services by the Country Fire Authority. I am fully aware that a number of authority brigades are and have been for some time involved in road accident rescue and have done the job extremely well. However, they have been doing that under a specific power. The only specific power for road accident rescue is contained in the Victoria State Emergency Service Act. The Bill extends that power to the Country Fire Authority and ensures that a specific power is also extended to the Metropolitan Fire Brigade. That is an important change to the structure of emergency services in the State.

Another part of the Bill that is of interest and should be of concern to honourable members is the provision regarding payments for road accident rescue services. The Bill provides for the Metropolitan Fire Brigade, the Country Fire Authority and the State Emergency Service to be paid for road accident rescue services by the Transport Accident Commission.

I understand that the charges will be set by regulation and that they will recompense an organisation for the service provided and provide an allowance for the replacement costs of vehicles and equipment. That is a significant point and, although the Opposition does not oppose it, I make it clear that honourable members should be made aware of some matters.

In providing payments for road accident rescue services, vehicles that are presently owned by a particular brigade will become a liability to the Country Fire Authority. Until now, that equipment has been the responsibility of the particular brigade concerned. An individual brigade purchases equipment, mans it and is unable to charge for any service provided. Through donations from the local community or through the work of a brigade in servicing private fire appliances, sufficient money is gathered to enable the brigade to provide a service. In many cases that service is provided well outside the fire district of a certain brigade.

It is appropriate for individual brigades within the State Emergency Service, the Country Fire Authority or the Metropolitan Fire Brigade to be recompensed for the services they provide. However, the vehicles owned by individual brigades of the Country Fire Authority and the State Emergency Service will now become liabilities for those services.

Accounts will be submitted to the Transport Accident Commission, which will pay the Country Fire Authority and the State Emergency Service. The commission will not pay the Woop Woop country fire brigade or the Woop Woop emergency service unit. That will result in the allocation in the Budget to the CFA and the SES being increased because they will be looking after more vehicles. That will represent a significant expenditure item and honourable members must be aware of that.

There will also be a significant cost to transport accident charges, commonly known as third-party insurance. The income currently derived from third-party insurance fees does not pay for the recompensing of the Country Fire Authority, the State Emergency Service and the Metropolitan Fire Brigade for the road accident rescue services they perform. When the Bill is passed, income from third-party insurance will have to increase to cover costs, and that will have a significant financial impact.

One example will be that in the case of the Victoria State Emergency Service and the Country Fire Authority their recurrent expenditure on the running and replacement

of vehicles and equipment involved in road accident rescue—which at present is zero—will now rise. It will become part of their budgeting exercises. It will represent a significant cost, especially when one considers the number of road accidents that occur in this State. Therefore, it will be a significant cost to taxpayers because it is through the taxpayers and through the Budget of this Parliament that these organisations are funded.

We as a Parliament and the government as a government must address the issue. It is no good backing away from it. I do not believe there will be a backing away from the issue, and there must have been an acceptance of the position by the government because it moved to introduce the amendments contained in the Bill.

I repeat: we must bear in mind that everyone who has a motor vehicle will have to face higher third-party insurance or transport accident charges. Those charges are pretty high at present. Mr Acting Speaker, you, as well as other honourable members, will be aware of the significant charges for third-party insurance and transport accident charges on vehicles. Because of the impost placed upon the Transport Accident Commission, those charges will rise. They will rise to cover the cost of road accident rescue.

As I said before, the Opposition welcomes the fact that a charge will be made and that the service provided by those organisations can be recompensed to them. That is fair and reasonable. However, we should not ignore the impost it will mean for the general community, especially for those who own motor vehicles.

Significantly, the Bill provides increased powers for the Metropolitan Fire Brigade and the Country Fire Authority to charge people for false alarms. That is certainly needed. A situation has developed over the years—and it seems to be getting worse—where the cost of attending false alarms has become significant. I was interested to read an article in the *Sunday Observer* of 14 May 1989 which addresses that issue and states:

> Millions of dollars were lost on false fire alarms and hoax calls in the city last year.
>
> The MFB attended 38 752 calls between June 1987 and June 1988, but only 12 821 or 34 per cent, were valid . . .
>
> Of the remaining calls, 19 534 were false alarms and 6379 were to what the MFB calls "malicious" or hoax calls . . .
>
> It costs $840 for every hour a fire truck is in use . . .
>
> Under the Fire Authorities Bill, due to be passed in State Parliament in autumn, the MFB would have more power to make customers pay for false alarms.

This is a significant problem that has been going on for a long time, and it is high time the matter was addressed so that we can get at the people who have poorly maintained alarm systems.

In the electorate in which I live and have served as a volunteer firefighter and as an officer for more than twenty years, the turnouts we have to poorly maintained or installed alarm systems has been a constant irritant to the brigade. In some cases the continual false alarms endanger the buildings and the people who live in them.

For example, I know of a Mount Eliza hospital for geriatrics which, for many years had a poorly maintained alarm system and the regular turnouts to that centre were so numerous that when calls came in the firefighters would say, "This will be another false alarm". We had to gee up the troops to ensure their enthusiasm was maintained and that they continued to turn up to those premises. One day one could find ablaze a place full of geriatric people and have a major problem on one's hands.

It is important that brigades bring to the attention of people who have poorly maintained alarm systems the importance of meeting their responsibilities and maintaining them properly. They are virtually crying wolf every time the system goes off. One day when the fire wolf actually turns up at the doorstep there could be no-one to put out the fire because of the false alarm record. It is important that people maintain their alarm systems adequately.

Another important part of the Bill that I want to touch on briefly in closing is the funding of fire and emergency services. The present system, together with the measures encompassed in the Bill, appears to indicate that we have gone about as far as we can go in ensuring that the people who have an obligation to contribute, do contribute to the funding of the services.

Over many years the smart alecs in the community have decided it would be clever to insure offshore with an insurance company that has no obligation to contribute towards fire emergency funding in this State. Therefore, they pay lower premiums and the State does not receive the income needed to maintain fire and emergency services. The Bill addresses that loophole. It is important that property owners contribute. People who decide to take a punt and not insure, or who cause a fire or are the recipients of fire services, can now be attacked according to provisions in the Bill which mean they will have to contribute too.

We have not seen a system of total equity. We as a Parliament and as a community have to start to address fire and emergency service funding from the point of view of total equity. That will mean a complete recasting of the funding system. I know this was the subject of a significant report to Parliament in 1985. Although the report itself has not been dealt with by the government, the government has addressed some of the issues contained in it.

The proposal in the Bill does not build an equity system whereby every property owner and every vehicle owner would make an equitable contribution towards fire and emergency services funding. Many people in the community would be urging the government to take such a stand and proceed along those lines. I know it is a matter of concern to the Insurance Council of Australia and its member organisations; in fact they have made it one of their major issues for this year. That organisation will be urging the government and Parliament to address the issue. Obviously it is not a matter that can be dealt with during the debate on the Bill, but I hope the few words I have uttered on the subject will be taken on board by the Minister. I hope the Minister will examine the issue and address it and, perhaps, in the spring sessional period the matter might be dealt with in legislation, on a non-partisan basis, so that there is equity and a proper and viable funding system for fire authorities.

This is a machinery Bill which applies bandaids to a number of Acts. Most provisions contained in the Bill are not opposed by the Opposition. During the Committee stage the Opposition will address a couple of issues, one of which in particular we believe is virtually important to the fire brigade community in the State.

Mr McNAMARA (Leader of the National Party)—The Fire Authorities Bill amends the Country Fire Authority Act, the Emergency Management Act, the Metropolitan Fire Brigades Act, the Summary Offences Act, the Transport Act and the Victoria State Emergency Service Act. The Bill clarifies the role and functions of fire services in the wake of their taking on significant and often costly responsibility outside the firefighting sphere.

It should, according to the government's estimation, remove any doubt about the entitlement of emergency service workers to compensation in a wide range of operational situations in which they find themselves. The Bill provides for the

imposition of fees and charges in the following ways: firstly, the link between insurance levies and liability to pay has been tightened up, but the Governor in Council still exempts policies such as the motor vehicle policy. Secondly, the Bill provides that the cost of road accidents will be recoverable from the Transport Accident Commission and not from individual motorists. Thirdly, other emergency work, such as trench collapse, will remain free of charge. Fourthly, all services including the State Emergency Service, will be able to perform non-emergency related activities on a contractual basis, such as salvage services after fires.

In response to the reservations that have been expressed in the past, the Country Fire Authority Act will be amended to ensure that the power of the authority to manufacture and sell firefighting equipment does not provide a carte blanche to compete with the private sector. That matter was raised in some detail last year.

Provision will be made for a declaration and termination of fire danger periods. This will be the responsibility of the Chairman of the Country Fire Authority in consultation with the Director-General of the Department of Conservation, Forests and Lands, which is opposed to the current situation of the Minister taking that responsibility. That is a significant improvement for those areas in western and northern Victoria when it becomes an anxious time towards the end of the fire season with autumn approaching and members of the farming community want to burn off stubble. Any farmer knows that once there is that break that one must cultivate to get in the crop, but the stubble causes many problems, such as with scarifying combines and so forth. It is virtually impossible to get through the cloggy earth when wet stubble is interwined. The provision is a positive step which will assist with that problem. I ask the Minister to keep a watching brief on the situation.

Occasionally there has been criticism about the slow response in dropping the fire restrictions. I do not believe there is any guarantee that the other systems will work unless there is encouragement at a local level so that restrictions are lifted quickly to allow burning off when the CFA believes it is appropriate.

The National Party has been lobbied by a number of groups. The Metropolitan Fire Brigades Board said it was happy with the proposed legislation. It supported the Bill in its entirety. The Victorian Rural Fire Brigades Association disliked the word "demonstration" in clause 3 (*a*); it said that it much preferred the word "competition" and "accredited" in those two areas. The association also dealt with section 23 that provides for the manufacture and sale of firefighting vehicles and equipment. It believes the clause is limited. It would prefer that matter to be the subject of Ministerial consent. I shall deal with that matter later. The association believes clause 27 was unclear, but we have not had similar representations from other bodies on that matter.

Concern has been expressed that the declaration of the fire ban period should be published in local newspapers and not only in the *Government Gazette*. That is a fair suggestion, which was also raised by the honourable member for Mornington.

The Victorian Urban Fire Brigades Association broadly supported the Bill but it deplored the lack of consultation. Its only objection was to clause 3 (2) which changed the definition of "volunteer officer or member". It was horrified at the insistence of certain bodies and persons to define what a volunteer shall or shall not do in his or her own time.

The association was concerned about the word "demonstration". It took aversion to the word and it said that because of its broader connotation in the wider community it considered it an archaic and obsolute term within the country fire service. It has been suggested that it was necessary to retain the word to cover activities such as training exercises other than competitions. The association believes it is not necessary

as such activities are surely covered by the service provisions of the CFA regulation. I ask the Minister to consider the representations that the association has made.

The association forwarded a copy of its separate submission to the Minister on the provision in clause 9 (*b*) together with the Minister's reply in which he states:

> There is a misunderstanding in relation to the statements in my letter to the association on 29 September 1988. The current structure of the authority enables nominees of interest groups, such as CFA volunteers and insurance companies, to participate in the management of the authority.

The association responded by pointing out that the statement was made by the Minister. It appeared perfectly clear and unambiguous and not open to misinterpretation. What the Minister said in discussions with Mr John Barclay, the secretary of the association and what is now being interpreted appears to be at cross-purposes. Clause 23 was suggested the association to be too limiting. It said that the Bill restricted the CFA from providing commercially competitive products to another emergency service. It recommended that consideration be given to an amendment at the end of the clause or to recognise the emergency clause subject to Ministerial consent. That suggestion would ensure that there was no unfair competition to products supplied by local business. As the Minister said in his second-reading speech, the provision clarifies the position.

The association said that the proposed new definition of "fire" was not fully understood and that it was ambiguous and confusing. It recommended that clause 27 be redrafted to clarify the matter. It also urged that the word "accredited" replace the word "approved" in sections 97A and 97B for the sake of consistency.

The National Party has concern about the change in the composition of the authority. The membership of the authority does not need to be extended from twelve to thirteen. A letter from the Victorian Rural Fire Brigades Association to the Minister is strongly worded and it is worth taking note of some of the points raised. The association refers to the supplementary provision in the Bill concerning employee representation on the authority. The association directed the Minister's attention to the unequivocal undertaking he gave in a letter dated 29 September 1988 in response to an association questionnaire that "the government has no plans to change the structure of the Country Fire Authority".

The Victorian Rural Fire Brigades Association believes this proposal is a most serious breach of that undertaking. Dr Griffin, the Director of the Fire and Emergency Service Division of the Ministry, contended in a letter to the association that the government had a longstanding commitment to employee participation in management decision-making in its department and agencies. The association believes that that should have been stated when the advice was given by the Minister in September 1988 and it does not believe there is any need for the additional appointment. If it were to be at the expense of an existing member of the authority, the association would be totally opposed to it. In any case, the National Party shares some concern about that appointment.

The Victorian Urban Fire Brigades Association is concerned about clause 3 (2) and believes it should be withdrawn. It is concerned about the lack of adequate consultation between the association and the government. It is disappointed that prior undertakings on consultation were not observed and it was outraged that the definition of "volunteer officer or member" was discussed with the United Firefighters Union and amended totally to conform with the union's demands. Consultation with the association as the representative body for urban volunteer officers and members was totally ignored.

Having reviewed the extent to which volunteers are to be policed and disciplined and taking into account what they are legally able to do under the proposed definition

of "volunteer officer or member", the Victorian Urban Fire Brigades Association requested that this clause not be proceeded with. I am sure the Minister has a copy of the letter from the association that went on to detail further points of concern. It is worth placing those concerns on the record.

The Bill deals with a number of diverse matters. It mentions the costs of providing road accident rescue services, which will now be recovered from the Transport Accident Commission. It is a general theme in the Bill that, where costs are incurred by either fire or State emergency services that perhaps are not directly involved in their primary charters, an attempt will be made to recover the costs from the recipients of the service. That is a positive provision in the Bill and is supported by the National Party.

Funding for fire services is primarily provided through an insurance levy with extra funds being allocated from the Consolidated Fund to assist both the Country Fire Authority and the Metropolitan Fire Brigade—in the case of the Metropolitan Fire Brigade, funds are also provided by local government.

The issue of long-term funding must still be addressed. It is of concern to the National Party that many people who are the beneficiaries of firefighting services have not been fully paying their way. The Bill provides for fire services to recoup money where people are not insured but that power has been available to fire authorities in the past. We must now address the issue of people who are insured but are underinsured.

The Minister has a background in the insurance industry and is probably more than capable of addressing this issue. Previous legislation has attempted to ensure that everyone requiring firefighting services pays his or her way. The charge would normally be administered through local government by a levy on the net annual value. I do not believe that is an appropriate base for a fire levy because it would discriminate against the rural community.

It would be more appropriate for a levy to be imposed on the improvements on a property not on the total market value. Figures have been obtained from local government of capital improved value and site value. If one were deducted from the other, the value of net improvements on a property would be arrived at. A levy on the net improvement value would be a more appropriate basis for a levy.

Obviously people do not insure the site value of a property, they insure the value of the house, which is the improvement. In a similar way, a farmer does not insure the bare acreage of his property. If a fire ran across his property, the grass would grow back the following year and nothing would be lost. The farmer insures the fencing, the sheds and the house—in other words, the improvements on the property.

When this issue was discussed a few years ago the net annual value was found to be discriminatory against rural landowners because a large proportion of the net annual value of their land related to their soil. The government must take that into account in any levy to be considered.

The Bill increases the borrowing limits of the Metropolitan Fire Brigade from $20 million to $40 million. It identifies a number of major improvements to fire stations. It addresses the selling off of some older fire stations to be replaced with new stations. I hope the Minister's generosity will extend across the board of his portfolio and that he will take steps to protect the one-man police stations that are currently under threat. We know that the station at Tallarook and several other police stations around the Bendigo area are to be closed.

Mr E. R. Smith—They are in danger of being burnt down!

Mr McNAMARA—They are not in danger of being burnt down; the people concerned have been told they will be closed down.

The ACTING SPEAKER (Dr Vaughan)—Order! I ask the Leader of the National Party to relate his comments to the Bill.

Mr McNAMARA—Mr Acting Speaker, I was just dealing with the proposed improvements of fire stations under the Ministry of Police and Emergency Services! I make it very clear that this Minister's generosity should extend across the board so that we do not see small people in isolated rural communities having their only, one-man police stations shut down. I think the Minister takes the point, and I hope there will not be a repetition of the miserable performance he gave at question time, when he tried to skate out of what everyone in Victoria knows: that the Minister is going about a deliberate ploy of shutting down one-man stations, in a similar way to the method identified in the 1986 letter between the then commissioner and the former Minister for the closure of one-man police stations.

Clause 27, at page 14, inserts proposed new section 97C in the Country Fire Authority Act. This provision is of concern to the National Party because it enables the authority to provide protection services. It states:

> The authority may enter into an agreement with any person to provide any other property protection or loss mitigation service for the prevention of or to deal with the effects of any emergency or hazard.

I ask the Minister exactly how far the provision proposes to go. It seems to give the authority carte blanche to move into any area of protection against any emergency or hazard. Will it—as I understand it will do from my reading of the provision—give the authority power to perhaps set up a security service? It could go around and inspect any properties for any potential emergency or hazard.

The National Party wants to know, if this service is to be established: what will be the audit requirements for it; who will control such a service, to whom will they be accountable; and will they be accountable to Parliament? Or will this be another little entrepreneurial activity that the government is setting up with no real clear direction? The provision seems to open the door to many other areas in which the authority could operate that would be of particular concern; it could enable the fire authority to set up organisations that could compete against the private sector.

Dr Napthine—Or against the one-man police stations!

Mr McNAMARA—It may not necessarily compete in the areas of fire services at all. The provision is quite broad and talks about any emergency or hazard.

Proposed new section 97B of the Country Fire Authority Act states that the authority may provide a road accident rescue service for persons involved in road accidents by the use of brigades which have been specifically approved for that purpose by the Coordinator in Chief of Disaster Control under the Emergency Management Act 1986. The National Party is concerned at the prospect of interservice rivalry, and I hope the Minister will keep a close watching brief on that area.

In regard to copies of annual reports, clause 30 states that after the annual report of the Metropolitan Fire Brigades Board has been laid before both Houses of Parliament the board must send a copy of the annual report to each person or body that has made contributions under the Metropolitan Fire Brigades Act. Does that include all persons who have made, for instance, insurance contributions? They have made a contribution under the legislation; they have contributed towards the funding of fire services, whether they be the Metropolitan Fire Brigade or the Country Fire Authority. It seems that the provision could be interpreted to mean that every person who is in that area

would have to be sent a copy of the board's report, the cost of which would be enormous.

I believe appropriate changes have been made to the provisions dealing with false alarms of fires. I hope that will provide some sense of urgency for people to ensure they improve the efficiency of their fire alarm systems so that it is not necessary continually to send brigades out on wild-goose chases. The comment of the honourable member for Mornington in that regard was certainly quite relevant.

The Bill deals with a number of diverse Acts. In general, the National Party supports the Bill, but it will oppose some clauses in the Committee stage.

Mr BILDSTIEN (Mildura)—In his second-reading speech on the Bill, the Minister for Police and Emergency Services said that the Bill follows the government's continued review of the operations, administration and funding of Victoria's fire and emergency services. Among other things, he said that the review process has been guided by the pursuit of increased levels of operational effectiveness, skill and efficiencies, and that the Bill reflects a concern on the part of the government that the operational roles of the fire and emergency services be defined in terms that are clear and minimise the likelihood of duplications, confusion and inter-organisational rivalry.

There is considerable concern among the volunteer members of the State Emergency Service units in my electorate that this Bill is the first step towards a takeover, as it were, of the SES by the Country Fire Authority. In my electorate and surrounding areas there is a very strong network of SES units. In my electorate there are units at Mildura, Ouyen, Murrayville and Woomelang, and in the adjoining electorate there are units at Robinvale, Swan Hill and Birchip.

I was somewhat surprised to hear from my local SES unit that it had received no correspondence or information on the Bill until I forwarded to it copies of the Bill and the Minister's second-reading speech. When officers of that unit read the Bill they were very disturbed about proposed new section 97B in particular, which gives the Country Fire Authority the power to provide a road accident rescue service for persons involved in road accidents by the use of brigades which have been specifically approved for that purpose by the Coordinator in Chief of Disaster Control under the Emergency Management Act 1986.

I have since learned that a ten-page briefing paper on the Bill was sent to the SES unit in my region, but it made no mention of this potentially controversial and divisive provision. I can only hope that the SES headquarters is not playing funny games, because if the units have been deliberately kept in the dark about this provision, it is a matter of grave concern.

The provision states that the CFA may provide a road accident service, and it is that which concerns the SES volunteers in my electorate. They are worried that it will be almost impossible for the Coordinator in Chief of Disaster Control to refuse a request; that if a local CFA brigade goes ahead and raises funds from within its local community and fully equips itself for road rescue, it will almost certainly become a fait accompli; and that the CFA will gradually take over the SES role.

The State Emergency Service units in my electorate believe the duplication of service and resources will only create unnecessary friction within the community. Where a State Emergency Service unit already exists the Coordinator in Chief of Disaster Control must have the power to nominate the provider of road accident rescue without the interference of the Minister for Police and Emergency Services. The service suggests there should be a limit to the expansion of fire services with, perhaps, the Country Fire Authority taking responsibility for providing storm assistance, welfare assistance and flood boat services. The State Emergency Service is

concerned that because the Country Fire Authority is controlled by the United Firefighters Union staff there is a deliberate move against the volunteers.

Currently in my electorate there is an excellent relationship between the emergency services. One finds that generally is the case in country areas; they all pitch in and help one another. It is not uncommon for State Emergency Service volunteers to assist the Country Fire Authority. They rally together. If a house were to burn down and the Red Cross was unavailable, the emergency services would find the blankets, bedding and necessary requirements for the unfortunate victims.

In Mildura alone there are approximately twenty active State Emergency Service members who train every week and who attend well over 40 call-outs a year. I have recently had the pleasure of inspecting their magnificent facilities and socialising with them. Many of them would not be prepared to provide the public service that they currently provide if the State Emergency Service is taken over by the Country Fire Authority. There is strong support for the continuation of the State Emergency Service as a separate entity, as shown by a recent survey of some 300 local government representatives across the State.

The major points to come from the Municipal Association of Victoria–State Emergency Service working party were that there was strong local government support for the ongoing role of local SES units; that appropriate levels of service should be determined at the local and regional level; that there be recognition of the distinct lack of resources at the local level; that there be recognition of the need for strong links with regional SES offices; and that there be recognition of the fragility of volunteerism and the need to take into account the special interests of SES volunteers in any structural changes.

The need for a clear delineation between the responsibilities of the various emergency services is obvious and the Minister is attempting to address that issue. The support of the State government in continuing to pursue the option of funding from the insurance industry has also been highlighted. I have observed, during the period I have represented the Mildura electorate, that very frequently when the State Emergency Service unit is called out for damage to a roof the unit protects the furniture and carpets of the house, therefore saving the insurance company countless dollars in its pay-out. That issue needs to be pursued.

I ask the Minister to give an assurance to the House that the Bill is not a backdoor attempt to amalgamate the State Emergency Service with the Country Fire Authority and that he will continue to support the vital role of SES volunteers.

Unfortunately, funding levels have diminished to a point where SES units have to go out and raise their own finance through raffles and so on to provide their service.

The February issue of the *Phoenix*, the State Emergency Service journal, says in regard to funding:

> The message is quite clear, and that is that not withstanding his public statements of support, Minister Steve Crabb has no commitment to the future development of VICSES or its volunteer members. This means that we, the volunteers, will need to continue to pay for the privilege of saving lives and property. It is particularly frustrating when you read that the Cain government has overseen the loss of over $100 million of taxpayers funds in the last year, through the VEDC, but the government is not prepared to invest an additional $1·3 million for the welfare of the Victorian community.

I again ask the Minister to give the House an undertaking and to assure the loyal and dedicated volunteer members of the State Emergency Service that the Bill is not an attempt to amalgamate that service with the Country Fire Authority through a backdoor method, and that he will continue to recognise and fund their worthwhile contribution.

Mr STEGGALL (Swan Hill)—I take up the point made by the honourable member for Mildura, who said that he hopes the Bill is not a backdoor method of amalgamating the Country Fire Authority and the State Emergency Service. I assure the honourable member that it is the long-held policy of the Australian Labor Party and the United Firefighters Union to achieve that end. The proposed legislation opens up the door so that that may happen in the future. The government does not run away from that issue and probably will not even defend the proposed legislation against criticism. The provisions alter the constitution of the Country Fire Authority so that one extra person, an officer or employee of the authority, is added to the authority. I have no doubt that that person will be a representative of the United Firefighters Union and will play an active role in the direction of the authority. That will occur slowly at first, but will gather momentum.

The Minister knows full well, as does the union, that some members of the authority will not withstand the pressure exerted by a good union representative and the authority will slowly change its policy. The Minister knows full well, just as I know, that the person selected from the union movement who will take up that position on the authority will be a very able representative and will put forward sound arguments and ideas that will achieve the aims of the union. For instance, other parts of Australia have introduced part payment for volunteers of the State Emergency Service. Some areas have trouble attracting volunteers for the SES so a part payment may be introduced. Once that system is introduced in Victoria the United Firefighters Union will have a new area from which to recruit new members. This will mean not only a larger membership for the union but also will allow it to adopt its aim of establishing one fire, rescue and ambulance service operation, controlled by the one union.

It is not coincidental that the Metropolitan Fire Brigades Board has built and operates ambulance vans in the metropolitan area that are for the use of firemen only. It is a trial at the moment, but the direction is clear, and the government willingly assists the union's objectives. The United Firefighters Union will ultimately control the rescue and fire services, which is its aim.

The Country Fire Authority will be able to provide road accident rescue services. That provision is contained in the Bill but, as mentioned by the honourable member for Mildura, it will exert pressure upon the Victoria State Emergency Service. Honourable members should not be naive enough to think that the provision would "possibly" put pressure on the SES; it will apply pressure, and will change the SES rescue services so that eventually fire, SES and ambulance services will be tied together.

That will lead to much interservice rivalry, which will begin affecting personnel and the direction of the services. Country communities gear themselves well, particularly in the firefighting area, where there are strong CFA units. The government should remember when playing these games—and I believe the Bill is just a game for the Labor Party in Melbourne enabling it to fiddle around with a vital service under the auspices of the CFA—that the only way in which fire services can be delivered throughout country Victoria is through the CFA. I hope the government will show some compassion towards the absolutely first-rate fire service that country people have put in place.

Country communities have received assistance from previous governments; also, the present government has been good since 1982 in its refurbishing of country fire units. I make no bones about that. I have had the honour of delivering many fire units to CFA establishments throughout my electorate; their quality of construction and standard of performance, as delivered from Ballarat, has been first class.

Throughout Victoria there is now a very mobile and professional volunteer service, as also exists in many metropolitan areas. The government should be careful when

fiddling with the CFA base because, if the volunteer component of that concept fails, there is no alternative but trying to pay for such a service. The service can only be rendered through a volunteer operation, and not by payment or even part payment for it.

If the union starts placing demands, as happened in Melbourne where the United Firefighters Union has kept the Metropolitan Fire Brigade short of funds and has applied pressure so that the government—not through the present Minister but his predecessor—became keen on examining rationalisation programs to unite firefighters——

Mr E. R. Smith—Socialising the system.

Mr STEGGALL—It would dearly love to socialise it.

Mr Crabb—Who wants to privatise them?

Mr STEGGALL—The government wants to hand control over to its union cousins, friends and masters.

Once the Bill is passed and its provisions are put into practice, I hope the Minister for Police and Emergency Services and his department will ensure that an examination of the volunteer system operating throughout country Victoria is conducted. The CFA covers a large slice of the Melbourne and metropolitan area surrounding Port Phillip Bay; I dare say the firefighting component of emergency services will be targeted in the first instance.

The Bill also introduces what honourable members termed entrepreneurial powers and argued about in debate on the Local Government Bill. Some arguments arose at that time as to how entrepreneurial activities of local government should be handled. Similar provisions have been inserted in a number of measures including the water supply Bills to be debated this week. In clause 27, under the heading "Authority may provide protection services", the Bill states:

> The Authority may enter into an agreement with any person to provide any other property protection or loss mitigation service for the prevention of or to deal with the effects of any emergency or hazard.

That provision is the avenue that the United Firefighters Union needs for entrance into a whole range of business enterprises. I do not know why that provision is contained in the Bill; perhaps the Minister, in his final summary, could tell the House why it has been inserted.

Mr E. R. Smith—You will have to ask him again; he is not here.

Mr STEGGALL—The Minister will understand that the National Party wants to know why proposed section 97C (1) has been included; and also what agreements, operations or business enterprises he envisages being established from that agreement base. I am sure the House will receive an altruistic reply. When it comes to the crunch, things always seem a little different from the way they actually are.

The accountability provisions mentioned by the Leader of the National Party are most important. Somehow Parliament will eventually have to come to grips with the auditing or entrepreneurial activities of, in this case, the CFA, as well as in other areas where entrepreneurial activities are only a step away from a government agency, and in which it is difficult to know what those groups or quangos are actually doing.

Will the Minister explain how those carrying out operations under the clause will be made accountable to Parliament, and whether they will come under the jurisdiction of the Auditor-General? The provision is there only by agreement at the moment, but I am willing to bet that one could drive a bus through the gap that will appear once those empowered by the provisions of the Bill implement further operations.

I do not wish to cover other areas of the Bill but I ask that the government reconsider its intentions to put the measure into force because it opens up certain areas—some of which may be necessary—that will attack the volunteer base that the government hates so much.

I appreciate that probably there are targets in the metropolitan area that the government would like to grab, and may attempt to do so. There is not the luxury of numbers in country Victoria as there is in Melbourne. The first-class firefighting and SES services throughout country Victoria are reasonably fragile when it comes to a volunteer base. If one starts fooling around with that base, many successful operations will be put at risk.

I hope the government and the board of the Country Fire Authority, as well as volunteers throughout Victoria, will begin to understand what is in the Bill and become aware of how its provisions are intended to be put in place.

Dr NAPTHINE (Portland)—I support the general comments made by honourable members on this side of the House about the government's attitude to volunteers in the Country Fire Authority and the State Emergency Service. More particularly, I shall refer to a number of clauses of the Bill which warrant the Minister's attention, as there is a need for changes to be made to some of those clauses.

I represent an electorate that is part of western Victoria and is one of the most fire-prone areas in the world. It is, therefore, important that I pay a significant tribute to the professional staff and volunteers of the Country Fire Authority. In my previous role as an officer of the Department of Agriculture and Rural Affairs, I had direct dealings with both the professional staff of the CFA based in the Western District and, more particularly, with the volunteers of that organisation. Those people carry out their work with a high degree of professionalism, commitment and success.

Honourable members should recognise the work done by the Country Fire Authority and ensure that the continued success of the CFA is not jeopardised.

Last Saturday I had the pleasure of being at Deakin University for the presentation of degrees. An honorary doctorate was awarded to Dr Pat Lang from Lismore. He is not only an agricultural scientist and farmer but also he was one of the founders of the Country Fire Authority in the 1940s, which was one of his greatest works. The CFA has been and continues to be an excellent organisation serving rural Victoria.

The key to the success of the CFA is its volunteer nature. The people involved obviously wish to protect their own properties, their lives and the lives of their families. However, they volunteer not only their own time but also the use of their trucks and equipment—as well as the capital that they spend on that equipment—to protect their local communities.

I refer to the work done during the Ash Wednesday bushfires by the Country Fire Authority. I was involved in that work in the Hamilton, Warrnambool and Panmure districts. The work of the CFA was instrumental in keeping the losses down. Although the losses were enormous, they could and would have been a lot higher if it were not for the excellent work of the CFA.

What has the CFA got from the government for the work it has put in? The government has made a large number of threats. Political battles have had to be fought over a number of years. Amalgamations have been talked about, if not with the Metropolitan Fire Brigades Board, then with the State Emergency Service. The CFA is quite happy to run its own organisation, as it does very well. It does not need the constant threat and talk of amalgamations.

I hope that in his closing remarks on the second-reading debate the Minister for Police and Emergency Services will comment on the appointment of a permanent chairman of the Country Fire Authority. For the past eighteen months the CFA has had an acting chairman, and it looks forward to the appointment of a permanent chairman.

The CFA headquarters has been a political football in a number of arenas. The headquarters for Ballarat reared its ugly head in the Ballarat North by-election and disappeared as quickly as the honourable member for Ballarat North was elected to this House. The concern about the headquarters remains.

I support the comments made so well by the honourable member for Swan Hill on the general attitude of the government to volunteers in many areas. Honourable members should consider the government's attitude to justices of the peace, the CFA, and the SES. In all those areas of voluntary work, the government is attacking the volunteers it finds difficult to deal with, those people who are prepared to give their time and make commitments of their own resources to help themselves and other members of their communities.

The Fire Authorities Bill provides another example of the legitimate concerns expressed by the CFA about the government. Clause 9 (*b*) proposes a substantial change to the structure of the CFA. It reads:

After sub-section (1) (*d*) insert—

(*da*) one must be appointed by the Governor in Council being an officer or employee of the Authority appointed under section 17 who is elected by the officers and employees of the Authority appointed under section 17.

The change is significant in its effect on the existing constitution of the authority.

Honourable members on this side of the House do not oppose the Bill. However, we direct the Minister's attention to the concerns of the CFA about his attitude to it. I refer to a letter written by Mr G. H. Baxter, the President of the Victorian Rural Fire Brigades Association, to the Minister for Police and Emergency Services on 24 April 1989. It states:

. . . concerning employee representation on the authority. In this regard I would draw your attention to the undertaking you gave to this association in a letter dated September 29, 1988.

That undertaking was given less than twelve months ago. Mr Baxter's letter continues:

In that letter, when responding to an association questionnaire you gave the following unequivocal undertaking:

"The government has no plans to change the structure of the Country Fire Authority."

Yet, within twelve months, the House has before it a Bill that will substantially change the structure of the CFA. Is it any wonder that the CFA has said to the Minister:

I believe your proposal is a most serious breach of that undertaking . . . it makes your government's credibility on this issue worthless.

Is it any wonder that the CFA has concerns about how the government operates!

Clause 26 will be debated while the Bill is in the Committee stage. That clause provides, under the heading "Application of penalties", that:

All penalties recovered under this Act for offences committed under this Act are to be paid to the Authority.

This contradicts or poses some serious questions with regard to the Country Fire Authority Act, which provides in section 41 (5) under the general heading:

> Direction to owner or occupier of land by fire prevention officer of municipality to remove fire hazards or clear fire-breaks . . .
>
> Any amount recovered as a monetary penalty for an offence against this section or section 41A shall be paid to the municipality in respect of which the proceedings were instituted.

The Act provides that the money will go to the municipality but the Bill provides that it will go to the CFA and the Bill may well override the previous provisions.

Fire prevention is one of the key components in reducing the effects of fires, and prevention is always better than cure. Local government must be involved in fire prevention activities, either by encouraging people to undertake preventive strategies by removing hazards such as long grass, or by having the right to impose penalties on people who do not undertake such activities. In order that that arrangement works successfully, it is important that any penalties paid are returned to the municipality, as provided for by the Act. The Bill places that provision in jeopardy. I seek the Minister's response to that apparent conflict.

Clause 27 of the Bill defines fire as including:

> (*a*) a hazardous material incident where the major or sole danger is the threat of fire up to the stage where there is no longer a threat of fire.

I find it difficult to understand that definition. I presume the definition of fire refers to a situation where there is a threat of fire but no flame. Clearly, there is a much better way to express it. I suggest to the Minister that the definition should refer to an incident where the major or sole danger is the threat of fire. It is a simpler expression in plain English. If plain English is to be part of the legislation, then it should be plain and easy for people to understand.

Concern has been expressed by a number of honourable members about clause 27 which replaces section 97 of the Country Fire Authority Act. In a letter from the Victorian Rural Fire Brigades Association of 10 May 1989, the president, Mr Baxter, said:

> I would urge that the word "accredited" replace the word "approved" in both sections, for the sake of consistency. The word is used in DISPLAN, and its import is clearly understood within the emergency services. It implies recognition or certification (of a person/organisation) in meeting a prescribed standard.

The word "approved" should be changed to "accredited". This clause also raises the border issue of the role of the Country Fire Authority in a road accident rescue. It is a traditional role undertaken in many areas by the State Emergency Service. The service is made up of volunteers who perform a function in a cost-effective way in our community and who should be encouraged to continue that function.

The Bill makes way for possible competition between the CFA and the SES in road accident rescue. The Minister should indicate that any potential competition will be limited by having decisions made at the local level by the local DISPLAN committee as to who will perform the road rescue role in the area. I suggest that where the SES is active and can carry out these tasks it should be designated by the local DISPLAN committee as the primary agency for road accident rescue. The CFA should be involved in road accident rescue only where no SES service exists. The Minister, through local DISPLAN committees, should examine that area.

The Liberal Party does not oppose the Bill but seeks an ongoing commitment from the Minister and the government to the role and activities of the CFA and the SES as fundamentally volunteer organisations which perform a cost-effective and efficient

service for the people of Victoria. I also seek a response from the Minister on the specific issues I have raised.

Mr CRABB (Minister for Police and Emergency Services)—I thank honourable members for their contributions to the Bill. As has been mentioned during the second-reading debate, the Bill is like a miscellaneous amendment Bill with many items which have accrued over a period and which have been developed in consultation with the various organisations. From the comments made by honourable members, it seems that that consultation has not filtered down to the last extremity of the organisations. I assure honourable members that extensive consultation with all the major bodies, such as the Victorian Rural Fire Brigades Association and other organisations, has taken place.

I shall deal with a number of the matters raised by honourable members, but I shall respond to a number of items of detail later when I have received advice from my departmental officers.

I do not know why fire demonstrations are not called competitions. I cannot understand why anybody would become excited about that, but I will seek an answer for honourable members.

I shall examine the issue of local newspapers being used for the notification of fire danger periods. It is appropriate that local newspapers should be used. Whether it be a legal requirement that they be used is another question. There may be difficulties with that, but that practice should be encouraged.

The issue of an employee representative on the board has caused a deal of excitement. I cannot see why. Employee representatives are on all statutory authority boards other than this one. I am disappointed that the honourable member for Swan Hill would see this matter as being the snake in the Garden of Eden and as the thin end of a wedge that will plunge the Australian nation into some communist fantasy. The fact is that there are employee representatives on the Port of Melbourne Authority, the Gas and Fuel Corporation of Victoria and most other boards one can name, without causing problems. I do not think there is any difficulty. Presently there are volunteer representatives on the boards, which is entirely appropriate, but I should have thought in this day and age there would be support for employee representatives on boards.

Many overseas countries require that there be employee representatives on the boards of private corporations. There is no reason for concern about this provision. The suggestion was made by some of the volunteer organisations that I had somehow given them an undertaking on this matter. I was asked whether I would change the structure of the authority, and I said that I would not; restructuring is more than having someone on a board.

The matter of funding was raised, and I was asked that it be a requirement that board reports be provided to contributors to the authority. I was asked whether that would mean that every insurance policy holder would have to receive a board report. Clearly not; a levy is not imposed on policy holders; it is imposed on the insurance company. Consequently, that lifts premiums, but the levy is not on premiums. There is no relationship in a legal or direct way between the CFA and the policy holder; it is between the CFA and the insurance company. If the insurance company passes the levy on to the policy holder, that is its business.

The system of funding was raised. I recognise that many people do not insure their properties and, therefore, do not pay a premium. Nevertheless, no-one has come forward with an equitable and manageable system that would do anything other than impose a levy on rates, which is equally as inequitable as the current system. To set up an entirely new system of levy, or to fund fire authorities by what is essentially a

wealth tax, or to tax someone on the value of their combustible property, would be difficult.

At present, people pay fire insurance premiums which vary, depending on where one lives and the structure of the home. A person who lives in a timber home in the Dandenongs pays a higher premium than a person who lives in a solid brick building in Toorak. To determine how one would supplant such a process into a rates-based funding exercise would be exceedingly difficult; and until someone comes up with a system that functions efficiently and equitably, the government will stay with the system it has. The amendments contained in this Bill go a fair way towards removing some of the anomalies in the present funding system.

I was surprised to hear the concern expressed by the honourable members for Mildura and Swan Hill on what they see as the threat by the Country Fire Authority to the State Emergency Service. Perhaps the Country Fire Authority in that area should lift its public relations game with its backbenchers. On the road accident rescue issue, the Country Fire Authority is already doing road accident rescue in various parts of the State entirely in harmony with the State Emergency Service, with one notable exception which I hope will not be repeated anywhere else. We have not had difficulties anywhere else and the organisations are working harmoniously. I expect that to continue.

The honourable member for Portland raised the issue of the lack of plain English in the Bill. He has made a good point; not only is the Bill not in plain English but neither is the Act—nor is the amendment I plan to move in the Committee stage.

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 and 2 were agreed to.

Clause 3

Mr COOPER (Mornington)—I move:

1. Clause 3, line 2, omit "(1)".

This is a relatively minor amendment that concerns renumbering and leads to amendment No. 2 in my name, which would mean that clause 3 (2) would be deleted in its entirety. The purpose of the main amendment, which is amendment No. 2, is to put into place a situation whereby some consultation can occur in regard to the definition of "volunteer officer or member". I was interested to hear the Minister give an assurance to the House in his summing up of the second-reading debate when he said he could assure honourable members that there has been wide consultation with people and organisations such as fire brigades and associations on this Bill. I have a letter from the Victorian Urban Fire Brigades Association dated 15 May, which says:

> The Victorian Urban Fire Brigade Association objects to the wording in Bill, clause 3 (2) definition of a volunteer fire brigade officer and member, and requests your support for this clause to be withdrawn until full and proper consultation is held with the volunteer associations.
>
> The lack of opportunity being given to the volunteer associations is deplored and breaches all previous undertakings for consultation on matters pertinent and relevant to the thousands of urban volunteers this association represents.

With that letter it enclosed a copy of a letter of the same day to the Minister for Police and Emergency Services in which it says:

> The draft Bill before Parliament obliges the urban association to request that clause 3 (2) be withdrawn from the Bill . . .

The urban association is gravely concerned and disappointed that the prior undertaking for consultation was not observed, and further it is outraged that the definition of a "volunteer member" was discussed with the United Firefighters Union and amended to meet their demands, totally ignoring any consultation with this association as the representative body for urban volunteer officers and members.

I see the nodding of the head of the honourable member for Swan Hill. The letter continues:

Further, the proposed amendment shows a total neglect and absence of knowledge of the many and varied situations that occur: not only in the volunteer fire service, but across the wide volunteer organisations nationally, where volunteer members' service and contribution to their fellow members, community and groups of brigades or bodies, is recognised in some tangible form.

These practices have existed for over 100 years, they are unobjectionable, they are not in conflict with the volunteer firefighter receiving no remuneration for his fire fighting service, and yet under the proposed amendment they would be in breach of the law . . .

The Victorian Urban Fire Brigades Association, on behalf of all urban fire brigades in this State, is saying, firstly, that this clause has been drafted with no regard for their position and indeed, in direct contradiction to the Minister's words, with no consultation with them. It is saying that not only has no consultation taken place but also that this amendment destroys practices which have been in place for 100 years or more.

Most urban fire brigades have a significant private fire appliance obligation. They are obliged within their urban fire district to service extinguishers and fire hoses in homes, companies and businesses throughout their districts and they are paid a sum of money for each appliance they service and for each length of hose they service, whether for testing or testing and patching, drying, rerolling and putting back into the premises.

In most but not all cases, the private fire appliance obligation on the brigades is of a significant enough size to mean that the ordinary volunteer simply has not the time with all his other obligations of earning a living and so forth to be able to do this job, and most brigades come to an arrangement with some of their members to do the work in return for some sort of remuneration or fee for the time they give up. It is a simple system that has operated for a long time. It provides some pocket money for a couple of brigade members who are prepared to give up their weekends and some nights to carry out this work. As I said, it has operated effectively within the urban fire brigade districts for a long time.

The community and the businesses in that community are happy and prepared to see that work remain with their local fire brigade because they know the money they are paying to have the extinguishers and hoses serviced—and this has to be done each year—will go to a good cause, to their local fire brigade, a local community organisation. They are delighted to support their local organisation. The fire brigade members are delighted to be able to do the work and, all in all, that system has operated satisfactorily for a long time.

As I said in my second-reading contribution, this Minister became uniquely blessed. He was the first Minister for Police and Emergency Services, unfortunately for him, and I think he would agree with me, to have this fact drawn officially to his attention. I was told in a briefing from the Minister's department that this matter was officially drawn to his attention and the Minister, by interjection, is saying that it has not been drawn to his attention officially.

Mr Crabb—Unofficially.

Mr COOPER—It has been drawn unofficially to the Minister's attention. Would the Minister be a Nelson, if he had the opportunity again, and turn a blind eye to it?

I suggest he would not. It has been drawn to the Minister's attention and the honourable gentleman is now obliged to introduce this amendment.

The Ministry officers did not tell me—and I am interested to learn—who directed the matter to the attention of the Minister. I do not believe it was anyone from the Victorian Urban Fire Brigades Association. Could it have been someone from the United Firefighters Union? Surely not! Regardless of that, someone has directed the matter to the attention of the government, and it has produced an amendment designed to clean up the present status of the Act.

Section 3 of the Country Fire Authority Act defines a "volunteer officer or member" as one who receives no remuneration for his services in relation to the brigade. That means that any volunteer who receives any type of remuneration for doing work, including servicing private fire appliances, is not lawfully able to do so.

Mr Crabb—No.

Mr COOPER—The Minister kindly allowed me to meet with officers of the Ministry for Police and Emergency Services. I have been through this matter a number of times with those officers and they assure me that that is the present situation. They assure me that the definition precludes a volunteer from receiving any remuneration for the servicing of private fire appliances.

A tiler who is a volunteer firefighter may do some work in the bathroom of the headquarters of his fire brigade, and the Bill allows such a person to be remunerated. The Bill avoids the complications of the present definition, and that is supportable. However, the Bill does not tidy up the problem honourable members must now face, which has been directed to the attention of the Minister. I refer to brigade members receiving some payment for the servicing of private fire appliances in their urban districts.

The Victorian Urban Fire Brigades Association believes there must be a change to the present definition of "volunteer officer or member". That definition must address the realities of what is happening and what has happened for a long time. Volunteers service extinguishers and receive some remuneration for doing so. The funds generated by the servicing of private fire appliances are important to urban fire brigades. Many urban brigades rely upon that income; in fact, many of them rely solely on that income for their recurrent running costs each year. If the Bill destroys the ability of those brigades to lawfully service private fire appliances, the brigades will lose their principal or sole sources of income. That will be a serious matter not only for the brigades but also for the communities they represent.

The Victorian Urban Fire Brigades Association has requested that the definition in the Bill address that issue. It is clear from the briefing I have had that the definition currently does not address the issue. The association wants clause 3 to be omitted from the Bill and negotiations to take place between the Ministry for Police and Emergency Services, the Minister and the executive of the association so that in the spring sessional period a Bill including a suitable definition can be introduced.

The definition currently in the Bill addresses only one of the issues: it enables a person who has a trade or profession to do work on a fire station and to be paid for it. It does not address the major issue of the involvement of brigade members in the servicing of private fire appliances.

This is not a small issue; it is a major issue for many fire brigades around the State. The Opposition supports the approach of the Victorian Urban Fire Brigades Association for two reasons: firstly, it is reasonable that the practice that has continued for so long be legitimised; and, secondly, it is important that the association that

represents thousands of volunteer firefighters in Victoria take part in proper consultation on this matter.

I urge the Minister to support the amendment. I know it will result in this definition being left out, but the Bill does not do the job it set out to do. It is important that the definition cover the major points. Therefore, I ask the Minister to support the amendment. I ask the Minister to have discussions with the association because that is what it wants. I ask the Minister to prepare a provision to deal with this matter of concern and introduce that in the next sessional period.

Mr DELZOPPO (Narracan)—I support the amendment moved by my colleague, the honourable member for Mornington. I shall draw on my first-hand experience in my home town where the volunteer firefighters provide a service by checking various appliances. It would be difficult for organisations in the area if that service had to be supplied from Melbourne and it would cost the local people far more than the current system.

In my town, the schools, the hospital and the commercial premises have their fire extinguishers checked every year. A small fee is charged and it goes towards the funds of the local fire brigade. It is a good system because it provides a service and the fire brigade gets a few additional dollars to supplement its funds. Most of its funds are raised by the ladies auxiliary, which is a fine organisation of volunteers. The current system is a matter of convenience, and I ask the Minister for Police and Emergency Services to consider the points raised by the honourable member for Mornington.

Mr CRABB (Minister for Police and Emergency Services)—The issue is not about brigades not being able to carry out inspections of fire appliances. That has been done for years and will continue to be done; it is not the issue. The definition of "volunteer" is the issue. The Act currently has two definitions: it defines a part-time officer as:

> an officer or member of the brigade who receives some form of remuneration for his services in relation to the brigade but whose sole or principal calling or means of livelihood does not consist of those services.

That is a part-time member. According to the Act, a volunteer officer is an officer who receives no remuneration for his services in relation to the brigade.

The definitions are being altered because of a request from the volunteer fire associations to ensure that everyone involved is covered by compensation provisions. The issue of compensation for volunteers is tricky and has been dealt with over a long period. If a carpenter who is also a volunteer firefighter does some work for his local brigade and is paid for that work, as the Act currently stands, he would be disqualified from being a volunteer firefighter. The Bill fixes that problem and that is what it is supposed to do.

Since the change has been proposed, it has been admitted that some volunteers are paid to inspect fire appliances. I am being asked to find a definition, by some miracle, for volunteers who are paid for inspecting fire appliances. I could consult until doomsday but, frankly, I would not come up with a definition. There is a definition for a part-time officer, and there cannot be a definition for a paid volunteer. In the context of the existing definition I do not know whether they are paid or not. I do not have any difficulty with people being paid by the fire brigade. If that is the way they wish to run the service so that the fire appliance work is done in that way, good luck to them. However, if they are being paid they cannot be volunteers as well.

The definition picks up those measures. Omnibus Bills such as this come before Parliament on an annual basis. I shall examine that matter and do something about people who are volunteers, but who are being paid, when the matter is next before the Chamber.

Mr DELZOPPO (Narracan)—On the point raised by the Minister, I am citing the case of volunteers who attend premises to check fire appliances. They are paid a figure set by the brigade. They themselves are volunteering their services. The fees do not go into their own pockets but they go to the brigade. Can the Minister assure the Committee that that will continue?

Mr CRABB (Minister for Police and Emergency Services)—No amendment will affect that situation at all.

Mr COOPER (Mornington)—The situation that was raised by the honourable member for Narracan of money being paid to the brigade is a situation that the Minister correctly says will not be a problem. However, the issue is that the brigades have a significant obligation to service fire appliances. They cannot rely on volunteer people to do the work on a voluntary basis because of the time involved in servicing those extinguishers and hoses. Brigades would have to ask some of their members to give up considerable time to do the work. It is fair that those members should be reimbursed for the leisure time that they give up.

The Minister says that he will negotiate with the Victorian Urban Fire Brigades Association. I am delighted to hear that. I am sure the association will be delighted also. I do not know whether I have read correctly into that that he will support my amendment. I hope that is what he will do.

The Minister asks, "What is a paid volunteer?" I am not talking about people who are paid as as if it were a full-time job but about people who in the vast majority of cases would receive sums that would be equivalent to pocket money. It may be a matter of giving up three months of weekends and several nights a week over that period for which those members would receive the sum of approximately $600 or so. Those are hardly award rates but that is the sort of money that would be handy for a couple of young volunteers. They would be happy to get the money and the brigade would be happy to have the work done.

It is not a situation of volunteeer firefighters who are being fully paid for carrying out this work, but of a relatively small sum of money being paid to two or three volunteer members who are giving up their weekends and nights over a period of approximately three months to carry out that obligation.

The association wants that matter legitimised. If the clause is passed as printed it will mean that the activity that has now been directed to the attention of the Minister will become illegal. It will remain so because it will be set in concrete for a period. The association does not want "volunteer officer or member" redefined until the redefinition covers all those things it should cover. The definition covers only one part of what it should. It covers only a tradesman member of the brigade who possibly does some work in the fire station as a tradesman. That situation is encompassed in the subclause but the subclause does not go the whole way and that is the association's concern. The Opposition believes it is a reasonable concern.

There are several larger urban fire brigades which have a significant number of private fire appliances to be serviced. They are employing people full-time to service those extinguishers and hoses. That is a different question. It is not covered under the definition of "volunteer officer or member". It is a different matter but it should be addressed in the context of a brigade employing people for this purpose to ensure that they are covered for WorkCare and other obligations.

The government should address that problem because it affects approximately six fire brigades. It should be addressed now. The Victorian Urban Fire Brigades Association believes it should be done. I make a plea on behalf of the vast majority of fire brigades that are involved in a minor amount of private fire appliance servicing and receive an income at about $4000 or so a year, which enables them to fully cover their recurrent expenditure. It will be considered a slight by the community if the

Parliament refuses to accept the plea that has been put to the Committee on behalf of the Victorian Urban Fire Brigades Association so that this area is legitimised at the earliest possible time. I urge the Minister to accept the amendment.

Mr CRABB (Minister for Police and Emergency Services)—I understand the argument entirely but the amendment contained in the Bill is a major step forward. To delete that subclause will do nothing to deal with the problem identified and it will leave the problem that has been previously identified. I can see no logic in deleting the subclause contained in the Bill.

The Committee divided on the question that the expression proposed by Mr Cooper to be omitted stand part of the clause (Mr Norris in the chair).

Ayes	44
Noes	38
Majority against the amendment	6

AYES	NOES
Mr Andrianopoulos	Mr Austin
Mr Baker	Mr Bildstien
Mrs Barker	Mr Brown
Mr Cain	Mr Coleman
Mr Cole	Mr Cooper
Mr Crabb	Mr Delzoppo
Mr Cunningham	Mr Dickinson
Mr Dollis	Mr Elder
Mr Ernst	Mr Evans
Mr Fordham	Mr Gude
Mrs Garbutt	Mr Hayward
Mr Gavin	Mr Heffernan
Mrs Gleeson	Mr Jasper
Mr Hamilton	Mr John
Mr Harrowfield	Mr Lea
Mrs Hill	Mr Leigh
Mrs Hirsh	Mr Lieberman
Mr Jolly	Mr McGrath *(Warrnambool)*
Mr Kennan	Mr Maclellan
Mr Kennedy	Mr Maughan
Ms Kirner	Dr Napthine
Mr McCutcheon	Mr Perrin
Mr McDonald	Mr Perton
Mr Mathews	Mr Pescott
Mr Micallef	Mr Plowman
Mr Pope	Mr Reynolds
Mrs Ray	Mr Richardson
Mr Roper	Mr Ross-Edwards
Mr Rowe	Mr Smith *(Glen Waverley)*
Mr Sandon	Mr Smith *(Polwarth)*
Mr Seitz	Mr Steggall
Mr Sercombe	Mr Stockdale
Mrs Setches	Mr Tanner
Mr Sheehan *(Ballarat South)*	Mrs Wade
Mr Sheehan *(Northcote)*	Mr Weideman
Mr Shell	Dr Wells
Mr Simmonds	
Mr Spyker	*Tellers:*
Mr Trezise	Mr Clark
Dr Vaughan	Mr Honeywood
Mr Walsh	
Mrs Wilson	
Tellers:	
Mr Leighton	
Mr Thomson	

The sitting was suspended at 6.35 *p.m. until* 8.3 *p.m.*

Mr CRABB (Minister for Police and Emergency Services)—I move:

1. Clause 3, line 19, after "brigade" insert "(where secondly occurring)".

The amendment corrects a drafting oversight.

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 4 to 9.

Clause 10

Mr CRABB (Minister for Police and Emergency Services)—I move:

2. Clause 10, line 21, before "Secretary" insert "or the".

Again, the amendment corrects a drafting error, and inserts words which were omitted. I am not sure whether the grammar is correct.

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 11 to 19.

Clause 20

Mr CRABB (Minister for Police and Emergency Services)—I move:

3. Clause 20, line 38, omit 'after "in respect" insert' and insert 'for "in respect" substitute.'

The amendment corrects a drafting error.

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 21 to 25.

Clause 26

Mr CRABB (Minister for Police and Emergency Services)—I seek your guidance, Mr Chairman. Is it permissible for me to move my amendments Nos 4, 5 and 6 together?

The CHAIRMAN (Mr Norris)—Order! If that is acceptable to the Committee, the Minister may do so. There seems to be no objection.

Mr CRABB—I move:

4. Clause 26, line 14, after "26." insert "(1)".
5. Clause 26, line 18, after "Act" insert "(other than sections 41 and 41A)".
6. Clause 26, line 18, after this line insert:

'(2) The *Country Fire Authority Act* 1958 is amended as follows:

(*a*) In section 102 (2) for "$100" substitute "5 penalty units";

(*b*) In section 103 (2) for "$100" substitute "5 penalty units";

(*c*) In section 109 for "1 penalty unit" substitute "5 penalty units";'.

Amendment No. 4 corrects a drafting error. Amendment No. 5 is consequential upon amendment No. 6, which ensures that fine revenue from the issue of hazard clearance notices goes to the prosecuting municipality, not to the Country Fire Authority. This issue was raised by the honourable member for Portland during the second-reading debate; it had already been directed to the attention of officers of my Ministry, and it is, therefore, corrected in this amendment.

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

Clause 27

Mr CRABB (Minister for Police and Emergency Services)—Mr Chairman, may I move my amendments Nos 7 to 10 together?

The CHAIRMAN—Order! As there seems to be no objection from the Committee, the Minister may do so.

Mr CRABB—I move:

7. Clause 27, page 13, lines 6 to 8, omit all words and expressions on these lines and insert:

'( ) The *Country Fire Authority Act* 1958 is amended as follows:

(*a*) For section 23 (1) (*g*) substitute:

"(*i*) establish schools and facilities or courses of instruction to provide training to any person in the skills required to perform any of the functions of the Authority and permit the use of those schools and facilities by any other body or person;";

(*b*) After section 30 (*h*) insert:

"(*i*) The Chief Officer may take such other measures as appear necessary for the protection of life and property.".'.

8. Clause 27, page 13, line 31, after this line insert:

'(8) After section 93B (1) of the *Country Fire Authority Act* 1958 insert—

"(1A) Where the Authority, a group of brigades or any brigade receives from any person or body established by or under any Act or law of this or any other State or of a Territory of the Commonwealth to perform a function of the type specified in section 97, 97A, 97B or 97C a request for assistance in performing that function in some place outside the country area of Victoria (whether within Victoria or not) the group or brigade may attend at that place and, subject to the direction and control of the person or body requesting the assistance and having authority in that place, may perform that function in that place.".

(9) In section 93B (2) of the *Country Fire Authority Act* 1958 after "(1)" insert "or (1A)".'.

9. Clause 27, page 14, line 20, after this line insert:

'Extension and Application of Act.

"97D. The powers and immunities conferred by this Act on the Chief Officer extend and apply to the Authority with such modifications and extensions as are necessary to enable the Authority to perform its functions under section 97, 97A, 97B and 97C and the provisions of this Act apply with such adaptations and variations as are necessary to and in relation to the performance of those functions to the same extent as in the case of the prevention and suppression of fire or the protection of life and property in the case of fire.".'.

10. Clause 27, page 14, lines 21 to 23, omit all words and expressions on these lines and insert:

'(11) For section 110 (1) (*d*) of the *Country Fire Authority Act* 1958 substitute—

"(*d*) For the provision of training or training facilities and the issue of any certificate or qualification after the completion of any course of training and the prescribing of the fees and charges payable in relation thereto;".'.

Amendment No. 7 gives the Country Fire Authority the power to teach all the skills which its volunteer and other personnel use themselves, to allow other organisations access to the authority's training courses and facilities, and to charge appropriately for it. It also allows them to deal more closely with the Metropolitan Fire Brigade in terms of several issues in the Act.

In regard to the first part of that in particular, the Country Fire Authority's training facility at Fiskville is world-class. It is one of the best in the world; in fact, I doubt whether there is any better facility than that in the world. Therefore, it is eminently sensible that those facilities be used for training other people where it is considered appropriate to do so.

Amendment No. 8 extends the power of the authority's brigades to render assistance——

Mr Steggall—Speak up! I can't hear you.

Mr CRABB—The honourable member for Swan Hill must be getting old; his hearing is going!

Mr Steggall—You are mumbling.

Mr CRABB—I have been doing that for years and the honourable member has never complained before—he must be getting old!

Amendment No. 8 extends the power of the authority's brigades to render assistance when requested by other emergency response agencies when operating outside the country area of Victoria. This will enable the authority's brigades to give a wider range of assistance to their interstate and, I suppose, intrastate counterparts than under the present provision.

Amendment No. 9 gives the chief officers' powers and immunities to the emergency response functions that are enumerated in proposed new sections 97A, B and C of the Country Fire Authority Act.

Amendment No. 10 creates a regulation-making power corresponding with amendment No. 7.

Dr NAPTHINE (Portland)—Mr Chairman, I seek your guidance on whether it is appropriate for me to speak now on clause 27 and, in particular, the inclusion of the word "approved" at page 14 of the Bill.

The CHAIRMAN (Mr Norris)—Order! It would be appropriate for the Committee to deal with the amendments first, and the honourable member may then speak to the clause, as amended.

The amendments were agreed to.

Mr COOPER (Mornington)—Firstly, I welcome the amendments with which the Committee has just dealt, and I support the Minister's remarks about the Fiskville establishment of the Country Fire Authority. It is world-class and it should certainly be used to its fullest. The amendments will enable that to occur, and that is a worthwhile thing to happen.

I shall talk about clause 27 (1), which includes the definition of "fire". This creates a bit of a problem and it needs to be clarified. I do not expect anything to occur right now, but I direct to the Minister's attention the problem as I see it. The definition states that "fire" includes a hazardous material incident and a toxic fire incident.

It assumes that "fire" is already defined by the very act of flames occurring in something that is on fire. The definition of "fire" does not attempt to address the situation where a Country Fire Authority brigade will be turned out to something that may potentially be a fire but is in fact not a fire—a good example is a motor vehicle accident.

I have discussed this matter with Ministry for Police and Emergency Services staff and they are aware of my concern. They may have examined the situation and advised

the Minister accordingly, but the problem needs to be clarified. If extra matters are to be defined and included in the definition of "fire"—and two are included, namely a "hazardous material incident" and a "toxic fire incident"—that is supportable. Those sorts of incidents, when a fire brigade will be turned out to an event that could potentially be a fire, should be covered in the provisions.

Motor vehicle accidents often fall within that category. Quite often a vehicle may have turned over, causing a petrol or oil spill; in that case the vehicle is not on fire but the assessment is made by people on site at the time that when the vehicle is moved by the towing services a spark could ignite the spilt fuel. The fire brigade needs to be on standby in those circumstances. That situation needs to be included in the definition of "fire" if the definition is to cover all the circumstances.

It is apparent that the government is attempting to ensure that the definition of "fire" covers all potential circumstances, but the cases I have outlined should also be included. I should like the matter to be examined by the Minister while the Bill is between here and another place.

Dr NAPTHINE (Portland)—During contributions to the second-reading debate concern was expressed about certain terminology. I particularly refer to clause 27 which inserts proposed sections 97A and 97B at page 14 of the Bill, lines 3 and 8, where the word "approved" is used. It has been suggested by the Victorian Rural Fire Brigades Association that the word should be "accredited" rather than "approved" because the former word has a substantial meaning.

I ask the Minister why "approved" has been used instead of "accredited"; perhaps consideration should be given to an amendment being prepared while the Bill is between here and another place.

Mr CRABB (Minister for Police and Emergency Services)—It is a testimony to the initiative of the draftspersons that a Country Fire Authority Act operated without the definition of "fire" for many years. One wonders why it is necessary to define as many things as now seem to be necessary. We have been fighting fires for many years without defining the meaning of "fire".

I refer to the matters raised by the honourable member for Mornington, particularly the provision where it is intended not to insert a definition of "fire" but that "fire" should include a number of things which may not have been included as a fire; the point made by him is that motor vehicle accidents fit into that category. I do not have an answer off the top of my head but I shall examine it.

As to the distinction drawn between "approved" and "accredited", I am not sure that there is a distinction and that the words are not the same in that they have a common meaning. I will check on that.

Mr STEGGALL (Swan Hill)—This is an ideal opportunity for the Minister to explain the provisions of clause 27, which inserts proposed new section 97C (1) under the heading "Authority may provide protection services", which states:

> The Authority may enter into an agreement with any person to provide any other property protection or loss mitigation service for the prevention of or to deal with the effects of any emergency or hazard.

That proposed section would give an entrepreneurial authority to the CFA. I am not clear what is meant to be achieved, and some clarification at this stage would be helpful. That is a provision I referred to in my contribution to the second-reading debate.

If the CFA is to have its existing strong fire union infiltrated as a result of the operation of the provision, perhaps the Minister could explain what it is meant to achieve.

What types of agreement are being looked at? Many people would be involved with security or "property protection" or a "service for the prevention of or to deal with the effects of any emergency or hazard". Why is the provision contained in the Bill?

Also I would like to know how the agreement that could be entered into by the authority would be accounted for in the CFA. I was wrong a long time ago and perhaps I am wrong now, but it would seem that the type of entrepreneurial activity mentioned in the debate could be an agreement with any person, a company or with anything else, accepting that property protection is part of a service granted. I do not fully understand the meaning of the provision. The Minister has not explained the purpose of proposed section 97C (1), and that should be explained.

Mr CRABB (Minister for Police and Emergency Services)—As I recall the honourable member's contribution to the second-reading debate, he was concerned that the government was to take over Wormald Fire Systems.

Mr Steggall—An agreement with Wormald, not a takeover.

Mr CRABB—That is not the intention. The matters contained in the Bill are in no sense breaking new ground. The Bill provides a clean-up process to clarify the circumstances that exist. As the honourable member would know, the hazardous materials legislation introduced some years ago brought both fire authorities into a fairly extensive involvement with hazardous materials. More hazardous materials are now coming onto the market, particularly in country areas, because many are used by people in the rural industries.

The intention is to legislate beyond doubt as to the capacity of the CFA to deal with the situations, and to provide advice and the sorts of facilities that may be necessary in situations involving, for example, hazardous materials. More importantly, it will give it the right to charge fees. No doubt that is already being done. For example, within the old boundaries of my electorate was a factory that manufactured the hulls of boats made from epoxy resin, a highly inflammable material. One of the duties of the CFA brigade was to provide advice on how to manage the materials and to ensure they were stored and handled safely. The CFA conducted periodic checks.

I am sure that process is being repeated on a daily basis around Victoria. The authority can enter into a contractual arrangement basis and charge fees. That is the intelligent way of implementing safety measures.

The clause, as amended, was agreed to.

Clause 28

Mr CRABB (Minister for Police and Emergency Services)—I move:

11. Clause 28, line 7, after "the" insert "Port of Melbourne Authority under the".

The amendment is necessary to correct a drafting error.

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 29 to 44.

Clause 45

Mr CRABB (Minister for Police and Emergency Services)—I move:

12. Clause 45, page 18, line 24, after this line insert:

'(2) For section 26 (*e*) of the *Metropolitan Fire Brigades Act* 1958 substitute—

"(*e*) establish schools and facilities or courses of instruction to provide training to any person in the skills required to perform any of the functions of the Board and permit the use of the schools and facilities by any other body or person;".'.

The amendment is an insertion that corresponds with amendment No. 7 which I moved earlier. The earlier amendment related to the Country Fire Authority and this amendment relates to the Metropolitan Fire Brigade establishment, which I may say is an excellent facility. We have two world-class facilities in this State, which might lead one to contemplate having just one such facility, but I would not be the person to suggest that.

The amendment was agreed to.

Mr CRABB (Minister for Police and Emergency Services)—I move:

13. Clause 45, page 19, lines 2 to 4, omit all words and expressions on these lines and insert:

'( ) For section 34 (1) (*d*) of the *Metropolitan Fire Brigades Act* 1958 substitute—

"(*d*) For the provision of training or training facilities and the issue of any certificate or qualification after the completion of any course of training and the prescribing of the fees and charges payable in relation thereto;".'.

Again, the amendment is the metropolitan version of amendment No. 10, which I moved earlier.

The amendment was agreed to.

Mr CRABB (Minister for Police and Emergency Services)—I move:

14. Clause 45, page 19, line 37, after this line insert:

'Extension and Application of Act.

"55D. The powers and immunities conferred by this Act on the Chief Fire Officer extend and apply to the Board with such modifications and extensions as are necessary to enable the Board to carry out its function under sections 55, 55A, 55B and 55C and the provisions of this Act apply with such adaptations and variations as are necessary to and in relation to the performance of those functions to the same extent as in the case of the prevention and suppression of fire or the protection of life and property in the case of fire.".'.

This is the metropolitan version of amendment No. 9, which I moved earlier relating to the Country Fire Authority.

The amendment was agreed to.

Mr CRABB (Minister for Police and Emergency Services)—I move:

15. Clause 45, page 19, lines 38 and 39, omit all words and expressions on these lines and insert:

'( ) Section 55A of the *Metropolitan Fire Brigades Act* 1958 is amended as follows:

(*a*) For "55A. Where" substitute "55E. (1) Where";

(*b*) At the end of the section insert:

"(2) Where the Board or any brigade receives from any person or body established by or under any Act or law of this or any other State or of a Territory of the Commonwealth to perform a function of the type specified in section 55, 55A, 55B or 55C a request for assistance in performing that function in some place outside the metropolitan fire district (whether within Victoria or not) the brigade may attend at that place and, subject to the direction and control of the person or body requesting the assistance and having authority in that place, may perform that function in that place.".'.

The amendment corresponds to amendment No. 8, which related to the Country Fire Authority.

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

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

EXTRACTIVE INDUSTRIES (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.

TRANSPORT (AMENDMENT) BILL

This Bill was returned from the Council with a message relating to amendments.

Council's amendments:

1. Clause 2, line 11, omit "41.1, 41.11 and 41.12" and insert "42.1, 42.11 and 42.12".

2. Clause 2, line 13, omit "41.1, 41.11 and 41.12" and insert "42.1, 42.11 and 42.12".

3. Clause 9, page 4, line 33, after "works"insert "and, in the case of grain freight services, to manage and operate those services at a profit based on wheels up only cost".

4. Clause 9, page 5, after line 40 insert—

'(3) Sub-section 2 (i) expires on 1 May 1993.".'

5. Clause 14, lines 25 and 26, omit "has knowledge of and experience in the operation of private buses" and insert "is selected from a panel of three names submitted to the Minister by the Bus Proprietors' Association (Vic.) Inc.".

6. At the end of Schedule 2 insert—

'43. *Transport Superannuation Act* 1988

43. In section 3 (1), in the definition of "Transport Authority", for paragraphs (*a*) to (*d*) substitute—

"(*a*) the Public Transport Corporation; or

(*b*) the Roads Corporation; or"

44. *Water Act* 1958

44.1 In section 5, in the last paragraph, for "Melbourne Harbour Trust Commissioners or of the State Transport Authority or the Metropolitan Transit Authority" substitute "Port of Melbourne Authority or of the Public Transport Corporation".

44.2 In section 97 (2), for "State Transport Authority or the Metropolitan Transit Authority" (wherever occurring) substitute "Public Transport Corporation".

45. *Weights and Measures Act* 1958

45. In section 3 (1), in the definition of "Government Department"—

(*a*) for "State Transport Authority, Metropolitan Transit Authority, Road Traffic Authority" substitute "Public Transport Corporation"; and

(*b*) for "Road Construction Authority" substitute "Roads Corporation".'.

On the motion of Mr KENNAN (Minister for Transport), the amendments were agreed to.

PRESCRIBED WEAPONS BILL

The debate (adjourned from April 13) on the motion of Mr Crabb (Minister for Police and Emergency Services) for the second reading of this Bill was resumed.

Mr COOPER (Mornington)—The Prescribed Weapons Bill seeks to amend the Firearms Act to prohibit by way of regulation the manufacture, sale, purchase, possession, carriage and use of certain weapons. In his second-reading speech, the Minister told the House that although many offensive weapons are prohibited imports and are totally banned in some States, the law in Victoria does not make it an offence to possess the articles or to dispose of them by sale.

As I understand it, at this stage no exhaustive list is available of weapons proposed to be prohibited, but I have been provided with a list of some of those items. It makes interesting reading. The list is as follows:

(*a*) Hunting sling—a hunting sling or slingshot designed or adapted to be used with an arm brace that fits or rests on the forearm to support the wrist from the tension of the elastic material used to propel the projectile, including the device commonly known as "the Saunders falcon hunting sling".

(*b*) Catapult—a catapult, shanghai, hunting sling or slingshot intended for commercial distribution.

(*c*) Blow gun—a blow pipe or similar device or instrument designed or adapted to propel an arrow, dart or similar projectile by air expelled from the mouth.

(*d*) Knife belt—a belt or similar article designed or adapted to hold a knife, dagger or similar instrument so that its presence is concealed or disguised when the belt or a similar article is worn including the article commonly known as "the Bowen knife belt".

(*e*) A knife—including those commonly known as a flick knife—designed or adapted so that the blade is concealed when folded or recessed into the handle and which opens by gravity or centrifugal force or by any pressure applied to a button, spring or device in or attached to the handle of the knife.

(*f*) A knife—including those commonly known as a butterfly knife—that has a handle which folds around both sides of the blade.

(*g*) Ballistic knife—a device or instrument designed or adapted to fire or discharge a knife, dagger or similar instrument by mechanical, percussive or explosive means.

(*h*) Knuckle knife—an open or exposed blade or similar instrument attached to a handle that is designed or adapted to be held between the knuckles, including the device commonly known as the "urban pal knife".

(*i*) Dagger—a sharp, pointed stabbing instrument, ordinarily capable of being concealed on the person and having—

(i) a flat blade with cutting edges on both sides; or

(ii) a needle-like blade the cross section of which is elliptical or has three or more sides.

(*j*) Swordstick—a cane, stick or similar article designed or adapted to hold the blade of a sword so that it is concealed from view until withdrawn from the cane, stick or article.

(*k*) Knuckle-duster—a device or instrument designed or adapted to be worn across the knuckles of a hand so as to:

(i) increase the force or impact of a punch or blow when striking another with that hand; and

(ii) protect the knuckle from injury.

That is a non-exhaustive list of the kinds of articles being addressed by the Bill. I believe no-one in Victoria, perhaps in the world, would be of the opinion that these sorts of articles should not be taken off the streets and out of the hands of people who may aspire to have and use them.

A fortnight ago in this building some honourable members were able to view a display of articles that had been confiscated by the Transit Police from train travellers. It was given some prominence on television yesterday and in the newspapers this morning. It can only be described as a frightening display, and it again confirms how violent our society has become. The articles on the pegboard display included weapons of the type I have described as well as normal items that have been adapted and turned into weapons, such as half a billiard cue which had been sharpened at one end, wheel braces, belts with studs and so on. These articles are being carried by people on Melbourne's public transport system, which in itself is enough to frighten the Victorian community.

The determination by the government to bring Victorian laws into line with other States by prohibiting these weapons and articles is supported by the Opposition. Every sensible person would support the taking away of these articles from the hands of people who have a violent or criminal nature.

I shall raise some concerns held by the Opposition that should be addressed by the government. The Bill removes the onus of proof. Although that is a serious matter and is one the Liberal Party would not normally support, in this instance the reversing of the onus of proof is a sensible course to adopt. The Bill provides that a person found to have a dangerous weapon has to prove his or her innocence rather than the police and prosecution having to prove whether he or she has dangerous intent.

I suggest that any person carrying a blowgun or a swordstick on public transport or on the streets of Melbourne or in any country town could not be regarded as having the best interests of the community at heart. It should be up to that person to prove that he or she is carrying that weapon without any intent of causing damage to his or her fellow human beings. It may be difficult for people to prove that they have no such intent. The Bill provides that the police can take away that weapon from the person and bring the person before a court on a charge of carrying a prescribed weapon and the person has to prove his or her innocence. That is an important aspect of the Bill and should be supported by all honourable members.

Given the dramatic and horrific increase in violent crime in Victoria, it is an unreasonable proposition to require the police to prove that a person carrying these kinds of offensive weapons is doing so for no good reason.

The Opposition seeks a strong assurance from the Minister for Police and Emergency Services in this debate about two areas that must be addressed. Clause 3 provides for the Governor in Council to grant exemptions from the provisions of the Bill. Clause 3 (2) states:

> The Governor in Council may by Order published in the *Government Gazette*—
>
> (*a*) exempt any particular person or class of persons or any class of weapon (whether by name or description) from the operation of any provision of this section; and
>
> (*b*) specify conditions and limitations to which an exemption under paragraph (*a*) is subject.";

The Opposition believes the concept of lawful excuse should be taken into account and form part of the Bill. Lawful excuse is an aspect of similar legislation passed by the South Australian Parliament. A document on dangerous articles from the South Australian Attorney-General's office states:

> On 1 September 1988 Regulations under the Summary Offences Act 1953 will come into operation that will have the effect of prohibiting the manufacture, sale, distribution, supply, possession and use of certain "dangerous articles". A person will not be guilty of the relevant offence if he or she can establish that he or she has a lawful excuse for the manufacture, sale, etc. of the "dangerous article". A list of declared dangerous articles is attached.

The provisions are similar to those in this Bill. It continues:

> The question of whether or not a person has a lawful excuse for the possession or use of a dangerous article is one of fact and degree. If the sole purpose or reason for possessing or using a dangerous article is an innocent one (i.e. it is not intended for inflicting harm to other people) then the person in question will have a lawful excuse.
>
> Some examples may help:
>
> (i) if a person possesses a collection of "dangerous articles" solely for the purpose of a bona fide collection (e.g. a collection of daggers), then the person will have a lawful excuse;
>
> (ii) if a person possesses a dangerous article solely for the purposes of, or in connection with, a lawful sporting activity (e.g. a pistol cross-bow used in archery) then the person will have a lawful excuse;
>
> (iii) if a person has a dangerous article that is used solely for the purposes of, or in connection with, the person's lawful trade or occupation (e.g. a dagger used by a fisherman to gut fish) then the person will have a lawful excuse.

The police will not prosecute people who have or can establish a lawful excuse. If, however, the reason or purpose for possessing or using a dangerous article is to inflict harm to the body or property of other people, then there will be no lawful excuse and the person in question may be convicted of the offence . . .

The Opposition is keen to ensure that genuine collectors are provided with an exemption because there are genuine collectors of some of the articles described in the non-exhaustive list I read earlier. The Opposition is keen also to ensure that exemption does not limit the ability of collectors to continue with their interests. The Opposition seeks assurances from the Minister that that will occur. Genuine collectors must establish their bona fides, as genuine collectors of firearms under the Firearms Act. The rights of genuine collectors of these articles should be protected and the government must provide an assurance that their rights will be protected.

I also direct to the attention of the government the butterfly knife. It was specifically mentioned on the list I read out and is proposed to be prohibited. Butterfly knives, for those who have forgotten the description, are knives that have a handle that folds around both sides of the blade, unlike a flick-knife where the knife comes out of the handle either by being pushed out by finger pressure or by pressing a button. The butterfly knife, which has been around for a long time, is often used by fishermen and it would be a nonsense to have an all-embracing ban on the possession and use of butterfly knives that would prevent their use by people who have been using them legitimately in their recreational activities for years.

It is a question of degree and commonsense in the way one addresses a ban on butterfly knives or in the definition of a butterfly knife being a prohibited weapon as opposed to being in legitimate use. Clearly, in the sorts of circumstances I have described where a fisherman has been using a butterfly knife as part of his recreational activities for many years, if he has a butterfly knife in a fishing tackle box and is out in the middle of Port Phillip Bay and the water police arrive out there and say, "Open up your fishing tackle box" and they find a knife and say, "We will charge you with an offence for having a prohibited weapon", that would be a nonsense.

That person would be establishing his legitimacy by the fact that he is a genuine fisherman and because the knife is in that person's fishing tackle box and has been used for the purpose of fishing for many years. It is quite obvious in that circumstance that the person has no intention and has never had any intention of the butterfly knife being used as an offensive weapon. It may be used as an offensive weapon against fish but not against a person, so carrying a butterfly knife in those kinds of circumstances would be totally legitimate and whatever we have with regard to regulations and with regard to the exemption under clause 3 (2) must provide for that kind of circumstance because, if it does not, it will be regarded as a nonsense law which will be widely flouted. Frankly, I do not believe that is the government's intention and it is certainly not the intention of the Opposition.

We want the Bill to come into law and we want these articles to be prohibited, but we do not want the government to have all-embracing bans that will force people to flout the law because they would regard it as being nonsensical. It is a matter of a person having a lawful excuse, as is stated in the definition that the South Australians have in their legislation.

On the other hand, taking a butterfly knife out of a fishing tackle box, putting it in one's pocket or carrying it on one's person in to a discotheque or hotel is a different kettle of fish and if the same person that uses the butterfly knife in his fishing activities decides to carry that knife into a discotheque or hotel or down the street, in my opinion and in the opinion of most sensible and reasonable people, that person would be guilty of an offence.

The Opposition would support such an occurrence being regarded as an offence and it would support that person being proceeded against under the terms of the Bill. The same thing would apply to a dagger, and the South Australian definition gives as an example of a lawful purpose—the use of daggers for the gutting of fish. These exemptions need to be considered by the government, certainly having regard to the creation of regulations that will flow from the passing of the Bill.

The Opposition is seeking an assurance that what we have outlined and any similar types of circumstances will be taken into account in the framing of the regulations. The Opposition is well aware that the Firearms Act, under which the Bill has come about, allows for the disallowance of regulations by either House. The Opposition is certainly prepared to use its numbers in the other place to disallow any regulations that fail to take into account commonsense and the rights of legitimate and law-abiding citizens.

The Opposition regards the banning of prohibited weapons of the type I mentioned before as important and certainly supportable, but of course some matters need to be addressed, as I have done. We would prefer the government to take full account of our concerns with regard to this matter so that we are not forced to take action, which will occcur if necessary.

The Opposition is concerned about the way the Bill has been brought into Parliament and about the Act that has been used as a vehicle to bring it into Parliament. The Firearms Act is entirely inappropriate for these measures. As I mentioned earlier the South Australian government introduced amendments to its Summary Offences Act to deal with the matter of dangerous firearms. New South Wales is introducing specific legislation for the prohibition of dangerous arms, and the Victorian Firearms Act is not an appropriate vehicle to deal with this matter. Firearms legislation is complex enough to warrant its own Act without needless complications being introduced. Either the Summary Offences Act or the Vagrancy Act would be the reasonable vehicles by which prescribed weapons could be dealt with.

I understand the Minister for Police and Emergency Services had a problem. He wanted to move on this matter quickly. If the changes had been made through the Summary Offences Act or the Vagrancy Act it would have required the legislative section of the Attorney-General's Department to draw up the proposed legislation, and they were flat-chat with proposed legislation of their own, so he used the legislative section of his own department and that is why the Bill is part of an amendment to the Firearms Act.

That position may be supportable and reasonable from the point of view of speed but in the long term it is not good government and it does not mean good legislation to use an inappropriate vehicle to ban prescribed weapons.

Taking the argument to its extreme, we could have used the egg Act or the motor vehicle Act to make these changes just because they happened to be handy at the time and there was legislative time available in the relevant department.

It is not good enough to say that we will use the Firearms Act for this purpose, as it is a complex area and a sensitive Act. It is not surprising that a number of organisations have reared up on their hind legs and made vigorous representations to the Liberal Party and, I am sure, to the National Party about the inappropriateness of putting this measure into the Firearms Act. As I said before, the previous government in New South Wales bundled articles not related to firearms into the firearms and dangerous weapons Act and it was the only State to do so. However, now the Greiner government is in the process of sorting out all of that with the introduction of separate legislation.

That is supportable and reasonable, and the sort of approach that should have occurred in Victoria.

As I said before, South Australia has dealt with the matter of offensive weapons through its Summary Offences Act. We certainly believe that is how the matter should have been dealt with in Victoria.

It is not good enough to grab hold of any old Act, plonk in these amendments and hope that everything will be all right. I frankly find unlikely the explanation offered to me by the Minister on how it has happened and it is unacceptable to me. We are of the opinion that the Bill should properly have been an amendment to either the Summary Offences Act or the Vagrancy Act. However, we are so supportive of provisions to deal with offensive weapons that at this stage we are not prepared to delay the passage of the Bill but we sincerely hope the Minister might take heed of what I am saying tonight, deal with it and clear it up in some way.

The Opposition supports the thrust of the Bill as we believe do all reasonable people in the community. However, we seek assurances—I emphasise this very strongly—from the Minister in regard to the exemption for collectors and genuine users of certain articles which are proposed to be prohibited. We seek those assurances with good will without hiding anything. We want a guarantee that the genuine people in our society are not once again made to pay a huge penalty for the sins of the minority who use these weapons to terrorise the community. That does not mean that the whole community should have to pay the full price. The people who are genuine collectors and genuine users of articles that in certain circumstances are offensive and should be prohibited, should be protected. The Opposition will be keen to hear the response of the Minister to the points I have made.

Mr McNAMARA (Leader of the National Party)—The Prescribed Weapons Bill was described by the Minister in the second-reading speech as a simple amendment to the Firearms Act to control dangerous weapons, such as flick-knives. He talked about the growth in offences involving the use of knives and weapons other than firearms. We were told that armed robberies have increased by 53 per cent in the past three years with the use of knives and weapons other than firearms, while the total number of armed robberies using firearms rose by only 2·7 per cent. Obviously there has been a growth in the use of this type of weapon and that is a genuine community concern.

The Minister said the Bill would take steps to prohibit the manufacture, sale, possession and use of weapons which will be prescribed in regulations and he announced that he intended to prohibit a range of weapons for which there can be no peaceful purpose such as flick-knives, disguised swords, knives or daggers, knuckle-dusters and high powered hunting slings that include a wrist or arm brace.

It is proposed in this legislation that steps will be taken to prohibit the imports of these types of weapons from either overseas or interstate and also prohibit such weapons as are currently in Victoria. It will be an offence for people to keep them and certainly an offence for people to sell them. All of that, the National Party supports.

In introducing this type of legislation, the Minister has taken a positive step in removing certain articles from the community that obviously have no peaceful purpose and threaten the safety of many members of the community. However, we have some concern about the Minister's direction on this issue in that he has introduced it into the wrong piece of legislation. It is quite clear when we look at other areas around the world and other States that a Firearms Act relates specifically to firearms.

This matter probably came to a head recently following the inquiry into community violence by the Social Development Committee. The committee identified these types

of weapons and that obviously there is not enough control, particularly on their importation into Victoria and the advertising, sale and disposal of these various weapons.

Sufficient legislative power currently exists to make it an offence for a person to carry these types of weapons, but the onus is very much on the police to prove intent to misuse the weapon. That is certainly a principle we must try to maintain. No one in the broadest sense could ever recognise that those types of weapons such as the modified wheel braces, the sharpened billiard cue and knuckle-dusters could be used for any legitimate purpose. However, items such as butterfly knives in some cases are used by fishermen because they can be folded away safely and the fishermen are protected.

Various implements can obviously be used as a dangerous weapon and the point is the intent. Perhaps a fisherman who has a scaling knife or a butcher who has a boning knife might take their knives to a disco. We might question whether they are then being used for a legitimate purpose. But if the fisherman is using the scaling knife in his trade or the butcher is using the boning knife in his trade, obviously it is a particular tool of their respective trades.

I should like to raise a number of matters with the Minister. Firstly, the Bill runs counter to statements made by the Minister before the last State election that no changes would be made to the Firearms Act without consultation and bipartisan agreement. There has been no broad consultation or bipartisan agreement on the proposed legislation. It is also worth noting that, because these matters have been included in the Firearms Act, I would have assumed the Minister would have asked the Firearms Consultative Committee, which is the advisory body covering the Firearms Act, whether it was appropriate to introduce them into that Act. In fact, the Sporting Shooters Association of Australia (Vic.) wrote to the Minister on 28 April 1989 and asked him that. Among other matters, the shooters said they wished to express their opposition to incorporating the provisions contained in the Bill into the Firearms Act. The letter further stated:

> From the type of weapons that have been listed, it seems obvious that you are following the lead set by South Australia. If this is the case, we suggest you might take their course and insert these provisions where they belong, in the Summary Offences Act.

The Sporting Shooters Association went on to ask the Minister:

> The weapons you wish to prescribe have no relationship to firearms at all and any further complications to an already technically complex Act is totally unacceptable.
>
> We would also like to inquire as to whether your own expert body on the Firearms Act "The Firearms Consultative Committee"—

This is an advisory committee set up by this government—

> has been asked to comment on the inclusion of the Dangerous Weapons Bill into the Act, and, if so, what was the advice?

The Minister responded in a letter dated 4 May to the Sporting Shooters Association of Australia. The letter states, among other things:

> You also inquired whether the Firearms Consultative Committee has been asked to comment on the proposal to include these weapons provisions into the Firearms Act. The proposal has not been put to this forum for recommendation, as it is clearly outside the scope of that committee.

The Minister wrote about section 5 of the Firearms Act, which outlines the functions of the committee. The letter further states:

> . . . the functions of the committee, which are "to advise the Minister on any matter relating to firearms", to hear and determine appeals, and to approve courses and shooting organisations for the purposes of the

Act. As you have noted in your letter, the prescribed weapons provisions are not firearm related, and are therefore outside the responsibility of the committee.

I should have thought it would be outside the responsibility of the Act, too. Fortunately the Firearms Consultative Committee, off its own bat, at the last meeting a little over a fortnight ago, examined the matter and came back with some advice. The advice to the Minister was that he had fluffed it and made a mistake. The Minister had put the provision in the wrong Act. The committee told the Minister he should have put it in the Summary Offences Act or the Vagrancy Act where it belonged.

Mr Crabb—What difference does it make?

Mr McNAMARA—The Firearms Act is already a complicated piece of legislation. The Minister should put the provision in the appropriate legislation. As the honourable member for Mornington said, why not put it in the meat Bill, or the egg Bill or whatever legislation the Minister likes?

I was astounded to hear a comment made by the Minister to the honourable member for Mornington. On being asked why the provision was placed in the Firearms Act, the Minister's response was, "It should have been handled by the Attorney-General, but they were a bit flat chat; it should have gone in one of their Acts, but we had a few staff on our hands so we whipped it into one of ours".

Why not ask the Minister for Agriculture and Rural Affairs? Perhaps he might have a few extra staff. Alternatively, the Minister should have put it into legislation that comes within the control of the Minister for Consumer Affairs. If this is the way the Labor Party runs the government, the sooner we have a change the better off the people of Victoria will be. The Firearms Act should deal with firearms. No other country in the world or, for that matter, no other government in Australia, has taken such a direction. The Firearms Act makes no reference to weapons other than firearms.

Mr Crabb—So what? What difference does it make?

Mr McNAMARA—It is a Firearms Act. No wonder the government is in trouble. No wonder it is facing a $5 billion debt with WorkCare and the railways are losing $1·2 billion a year. No wonder everything is going down the gurgler. No wonder the government has the worst borrowing levels of any government.

Mr Kennedy interjected.

Mr McNAMARA—The honourable member for Bendigo West interjects about police stations. He should worry about a couple of police stations that this Minister wants to make disappear.

The SPEAKER—Order! The honourable member for Bendigo West is out of order and out of his place. I suggest that the Leader of the National Party confine himself to the Bill and ignore interjections.

Mr McNAMARA—The New South Wales Firearms Act deals with nothing other than firearms. The Canadian legislation deals with firearms separately. The government should take the appropriate course, as has been advised by the honourable member for Mornington, and follow practices adopted by Labor governments in other Parliaments.

In September 1988 the South Australian government established certain prohibitions on dangerous articles including daggers and swordsticks. Those controls have been achieved by regulations under the Summary Offences Act, not the Firearms Act. It is not right for the Minister to say that, because the relevant departments are understaffed, he will include the provision in legislation that comes under his jurisdiction. Perhaps

we might put something in the Bill about the Motor Car Act. As the Minister would say: "So what? Put it where you like".

Mr Cooper—The dog's breakfast Act?

Mr McNAMARA—Perhaps that is what we should retitle the proposed legislation!

The National Party supports entirely the thrust of what the government is attempting to do; it is just that the government and the Minister have it wrong. Therefore, I move:

That all the words after "That" be omitted with the view of inserting in place thereof the words "this Bill be withdrawn and redrafted to provide for—(*a*) the offence of the manufacture, sale, distribution, supply, possession or use of prescribed weapons to be an offence under the *Vagrancy Act* 1966 or the *Summary Offences Act* 1966 as recommended by the Firearms Consultative Committee; and (*b*) powers for the Police Force to search for prescribed weapons and to obtain the identity of persons engaged in the manufacture, sale, distribution, possession or use of prescribed weapons.".

A further point is that the types of weapons listed for banning—such as knuckle-dusters—have no relationship to firearms. The prescribed weapons provisions should be included in the summary offences legislation or under the Vagrancy Act, as is the case in South Australia; or, as is the case in New South Wales, they could be incorporated in a new Act.

The proposed personal searches also need to be addressed. If the provisions in the Act are not strong enough, and if the government wants to make stronger provisions, I give an assurance that it will receive the support of the National Party.

The Firearms Act is highly technical legislation and it should deal only with firearms. It should not be used to deal with non-firearms issues. The government's own advisory body—the Firearms Consultative Committee—told the government it was wrong, and people with specific interests in firearms are telling the government it is wrong. In addition, when one examines what has happened in States such as South Australia and New South Wales, once again it is obvious that the Minister has taken the wrong direction. It is important that these provisions be placed in the appropriate legislation.

We must ensure that provision is made for collectors. Some items, especially those in the military bayonet category, would be banned under these provisions. However, as has been recognised under the Firearms Act, genuine collectors should have the opportunity of continuing their interests.

We should examine the distinction between carrying prescribed weapons and possession. It is fair to say that the objective of all honourable members in this Parliament is to try to protect the community from further violence. The government has the full support of the opposition parties in attempting to protect the community from that violence. However, I urge the Minister to seriously consider introducing the measure in the appropriate Act.

I have received representations from the Police Force who advise that section 20 (1) of the Vagrancy Act deals with the forfeiture of offensive weapons. That provision could be extended to cover the prescribed weapons in the Bill.

The Vagrancy Act has a similar provision that could be expanded to accommodate the Minister's requirements. Similarly, the matter could be dealt with under the Summary Offences Act, section 4 (*k*) of which states:

Any person who carries an offensive weapon or instrument (not being a firearm) within a town without first obtaining the permission of the local authority shall be guilty of an offence. Penalty: 5 penalty units.

The police have advised me that that section could be expanded to accommodate this proposal and it would fit in neatly. It does not fit into a Bill that has nothing to do

with anything other than firearms. The Minister should consider the issue while the Bill is between here and another place.

The National Party urges the government to consider the reasoned amendment. We intend to proceed with this matter in another place but we hope the Minister will respond in due course in a positive way.

Mr E. R. SMITH (Glen Waverley)—The Liberal Party supports the Bill, which is of vital importance to the community and the police because it highlights the dangers that have been outlined by the honourable member for Mornington and the Leader of the National Party.

Although it believes the proposal contained in the Bill should have been included in the Summary Offences Act, as it is in similar Acts in other States, the issue is so important that the Bill should not be allowed to be held up. The importance of the Bill has been emphasised by the police, who have approached the Liberal Party on the matter.

It understands exactly what the Leader of the National Party proposes. It is ludicrous that the Minister for Police and Emergency Services could not have organised for these proposals to have been included in one of the Attorney-General's Acts such as the one I have already nominated; the Summary Offences Act. The reason given by the Minister was that the Minister had surplus drafting staff whereas the Attorney-General's legislation section was too busy to handle it.

The National Party received representations from the firearms lobby, which expressed its concerns. It seems crazy to antagonise a group such as the firearms lobby at this stage.

Mr Crabb interjected.

Mr E. R. SMITH—I have obviously struck a raw nerve because the Minister has gone off on one of his tantrums. The proposals have been put in the wrong Bill because of some ill-conceived decision made by the Ministry. However, the police need these provisions to be effected because they need the onus of proof to be reversed. Currently the police must prove that a person wielding a weapon is carrying out a dangerous act. The Bill will reverse that onus of proof and provide for the person carrying or using a weapon to prove that the weapon is not dangerous. This would make the task of the police much easier, and the Opposition strongly supports the proposal.

It realises the urgency of the Bill being passed at this stage so it is prepared to support it. However, it feels strongly about the people who claim that the provisions of the Bill are being wrongly housed. I know the Minister will come back with one of his playing-this-one-down arguments. However, the point is that the firearms lobby has been put out and I well understand why the Leader of the National Party has moved his reasoned amendment. The Liberal Party does not want to be seen to be holding up the Bill for the sake of a technicality but it informs the Minister that the Liberal Party abhors the stupidity shown by his department in not including this proposal in its proper place; in the Summary Offences Act.

Mr CRABB (Minister for Police and Emergency Services)—I shall deal with some of the genuine issues that were raised during the second-reading debate and then move to the issue of the reasoned amendment.

The purpose of the Bill is not the entirety of the government's response to the dangerous weapons issue. The Law Reform Commission has currently embarked upon a task of considering how to deal with weapons in certain circumstances. For example, a knife may be a legitimate article in a butchers shop or in a kitchen but it

would not be appropriate to have a knife at a discotheque, on a train or at a football match.

This is a tricky issue. It is not easy to say when one should have one of these articles and when one should not. It might be said that one should not have a kitchen knife on one's person while walking down the street. However, if one had just bought the knife at a shop and was taking it home, that would be legitimate.

The Law Reform Commission has a major job in addressing those issues. It was decided not to wait until every issue had been addressed because a number of weapons are so obnoxious that one could find no legitimate reason for anyone having them. Classic examples are the flick-knife, a swordstick and a blowpipe—that has come up in recent discussions. Frankly, my view is that nobody has the right to carry a flick-knife. It has no legitimate purpose.

During the second-reading debate several items that were to be prohibited by regulation were mentioned. The butterfly knife was one and it was said that many people have legitimate reasons for owning a butterfly knife. I have difficulty imagining what those legitimate reasons would be because butterfly knives are proving to be the cause of one of the major problems in our community.

The Transit Police say that the butterfly knife is causing one of their biggest problems. I am reminded that I have one in a drawer in the office that I use for demonstration purposes. A butterfly knife is not like a clasp knife that needs some pressure on it to open it. I have been told that people who are proficient with a butterfly knife can flick the catch off the bottom and it becomes very much like a flick-knife. I shall need more advice about whether butterfly knives have some legitimate purpose.

It is not the intention with this Bill to decide whether some weapons have a legitimate purpose and others do not. The purpose of the Bill is to get rid of the really nasty weapons, such as knuckle-dusters and other devices that serve no peaceful purpose.

The problem the police have been experiencing with weapons such as this is that under the existing provisions in the Summary Offences Act it is legitimate for someone to have one of these weapons according to common law for the purpose of self-defence. We do not believe that that is a satisfactory situation. In formulating regulations we shall give the fullest possible consideration to ensuring that we do not criminalise people who are going about their business in an entirely innocent manner. I am conscious of the fact that on those rare occasions when I wear my kilt I do have something stuck down my sock.

Honourable members interjecting.

Mr CRABB—I was going to say that I have not looked at my dirk for a long time and I am trying to remember whether it is sharpened on both sides. I can imagine the difficulty that I would be in with the Royal Caledonian Society, so I shall be particularly careful with the regulations.

It is a spurious argument to say that the amendments should be incorporated in another Act, except for someone who feels precious about such things. Ted Drane has spoken to the Leader of the National Party on the telephone because he does not like what he sees in the proposed legislation and wants the measure incorporated in another Act.

Mr McNamara—It is your committee.

Mr CRABB—The Firearms Consultative Committee is consulted about firearms, but I shall not consult with it about knives. That has nothing to do with the committee.

The committee has nothing to do with prohibited weapons. It is none of its business. The committee is supposed to be the expert on firearms, but the measure is not about firearms.

Mr Cooper interjected.

Mr CRABB—As I said, the committee is expert on the issue of firearms but not on prohibited weapons. The Bill proposes to change the short title of the Firearms Act to the Firearms and Other Weapons Act. That is one of the measures incorporated in the Bill. It would be singularly inappropriate to incorporate the amendments in the Vagrancy Act or, indeed, the Summary Offences Act. The measure is not about simple street crime, it is about very serious crime. I see nothing inappropriate in incorporating the provisions in the measure in a Firearms and Other Weapons Act.

The effect of the measure will be exactly the same wherever the provisions are placed, whether in this Act or another Act. The National Party is taking the opportunity of ingratiating itself further with the more rabid elements of the Sporting Shooters Association of Australia (Vic.) and is attempting to embarrass the Liberal Party in the process. That is pathetic. The National Party should do better and support a measure that reduces the degree of violence in our community.

The amendment was negatived.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1

Mr McNAMARA (Leader of the National Party)—The Chamber has just heard a dissertation from the Minister for Police and Emergency Services in response to the second-reading debate. I thought I had made clear to the Minister that the National Party does not oppose the intent of the proposed legislation. Its concern is to ensure that the provisions are not inserted in an inappropriate Act.

The Firearms Act is already a specific and technical Act dealing particularly with firearms and the measure should not be incorporated into that Act. The Minister should take the advice of the Firearms Consultative Committee, which recommended that it would be inappropriate to include the provisions in the Firearms Act.

I have already said that there is concern in the community about the inclusion of the measure in the Firearms Act, but that in no way takes away from what the Minister is trying to achieve—to take a number of very dangerous weapons out of the hands of the community and to prevent those weapons from being sold or from being imported either from interstate or overseas.

The National Party moved its reasoned amendment only to ensure that the provisions were placed in the appropriate Act. All honourable members said they wanted action taken on this issue as soon as possible so that weapons such as flick-knives, disguised swords, daggers, knuckle-dusters, high-powered hunting slings and the like are not freely available to the public.

As this is the last sitting week of the autumn session, it is obvious that if an amendment to the Bill proceeded in another place and was carried it would set back the proposed legislation because a new Bill could not be introduced before the cessation of the sessional period. With that in mind, the National Party foreshadows that it intends to move in another place for a sunset provision in the proposed legislation to allow the measure to be introduced into the Firearms Act so that these weapons can be outlawed and, where they are in the ownership of people at the moment, can be seized. The government will then have a period, before the expiration of the sunset

period, to introduce an amendment to the appropriate legislation, as suggested by the Firearms Consultative Committee, or can take the lead from the South Australian Labor government or the New South Wales government and introduce a specific piece of legislation for the purpose.

Mr COOPER (Mornington)—I have listened to the Leader of the National Party and the Liberal Party is supportive of what he has said. This is a sensible way to proceed with the measure and I hope that is taken up by the Minister.

I said during the second-reading debate that the Liberal Party greatly supported the measure. It believes the government should move quickly with legislation to ban the sorts of horrific and dangerous weapons that I referred to during the debate. The community is urging Parliament to do so.

I also said, as did the Leader of the National Party, that the Firearms Act is not the right Act in which to incorporate the measure. Parliament is in a bind and that bind should be acknowledged by the Minister. The Minister says, "What does it matter?" Anyone who has regard for sensible legislation agrees that the Firearms Act is not the right Act for these measures and that they should be incorporated in other legislation, whether it be the Crimes Act, the Vagrancy Act or the Summary Offences Act. All three Acts refer to things other than firearms as weapons that are used to harm people, and one of the three could legitimately be used to contain the measures incorporated in the Bill.

Obviously the government believes it is inappropriate to include the measure in the Firearms Act because it is changing the title of the Act to the Firearms and Other Weapons Act. That shows clearly that the government acknowledges that the Firearms Act is not the appropriate vehicle.

The Minister wiped the recommendations of the Firearms Consultative Committee in a rather brutal and offhanded way. That committee advises both him and the government about firearms and the operation of the Firearms Act—or if it does not it certainly should. That committee has examined the Bill and has recommended that the Firearms Act, in particular, should not be complicated by the inclusion of provisions that bear little relationship to firearms. The provisions in the Bill should be included in another Act.

This Bill should not be dealt with in this way; it should be introduced as an amending Bill to a principal Act that deals more specifically with these matters. Both the National and Liberal parties believe that, as does anyone who is interested in this matter. The Sporting Shooters Association of Australia (Vic.) and the Shooting Sports Council of Victoria believe the Bill is inappropriate—as do individuals, groups, political parties, government advisers and anyone else who has an interest in the matter.

Little Jock at the table believes the opposition parties are out of step and that only he knows best. The Opposition does not believe that the Minister's responses to the issues raised during the second-reading debate were credible. Changes must be made to the Bill. The amendment foreshadowed by the Leader of the National Party is worthy of support; certainly the Opposition will support it when the Bill is before the other place.

Mr E. R. SMITH (Glen Waverley)—The National Party is to be commended for the timely foreshadowing of its intention to move to amend the Bill in another place. The Minister would do well to support the amendment foreshadowed by the Leader of the National Party. Certainly members on this side of the Committee are anxious to sort out the matter. Including the provisions in the Bill in the Firearms Act would be similar to including a Scottish dancing Act in a conservation Act!

The Committee should follow correct procedures. In a spirit of bipartisanship—which I am sure the Minister has in him—I ask the Minister to include a twelve-month sunset clause so that all parties will be satisfied with the outcome.

Mr CRABB (Minister for Police and Emergency Services)—I am in awe of the gracious and statesmanlike approach of the National Party, something to which I am singularly unaccustomed!

I should be prepared to consider a sunset clause in conjunction with recommendations made by the Law Reform Commission, which is considering how the issues raised by the use of butchers knives and kitchen knives, for example, can be covered in legislation. It is likely that such a sunset clause would be subsumed by the recommendations of the commission. I do not believe it would be appropriate to include a sunset clause in the Bill. I also doubt whether it should be included in the Summary Offences Act, for example. Such matters may need to be included in a separate Bill.

I cannot recall the target date for the Law Reform Commission's report, but I do not want to have to draft a measure in perhaps eighteen months time to take account of the commission's findings. It is possible that it will recommend the introduction of a separate Bill that will subsume the provisions contained in this Bill. I am sure the matter can be discussed while the Bill is between here and another place.

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

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

CRIMES LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

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

Discussion was resumed of clause 1

Mr McCUTCHEON (Attorney-General)—I move:

1. Clause 1, after line 11 insert—

"(*d*) to clarify the power to take fingerprints from children, to empower authorised persons to take fingerprints and to remove certain requirements on the taking of fingerprints after conviction; and".

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

Clause 2

Mr McCUTCHEON (Attorney-General)—I move:

2. Clause 2, line 14, omit "section 32" and insert "sections 14 and 37".

3. Clause 2, after line 15 insert—

"(2) Section 14 comes into operation on the day on which Part 2 of the *Magistrates' Court Act* 1989 comes into operation.".

4. Clause 2, line 16, omit "32" and insert "37".

These measures will come into operation on a day or days to be proclaimed.

Mrs WADE (Kew)—My understanding is that clause 37 was supposed to come into operation on 4 April of this year. Clause 37 relates to transport infringements; it makes extensive provisions for transport infringement notices, how they are to be enforced and how penalties are to be paid, as well as dealing with prior convictions.

The Minister gave a different interpretation of the commencement date, and I should like that to be clarified.

Mr McCUTCHEON (Attorney-General)—It is appropriate that progress be reported.

Progress was reported.

SALE OF LAND (AMENDMENT) BILL

Mr ROPER (Minister for Planning and Environment)—I move:

That this Bill be now read a second time.

BACKGROUND

The Bill provides additional consumer protection to purchasers of real estate in Victoria. Unfortunately, the Bill has become necessary because of the actions of a small number of rural developers which have highlighted deficiencies in the existing legislation that have the potential to affect most real estate transactions in Victoria.

In recent years sales advertising techniques favoured by some such developers have tended to be targeted towards unskilled, low-income earners lured by visions of country life and encouraged by cheap, deceptively simple formal sale requirements. In many cases no prior legal advice is sought, leaving purchasers oblivious to local planning policies which might prevent residential occupation or certain other forms of land use. In others, little or no investigation has been performed to assess the availability and cost of connecting services such as water, sewerage, power and so forth.

REGULATION OF THE SALE OF LAND ON TERMS

Originally the Sale of Land Act was directed only to the regulation of terms contracts involving property which was subject to a mortgage or contained in unsealed plans of subdivision. Recent amendments have resulted, however, in the legislation acquiring a wider role to the point where it now prescribes certain formalities for all sales, the most notable being the requirement in section 32 that vendors provide to purchasers prior to selling statements which detail matters relating mainly to planning and encumbrances.

Proposals for amendments to the precontract disclosure provisions of the Sale of Land Act have been developed by the Substandard Rural Development Task Force, comprising representatives from the Ministries for planning and environment, housing, community services and consumer affairs and the Loddon–Campaspe Regional Planning Authority.

The policy underlying the proposed amendments is that significant reforms in the selling process are needed to ensure that consumers are provided with greater, more timely, and more effective advance disclosures concerning the use to which land forming the subject of a term contract may be put; details of mortgages, particularly where land is to be purchased on terms; the cost of vendor credit, so that the purchasers may readily compare various credit terms available to them from different sources and avoid the uninformed use of credit, and details of services connected to the land.

As a result of helpful suggestions made by the opposition parties during debate in the Legislative Council, the original Bill has been modified in its application of the cooling-off provisions to some farming properties and in relation to disclosures about planning and building controls, connected services, road access and details of finance offered by vendors.

DISCLOSURE OF PLANNING CONTROLS

For the most part the existing disclosure provisions do little to inform a purchaser who does not have the benefit of professional legal advice about permitted use of land. It is accepted that it would impose an unfair burden to require the vendor to supply a description of the salient provisions of the planning scheme or oblige the vendor to provide warranties as to the fitness for any use proposed by the purchaser. The legislation addresses this problem by requiring a vendor of land not in the metropolitan area to inform prospective purchasers when a planning scheme prohibits the construction of a dwelling house. The amendment also requires a vendor to warn prospective purchasers to make inquiries about the operation of planning and building controls.

DISCLOSURE AS TO VENDORS MORTGAGES

In view of the demonstrably large number of terms sales which are transacted subject to the vendor's mortgage, the existing legislation is to be amended to require purchasers of land offered for sale subject to mortgage not to be discharged at or prior to settlement to be informed of the name and address of any mortgagee and of the amount then required to discharge the mortgage. The amendment also requires this information to be provided when land is sold on terms subject to mortgage and where a vendor seeks release of deposit moneys lodged with a solicitor or estate agent in the course of either a cash or terms contract for the sale of land.

DISCLOSURE AS TO COST OF FINANCE

At present the provisions of section 32 (2) (*f*) merely require the vendor to disclose:

(*a*) the amount of the contract purchase price which will be owing after the deposit is paid; and

(*b*) the amount, if any, which will be owing to the vendor after the term of the contract has come to an end.

The proposed amendment will require purchasers to be informed of details of finance offered by a vendor, including the cost and annual percentage rate of vendor finance during the life of the contract, and details of the number and amount of instalments to be paid to a vendor. The information is set out in a form in such a way as to encourage a purchaser to make ready and meaningful comparisons with the cost of finance available from different sources.

DISCLOSURE OF AVAILABILITY OF SERVICES

The present law does not require disclosure of details of services such as water, electricity, sewerage, gas and telephone which are connected to the land by a statutory or local authority and which are intended to pass with the land. The amendment will require a vendor to identify any of these services connected to the land together with the authorities supplying such services.

COOLING-OFF PERIOD

Certain abusive practices of sellers have been assisted by inadequate prior disclosure requirements both in relation to terms sales and cash sales. The "cooling off" provisions of the Act are to be amended to apply to all land other than land used for industrial or commercial purposes or land more than 20 hectares in area used for farming. In addition the present limit of $125 000 imposed in 1982 is to be increased to $250 000 in recognition of general market increases during those seven years.

CONCLUSION

While the majority of the provisions of the Bill have evolved from recommendations of the Sub-standard Rural Development Task Force the government has recognised the proposed reforms are applicable not only to the sale of rural residential allotments but rather to most property purchases in Victoria. The government is confident the obligations of disclosure and the extension of the cooling-off provisions in the Bill will provide effective consumer protection in appropriate areas of the property market.

I commend the Bill to the House.

On the motion of Mrs WADE (Kew), the debate was adjourned.

It was ordered that the debate be adjourned until next day.

ENVIRONMENT PROTECTION (OZONE LAYER) BILL

The message from the Council relating to the amendment in this Bill was taken into consideration.

Council's amendment:

Insert the following new clause to follow clause 5:

Disallowance.

'A. After section 71 (3) of the *Environment Protection Act* 1970 insert—

"(4) Regulations made under sub-section (I) (*gba*) may be disallowed in whole or in part by resolution of either House of Parliament in accordance with the requirements of section 6 (2) of the *Subordinate Legislation Act* 1962.

(5) Disallowance under sub-section (4) is deemed to be disallowance by Parliament for the purposes of the *Subordinate Legislation Act* 1962.".'.

Mr ROPER (Minister for Planning and Environment)—I move:

That the amendment be agreed to.

Since this matter came back to the Assembly, the Opposition has given an undertaking in relation to the regulations that will be required so far as this Bill is concerned. On the basis of those undertakings the government will accept the amendment. Although the government does not believe this is the ideal situation, it is more important to get the legislation into effect rather than further delay it.

The motion was agreed to.

MELBOURNE AND METROPOLITAN BOARD OF WORKS (AMENDMENT) BILL

The debate (adjourned from April 20) on the motion of Mr Roper (Minister for Planning and Environment) for the second reading of this Bill was resumed.

Mr LIEBERMAN (Benambra)—The Opposition enthusiastically supports the proposals by the government and contained in this Bill to increase the penalties for people in Victoria who illegally dump wastes into sewers. In excess of $6 billion worth of assets are in the care of the Melbourne and Metropolitan Board of Works and involved in the transportation of industrial wastes and sewage and in the delivery of a clean, safe and efficient water supply to the people of this city. It is appropriate that in 1989 Parliament should be signalling its intention to require a much higher standard

of care for those valuable and expensive assets that are in the care of the Board of Works on behalf of the people of this State.

The Liberal Party signals to the people who are careless, negligent or callous and perhaps involved in even more irresponsible behaviour that illegal dumping of wastes into our sewers will not be tolerated. The effect on mankind has already become evident throughout the world. Terrible disasters have occurred; for instance, the Union Carbide incident in India, and responsible people in Australia must surely accept that it is time for a much firmer stand to be taken on a non-political basis to tackle this situation. For that reason the Opposition keenly supports the proposal in this short and simple Bill to increase substantially the penalties for this sort of activity. My colleague, the shadow Minister for Planning and Environment, the honourable member for Bendigo East, will make a short contribution on behalf of the Opposition supporting my statements.

The Bill also proposes to delete references in the Melbourne and Metropolitan Board of Works Act to positions in the Board of Works organisational structure that are now redundant. This will provide the board with greater administrative flexibility. In simple terms that means that some positions that are described in the existing Act no longer exist because the board's management structure has been streamlined. Some of the previous positions have been replaced with differently described ones or have been done away with completely.

I thank the Minister and his department as well as the general manager and the board of the Board of Works for the briefing they have provided to me and my colleague, the honourable member for Swan Hill. Today I received, as did the honourable member for Swan Hill, a letter from the Board of Works giving further information that was not included in the second-reading speech—I do not criticise the government for that—about the workings of the board in relation to its vital role in enforcing and policing the provisions of the Melbourne and Metropolitan Board of Works Act and the by-laws about the illegal dumping of wastes into sewers. I notice that in the letter the Board of Works advises that industrial and trade wastes are sometimes illegally dumped into sewers or the environment and the board correctly points out that in this city the control of trade wastes dumped into sewers is the responsibility of the board while the control of wastes dumped into the environment is the responsibility of the Environment Protection Authority.

It is interesting to note that. I do not intend to develop that thought at length; I merely signal that the Opposition will review those activities and I shall be working with the shadow Minister for Planning and Environment, the honourable member for Bendigo East, to ensure that a Liberal Party government will deal in the most efficient way possible in the 1990s with trade waste, illegal dumping and pollution. People who realise the implications of what I have said will appreciate the significance of it.

All honourable members know that illegal dumping can pose a serious threat to both the community and the employees of the Melbourne and Metropolitan Board of Works, who are entrusted with the care of the board's $6 billion worth of assets. No-one wants to see the employees being exposed to unnecessary risks. It is important that we signal our appreciation to the employees of the Board of Works who sometimes, unfortunately, are obliged to expose themselves to risks because of the jobs they must do.

Some frightening incidents have recently occurred. In an incident reported in the press, hydrocarbons were illegally dumped in a sewer in Kealba. The volatile gases ignited and the explosion sent manhole lids flying into the air. Fortunately, no injuries resulted. I have not heard of the outcome of investigations into that incident, but

I hope the persons responsible for that dangerous action are tracked down, apprehended and dealt with in the most serious way possible.

Who would have thought that there would be people in the community who would expose the city and the employees of the Board of Works to such a risk? It makes one wonder what is happening in our society. The Opposition wants the Board of Works to vigorously pursue such people, and I look forward to hearing the outcome of the investigations. I shall certainly follow up the matter with the board. I hope the government is ensuring that sufficient resources are available to the board to track down the culprits and make examples of them. I hope the courts will impose the harshest penalty they can on the people involved in that incident.

The activities of the Board of Works also include cleaning up and remedial action. In one case, the board was asked to clean up more than a million litres of a foul-smelling, strong organic liquid that was in a drain adjacent to Ordish Road in Dandenong South. That is another example of the dimension of the problem in this city. It is amazing that a million litres of such a substance could be discovered in the heart of an urban area.

The Board of Works has told me that it investigates approximately 40 incidents a year. A hard line is taken against continuing and blatant offenders. I wonder whether the figure of 40 incidents a year is a true reflection of the number of times that illegal dumping occurs in this city. Without wanting to sound authoritative, I ask the Minister to take up this matter with the board and inform honourable members how many incidents occur that are not brought to the notice of the public. I believe there would be many more than 40, and the community should know about them.

The 1987–88 annual report of the Board of Works refers to its activities in relation to inspections and deterring illegal dumping. The report states that the board's trade waste inspectors carried out 9600 routine inspections during the year. In addition, inspectors conducted more than 1000 spot checks to deter illegal dumping.

To gain a better understanding of the dimension of prosecutions and their outcome, I asked the board to provide me with the details of penalties imposed by the courts over the past three or four years. According to the board the penalties were are follows: 1985–86, $5100; 1986–87, nothing; 1987–88, $4000; and in the first half of 1988–89, $12 200. The last figure includes the highest penalty imposed so far for a single offence, which was a fine of $7200 plus costs of $800. That fine was imposed in November 1988 on a tannery.

I am staggered by the small fines that have been imposed by way of penalty on people who have been convicted of illegal dumping of waste in the city's sewers. The Bill substantially increases the penalties. The community is signalling that every effort should be made to deter people from illegally dumping wastes into the sewers. The statistics show that there must be a vigorous application of the by-laws and, when people are caught, stiff penalties must be imposed.

The Board of Works should include more information in its annual report. Why are more people not being apprehended? What are the problems involved in proving the offences? Do the facilities to help the board and its staff to track down offenders need to be improved? I do not know and I ask those questions because they should be asked.

In a city the size of Melbourne and with the number of offences taking place, there should be a greater rate of prosecution and higher penalties should be imposed to act as a deterrent. I sound a warning to the government that this must be given a high priority. For this reason the Opposition is keen to support the increase in penalties to ensure that those who dump illegal waste into the sewers are dealt with effectively.

They will be told in an unambiguous way that the community will not tolerate this activity in any form.

The Melbourne and Metropolitan Board of Works is also involved in monitoring the trade waste agreements that provide for waste to be discharged legally into the sewers at an agreed cost and under certain conditions. The board has informed me that the cost of routinely monitoring the industry to ensure its compliance with these agreements was $900 000 last year. I understand the board picks up the cost of monitoring these agreements in its trade waste charges. I ask the Minister to direct that the board provides more details of this area in its annual report. I should like to know more about that component, as I am sure the Minister and others would also like to know more about the trade waste agreements revenue derived from the monitoring costs.

Are there adequate resources available to monitor this area? The Opposition would like to know the number of occasions when trade waste agreements were not complied with and why that was the case. What is being done about ensuring that people are better educated and whether those in that area are put on notice that strict compliance is required?

It is only reasonable that the people of Melbourne, Victoria and indeed the nation are entitled to know more about these areas of activity. We acknowledge that trade waste disposal by a legal authority under set terms and conditions is an inevitable part of the process in a complex industrial society. We know that trade waste must be disposed of, but the highest standards and the highest degree of monitoring is necessary and those matters should be reported to the Parliament and to the community.

The Liberal Party seeks that information in its role in opposition and it will do so in its role in government after the next election. However, I am pleased the government continues to do excellent work in providing a waste advisory service to educate the people. That is an excellent activity undertaken by the board.

On 6 May 1989 in the Heidelberg City Hall the board was involved in an excellent activity where 380 residents were encouraged to hand over 8000 individual containers of chemicals that had been sitting around in their respective homes and so forth. The total weight of that waste was 10 tonnes.

Mr Walsh—There is probably a lot more.

Mr LIEBERMAN—I am sure there is. I commend the board for its initiative. The Opposition believes many more of those programs should be run. I wish the Bill a speedy passage. It is unfortunate that the penalties must be increased but in our society there are people who cheat, who are careless and callous and who disregard the interests and safety of others. The Opposition supports the government in its efforts to crack down on those people.

Mr STEGGALL (Swan Hill)—The Melbourne and Metropolitan Board of Works (Amendment) Bill increases the penalties for the illegal dumping of trade waste and omits references in the principal Act to redundant offices of deputy general manager and other directors. This is a small Bill, but all honourable members know that it has more significance than the two pages or the eight small clauses appear to indicate.

The Bill increases penalties for those people discharging illegal trade waste into the Melbourne and Metropolitan Board of Works sewers in such a way as to have some meaning for those people. However, the cost of tipping toxic chemicals down a sewer is far greater than can be found in the machinery terms of the Bill. I see the Bill differently from that of the honourable member for Benambra. The Bill tells us that we have a problem but we do not know what it is. We do not know how to dispose of

many of the toxic chemicals that our society uses. In Australia we have no way of disposing of these chemicals that are used in industry, agriculture and so forth. During the coming years into the twenty-first century we will have more and more problems disposing of toxic chemicals. I hope that we will use these chemicals less in industry and agriculture so that the environment will be much cleaner and our world will be a better place in which to live.

The Bill provides heavy penalties for companies or individuals who discharge toxic chemicals illegally down the sewers. The Melbourne and Metropolitan Board of Works has an advisory office which provides information to companies and individuals on how to dispose of toxic waste. I should have preferred the Bill to have emphasised this aspect of the board's activities. If we use a big stick and heavy penalties we will not necessarily get through to those people who in may cases need assistance in the disposal of these substances. The average person and, in fact, most companies do not know how to dispose of toxic chemicals that they have on their business premises, in their homes or on farms. In country Victoria the Department of Agriculture and Rural Affairs in a program gave farmers an opportunity of ridding their sheds of these chemicals that were sometimes kept in containers without labels.

Trade waste is the same issue. Society today has created so many toxic chemicals that it does not know how to break down and dispose of and for many people their only course is to dump them down the sewers. Unfortunately, education programs have not reached a point were people understand the situation. Assistance is needed, not so much by waving a big stick at people who are breaking the rules and regulations, but rather to help them dispose of these chemicals.

The only way that we in Victoria, and also across Australia, can dispose of these chemicals is by putting them on a ship which will take them to a high temperature incinerator plant in Wales or for disposal on the incinerator ships that operate at sea.

The proposed legislation, although it increases the penalties also, opens up the great need that the Minister, the government and indeed all governments should do something about.

Society has created all these wastes, which we do not know how to get rid of. They should not be tipped down the sewers. The scientists who created these compounds must work with our governments and organisations such as the Environment Protection Authority and the Melbourne and Metropolitan Board of Works to solve the problem of disposal. It is not easy, and I do not believe hitting people over the head with higher penalties is the answer. It may make legislators feel good in many ways, and it may slow down the activities of some of the offenders, but the real problem is to work out ways of properly disposing of those chemicals.

The pouring of toxins into the sewers creates enormous problems in the ability of the Board of Works to dispose of effluent. It is probably true that cities such as Melbourne, with a population of 4 million people and with quite a strong industrial base, have to be very careful in their future planning for sewage disposal.

Various measures have been taken over the years, but they have not been popular. They are becoming topical only now and people are expressing concern about the disposal of sewage and other wastes as well as the disposal of garbage at tips. Not much emphasis has been placed on that in the past.

As the Minister will be well aware, the Board of Works itself is breaching the EPA standards. This Bill will give the Board of Works the power to inflict tremendous penalties on individuals and people who breach those standards, but the board itself is breaching them through the discharges at the Werribee sewage treatment farm in

particular. I know that is a subject very close to your heart, Mr Speaker. It is a problem that we cannot run away from; we must face it.

I know the Minister and the Board of Works could argue that some of the problems at the Board of Works farm are compounded by the fact that toxins are being placed down the sewers and that the bacterial breakdown has not been as good as it could have been; the Minister could smile, and say that is a good way of explaining it. However, he knows, as do most people, that the effluent disposal through the Board of Works farm is inadequate for a city the size of Melbourne. Over the past few years, the farm has been unable to handle comfortably the waste of a city the size of Melbourne. With all the works and changes that are taking place, problems have been created that we will have to face up to. I do not consider this to be a party-political problem or an adversarial problem; I consider it to be a problem that our society must face.

Although it is only small, the Bill opens up several possibilities. However, I point out that the Minister should examine the comments about the Board of Works in the Auditor-General's report. If he does so, he will find that not only does he preside over a public authority that has been breaching standards for which other organisations would be fined, but also that it has been aware of this problem since the 1970s, and yet it has not been possible to solve it. The problems at the Werribee farm will have to be solved because the people living in Corio Bay and in the Werribee electorate will demand that they be solved.

I stress again that, although the penalties are hefty and will have meaning to a lot of companies, and although they will exist to deal with areas and companies that have not tried to correctly dispose of their trade wastes and have been caught—the penalties contained in the Bill will have an effect—I point out that we must all ensure that we do not create an environment in which people would even try to sneak toxic waste into the sewerage system but, rather, that they have confidence to front up to the particular authority, the Board of Works in this case, admit there is a problem and seek assistance in solving it. I hope the advisory service of the Board of Works will be able to provide that assistance.

Just a few weeks ago I attended a breakfast function with health and safety people in Swan Hill for the Department of Labour, which was working on the same type of problem of chemical residues and wastes in country Victoria. Of course, the same situation exists here, where the penalties have been increased considerably. That is the only thing that seems to attract the attention of the media and the Minister.

Everyone must be given the message loudly and clearly that we have a problem, which we do not know how to solve. Let us face it, we do not have the solutions to the problems of disposal of our toxic wastes. Therefore, we must work through the problem in an attempt to ensure that companies and individuals have enough confidence to seek help without fear of being fined or gaoled.

The National Party supports the Bill, but I hope I have made my concerns very clear. We all have a long way to go in solving our environmental problems. I was most interested to note that many people on the government benches have, suddenly, in the past few years realised what the environmental debate is all about. For several years, many of us have tried to come to grips with the problems that chemicals present to people in all walks of life—in my case, in agricultural production. Although society has been geared in many ways to depend on the use of chemicals in industrial and agricultural pursuits for the production of goods on a basis that will be acceptable to people in our cities, however, we have created enormous problems that we do not know how to solve.

I suggest to all members of Parliament, and particularly those who represent electorates in the western suburbs and other difficult areas where industrial wastes are a problem, that there is a need to have a serious, close look at what is being produced, not only in the way of product but also in the way of waste. I do not believe we will be able to chase the problem away by imposing huge penalties on offenders. It is in all our interests to ensure that those who are thrusting such wastes down the sewers and creating this sort of problem have confidence to be able to front up and seek assistance; it is also in our interests to have a government that will accept and encourage people to come forward and seek such assistance without fear of being penalised.

Perhaps a situation could exist in the next decade, the 1990s, where our scientists may find it is very interesting to try to do some work in this field, because they have not done so to date. Our scientists have created the chemicals; our economies and our metropolitan areas have demanded cheap food and other materials and products that have been produced by the use of chemicals, but we have not found out how to handle them. This is true in many other areas as well.

So far as chemicals are concerned, the truth seems to be coming home to roost very slowly. I offer the government and the Minister for Property and Services my party's assistance in an attempt to ensure that somehow we, as Victorians and Australians, work out a way in which the problems may be overcome. The issues of the environment and the chemicals that enter the food chain to be consumed by humans are important problems that must be solved.

The National Party supports the Bill, although I do not really support its main thrust—to penalise. I support the advisory systems that the Melbourne and Metropolitan Board of Works has in place; I do not condone the fact that government agencies such as the Board of Works have been guilty of disposal into Corio Bay of effluent above the Environment Protection Authority safety requirements.

The Bill provides the opportunity for a proper examination of those problems. I expect a bipartisan approach to be taken to the problems created by society; those problems will have to be solved in the next few years.

Mr JOHN (Bendigo East)—I support the Bill and wish it a swift passage through both Houses. I support the remarks of the honourable member for Benambra on behalf of the Liberal Party.

My party supports the increased penalties provided in the Bill; the increase is fourfold, with a maximum penalty of $20 000 for the discharge of toxic chemicals or trade wastes into sewers. I also emphasise the Liberal Party's commitment to overcoming this kind of important environmental problem. The pollution of our sewers, our waterways, our rivers and our bays by negligent or wilful action is an extremely crucial issue. The ramifications on the health of Victorians will be extensive, and will affect business and tourism.

To realise the truth of this one has only to examine the situation in recent months with pollution caused by sewage outfall at some Sydney beaches. A very close friend of mine has for many years visited Sydney with his family for beach holidays. He recently returned suffering from health problems as a result of that water pollution and swears he will never return to Sydney for another beach holiday while the problem exists there.

Pollution has enormous ramifications on the health of Victorians. Tourism in Victoria represents 7 per cent of the employment market and between 6 and 7 per cent of Victoria's gross domestic product; therefore, it is an important economic and health issue. The community has become increasingly concerned about environmental issues and about industrial pollution of sewers and waterways.

I support the remarks of the honourable member for Benambra about the jurisdiction of the Environment Protection Authority and the Melbourne and Metropolitan Board of Works as to effluent and illegal discharges. When such discharges convert into fires or gross pollution warranting the involvement of police and emergency services, another arm of government activity is involved in the control of industrial pollution. The government should closely examine the areas of operation of the MMBW and EPA and the involvement of police and emergency services to ensure the most efficient and streamlined methods are available for dealing with the problem.

The honourable member for Benambra referred to pollution in a drain near Ordish Road, Dandenong South as an example of the problem that could occur because of illegal discharges of chemicals or other offensive material into waterways and drains. Following a request from Black Rock residents on 9 May 1989 I accompanied the honourable member for Sandringham to examine the whole of the waterway from the mouth of Mordialloc Creek at Port Phillip Bay to the drain at Ordish Road, Dandenong South.

That waterway is in the vicinity of a sewage treatment farm; foul pollution of the waterway was most evident. The local residents hired MGT Environmental Consulting Pty Ltd to conduct an analysis of water taken from the drain, and from Mordialloc Creek some distance downstream. The results disclosed that phenyl levels had increased to 38 times above the acceptable levels; grease and oil levels were up to 92 times above the recommended standards and arsenic levels were up to 8 times above the recommended levels. That is typical of the problems the community faces because of the illegal dumping and discharge of such material into Victoria's sewers, drains and waterways; it eventually affects our food chain and our health.

The final ramifications go well beyond the initial pollution. I understand that authorities are examining the problem in the Ordish Road drain and I hope action will be taken to ensure that future discharge is prevented.

I support the remarks made by the honourable member for Benambra when he said that Victorians must be firm in their resolve to prosecute offenders. It is all very well to increase the penalties, but the government must resolve to prosecute those found to be engaging in that illegal activity.

I support the Bill. It is an important, albeit a small Bill. The laws containing the more severe penalties must be enforced for the protection of our environment.

Mr WALSH (Minister for Water Resources)—I thank honourable members for their contributions. I hope the increased fines will deter anyone from illegally dumping waste into Victoria's sewers. It is heartening to have the Bill pass with such bipartisan support. All honourable members want to see a clean environment.

Penalties are one method of enforcement. Education about prevention of pollution ought to have commenced twenty years ago, and that is now an important factor. The advisory assistance provided to industry by the Melbourne and Metropolitan Board of Works should perhaps be extended to ensure that adequate information is disseminated throughout the community.

The Board of Works has done a tremendous job over the past few years. The opportunity given to residents to deposit containers at the Heidelberg City Hall was not the first time that such an exercise was undertaken. Some 380 residents deposited individual containers on that occasion, which I understand was the third such exercise conducted over the past few years. The practice must be continued so that all harmful materials can be taken out of houses when those materials are no longer required.

Industry must play a leading role in ensuring that the environment is protected and toxic substances are not left around. Education programs are most important, as they will encourage people to dispose of chemicals properly. Industry must be educated to improve the quality of the manufacturing process through which dangerous materials are produced.

The pollution of our environment must stop. On average an investigation is undertaken almost once a week, as there are 40 investigations each year. The government does not seek to continue to conduct investigations and, although the number that is necessary to be conducted is only small, the government seeks to reduce the number to zero.

I thank the honourable members for Benambra, Swan Hill, and Bendigo East for their contributions to the debate. As the honourable member for Swan Hill said, the Bill is an important piece of proposed legislation. Let us hope that it will help to deter people from polluting our environment.

The motion was agreed to.

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

ESTATE AGENTS (AMENDMENT) BILL

The debate (adjourned from April 13) on the motion of Mr McCutcheon (Attorney-General) for the second reading of this Bill was resumed.

Mrs WADE (Kew)—The Estate Agents (Amendment) Bill is a fairly small, miscellaneous amendments Bill. It is said to implement the recommendations of a number of inquiries that have been conducted since 1985.

In 1985, an inter-departmental working party was set up, with representatives from the Department of Management and Budget, the Attorney-General's Department, and the Estate Agents Board. The working party was to investigate and make recommendations regarding the necessity for change to the scheme governing interest on estate agents trust accounts.

The second inquiry was conducted in 1987, when the Estate Agents Board made a comprehensive submission to the government, proposing a range of amendments to the Estate Agents Act.

In 1988, the Law Reform Commission of Victoria and the Regulation Review Unit reported on estate agents and auctioneers as part of its view of occupational regulation. That major inquiry was undertaken by seven members from the Law Reform Commission, three from the Regulation Review Unit, three consultants, and two members of staff from the law school of the University of Adelaide.

The inquiry considered 211 written submissions, including submissions from members of Parliament, Victorian and other State public servants, members of the public, barristers, solicitors, auctioneers, academics, business consultants, insurance brokers, individual estate agents and the Real Estate Institute of Victoria.

In addition, three public meetings were held, in Bendigo, Sale, and Warrnambool. Meetings were held also between the Estate Agents Board, the Real Estate Institute of Victoria, the Victorian Stock Agents Association, and the people involved in the inquiry from the Law Reform Commission and the Regulation Review Unit.

The report of the inquiry contains 29 recommendations. The Bill represents another example of the government's interesting and novel approach to inquiries and consultation. Previously I have referred in the House to the many statements made

by the government on the benefits of and the government's commitment to consultation, and to the fact that the government's commitment to consultation with the public is contained in many of the policies released, including the government's social justice policy and various of its economic policy papers.

The process followed is that the government establishes an inquiry, calls for submissions, either written or personal which people take seriously and put a lot of effort into producing and presenting to those inquiries. In some cases, the inquiries result in a report being issued which reflects some or all of the concerns raised by the people making submissions. Invariably, whatever the report contains, the government indicates that it will implement the recommendations of the report but the implementation bears little or no resemblance to the recommendations made.

The Bill is a classic example of the process to which I have referred. As I said, 29 recommendations were made by the Law Reform Commission of Victoria and the Regulation Review Unit inquiry. The government is implementing in full three of the recommendations; two other recommendations are implemented in part; and one recommendation is promised to follow in regulations.

The government should be warned that people will not continue to take the consultation process seriously if the Bill which represents the outcome of an inquiry, fails to implement the recommendations resulting from the process.

The three recommendations of the inquiry which are to be implemented in full are not earth shattering. Two of them repeal the requirement that estate agents be resident in Victoria and the third provides that, where there are franchising agreements entered into by agents, they only have to be notified to the Estate Agents Board, rather than approved by the Estate Agents Board, as is the case at present.

I wonder whether the efforts of fifteen staff members of the Law Reform Commission of Victoria and the Regulation Review Unit, and the efforts of all individuals and organisations who made submissions, are justified by the implementation of these three recommendations. I also wonder what the cost to the taxpayer was of this inquiry and of the other two inquiries to which the Attorney-General referred in his second-reading speech. I hope the Attorney-General will advise the House of the cost of these inquiries.

Honourable members have been told that further proposed legislation will be introduced at a later unspecified date to further implement the recommendations of the Occupational Regulation Report No. 1 by the Law Reform Commission of Victoria and the Regulation Review Unit. Why must we wait for recommendations of the report to be implemented? Some three inquiries dating back to 1985 have been undertaken. Detailed recommendations have been made, and reasons have been provided for the recommendations. If the Attorney-General is not ready to proceed now, when will he be ready? Is he now saying that the three reports will be quietly forgotten?

A number of provisions in the Bill are not as a result of the report by the Law Reform Commission of Victoria and the Regulation Review Unit or, apparently, from the other reports. Honourable members are not told from where these additional provisions emanate. Some of them are inconsistent with the recommendations of the report. One such provision has been the subject of a series of press releases relating to the payment of interest on estate agents trust accounts. The Bill proposes that the interest will be paid on 100 per cent of trust moneys. At present only 40 per cent of trust moneys held in estage agents accounts amounting to many hundreds of millions of dollars are deposited with the Estate Agents Board, and that is the only portion of the trust accounts that attracts interest.

In 1985 the government said it would move to ensure that interest was paid on the full 100 per cent of trust moneys. The government said this would be a new, bold initiative and made that claim on several occasions. The provision was first introduced in a Bill in October 1987 and was not opposed by any member of the House, so far as I am aware. The measure was still before the House when the government announced the last State election, and it fell by the wayside.

The Opposition does not oppose the payment of interest on 100 per cent of trust moneys. In his second-reading speech the Attorney-General says he expects to raise up to $15 million a year which will be used for housing assistance. He suggested these moneys could be used in a number of housing purchase assistance programs run by the government. I ask the Attorney-General to respond in more detail to the actual programs that will be funded by this $15 million. The Opposition considers the money should be used to fund home purchase schemes rather than rental assistance schemes, and its consideration of the proposals when the Bill is transmitted to the other place will be influenced by the Attorney-General's response to that question.

The report by the Law Reform Commission of Victoria and the Regulation Review Unit recommended that interest should be paid on 100 per cent of trust moneys held by estate agents, but the proposal was that the trust moneys should cease to be paid to the Estate Agents Board and should remain in individual estate agents accounts. That provision is contained in recommendation 21 of the report which states:

> Trust deposits should be left entirely in agents' accounts. Interest on the entire sum should be credited to the board. The rate of interest should be negotiated between the board and the banks.

The Opposition was happy with that recommendation and believes it should be implemented. This would result in considerable savings in the time and effort now involved in moving these moneys backwards and forwards between individual estate agents trust accounts and the Estate Agents Board account. The provision that interest should be paid on 100 per cent of trust moneys is sensible.

However, the Bill has gone beyond the recommendation. It will authorise the Estate Agents Board to require moneys that are held in estage agents trust accounts to be transferred to a special account, which will be held on their behalf by the board and which will be available for investment by the board.

The Opposition has received submissions from estate agents about these provisions and much concern has been expressed. I understand that the concern expressed by the Real Estate Institute of Victoria to the Estate Agents Board brought the response from the board that it did not intend to make use of these powers. There are hundreds of millions of dollars being held at any one time in estage agents trust accounts. This additional power being provided to the Estate Agents Board is unsatisfactory in that it would confer considerable power on the board and no guarantee would be given that the power would be used wisely.

Indeed, recent experience of government investment leads one to a contrary belief. The Attorney-General should be careful about following in the footsteps of other Ministers who have made large sums of money available to statutory authorities through schemes dreamt up by the Treasurer and the Department of Management and Budget. He may discover, as have other Ministers, that he will bear the full responsibility if anything were to go wrong with these investments.

I was proposing to put forward a number of amendments in the Committee stage to ensure that these provisions would not proceed. I intended to amend the Bill in such a way that all provisions relating to special accounts established under section 60 of the Act would be deleted. All trust moneys would then remain in the individual accounts of estate agents. The Opposition did not intend to remove the power of the

Estate Agents Board to be able to negotiate with financial institutions to obtain a reasonable rate of interest on moneys held in trust accounts. Those provisions should remain in the Bill. Nor did the Opposition propose to remove the ability of the board to appoint someone to handle the moneys in the hands of the board that resulted from interest paid to the board. I now understand the government is prepared to accept the amendments if they are proposed by the Opposition in the other place.

On that understanding—and I should like the Minister to confirm that understanding in his response—I do not propose to put those amendments forward at this stage. I should like to refer briefly to some other provisions of the Act.

The SPEAKER—Order! The time appointed by Sessional Orders for me to interrupt business has now arrived.

On the motion of Mr McCUTCHEON (Attorney-General), the sitting was continued.

Mrs WADE (Kew)—I should like to refer to amendments to section 14 of the principal Act. Firstly, the amendment to which I referred before, which will ensure that in future there is no requirement for agents to reside in Victoria, does not provide open slather for people to fly in from Brisbane or Perth or, as was recently suggested by somebody, fly in from Hong Kong and operate as agents in Victoria. There are accompanying provisions that the agent must have a principal office within 48 kilometres of the border.

The other amendments made to section 14 (3) do not do as the Law Reform Commission—Regulation Review Unit report recommended and repeal that subsection; they restrict the operation of that provision, which is the provision allowing the board to grant an estate agents licence to a person who has not completed the estate agents course. Those provisions will be restricted to people who come to this State from another area or country and who show that they have adequate knowledge of the Victorian estate agency law, practice and procedure.

When the report recommended that this provision be repealed it suggested that instead there be an alternative provision requiring that anyone who is able to satisfactorily complete an appropriate examination should be able to be licensed and that there should be no compulsory attendance at any course. This recommendation has not been accepted, nor has the recommendation that the Estate Agents Board be able to prescribe courses as being equivalent and alternative to the examination or equivalent and alternative to the courses which are currently undertaken.

The Opposition is somewhat concerned about these provisions because they seem to be moving towards a closed shop in this area and some people who have been admitted under this provision in recent years have been well qualified to act as estate agents but have not completed the course requirements. This includes people with long experience as valuers. I am told of one person who has been a subagent since 1964, who is a qualified valuer and who is the national valuation director of one of Australia's largest national firms of estate agents. Another person who was qualified as a Bachelor of Building from Melbourne University was also a qualified valuer, a qualified carpenter and joiner and had been a subagent for a period of ten years, with another eight years additional experience in the industry.

These people will no longer be able to apply for approval under section 14 (3). Although there are problems with that provision, I ask the Attorney-General to raise with the Estate Agents Board the possibility of providing for the sort of measure that was suggested in the report—that is, approval of alternative courses or alternative qualifications for people who may be well able to undertake the business of an estate agent but who do not wish to go back to school and undertake a course which will not significantly add to the qualifications which they already hold.

The Bill also includes new provisions to control licence lending. This has been something of a problem in the industry, and the Opposition supports the amendments. It has been suggested by the Real Estate Institute of Victoria that the amendments do not go far enough, in that they do not cover the situation of a de facto spouse, and it seems to me that, given the fact that de facto spouses are being recognised in a number of other areas, particularly where they obtain benefits, there is no reason why they should not also be caught by provisions that are trying to ensure that people's families do not obtain advantages by practices which are aimed at avoiding legislation. I ask the Minister to respond on this matter, also.

Another provision provides that practical experience of three years, which has been required to date, will be limited to practical experience of one year. The report said that the practical experience was not necessary and recommended that the requirement should be abolished totally. It seems to the Opposition that there is some merit in a combination of qualifications and experience, and we are not opposing the amendment.

I also ask the Attorney-General to comment on the provisions about interstate agents operating in Victoria. I am somewhat puzzled by the requirements that seem to permit a Melbourne firm to operate in Wodonga, and a small Albury firm to operate in Wodonga but do not permit a large Sydney firm with a large branch office in Albury to operate in Wodonga, because the Albury branch office is not the principal office of that firm of estate agents. I find it difficult to understand why this should be the case.

Finally, I raise a couple of matters not contained in the Bill. One of them, however, is referred to in the Attorney-General's second-reading speech, and it is a matter that has caused some concern. In that speech the Attorney-General says:

> I advise that, as part of the government's review, amendment will be made to subordinate legislation to, firstly, deregulate the prescribed commission rates for commercial and industrial property and, secondly, make compulsory the present optional 50-hour pre-licensing course for new subagents.

It is the first proposal which has caused considerable concern among some estate agents. It is important again to raise the question of consultants with the government, and I should like to refer to the Attorney-General a speech made by the Premier of New South Wales, Mr Greiner, to the Real Estate Institute of Victoria on 27 July 1988. He said:

> Many smaller agents, and indeed others not so small, have shown reluctance to support fee deregulation. It would be disastrous for factionalism to erupt within the industry once a decision is taken . . . for any deregulation initiative to be effective and successful it must have broad support, not only from outside the industry but also from within it.

I ask the Attorney-General to comment on the consultation process that he is proposing in relation to the deregulation of commission rates, and I ask when this is likely to take place.

Clause 13 of the Bill provides for part-time subagents. This also has caused a number of estate agents to contact me. One of them raised a particular point on the comparison of this new proposal about part-time subagents with the existing provision in section 45 (4) of the principal Act, which is about subagents and states:

> . . . where a subagent proves to the board's satisfaction that he is unable because of a medical disability to work for an estate agent on a full-time basis, the board may permit an estate agent to employ that subagent for such hours and on such days as the board considers fit but an estate agent shall not be permitted to employ a subagent only on a Saturday or a Sunday or only on both Saturday and Sunday.

It appears that an able bodied part-time subagent can work on a Saturday or a Sunday but a subagent with a medical disability will not be able to work on a Saturday or a Sunday. There appears to be some difference in those two provisions and the Minister

might like to take that matter into account. There are no other matters I wish to raise on this Bill.

Mr ROSS-EDWARDS (Shepparton)—The National Party supports the amendment to the estate agents legislation. As the honourable member for Kew has gone through the Bill in such detail, clause by clause and estate agency by estate agency, I do not intend to do it again. The hour is approaching midnight and honourable members have a grim morning ahead in the Chamber.

Therefore, I shall be very brief. As I see it, the Bill contains nothing contentious. The principles behind the Estate Agents Act are not being changed, except in one particular way. That is, we will now get 100 per cent of the interest obtained on the trust moneys of real estate agents. This is the moneys they hold in trust pending completion of sales and it amounts to an additional $15 million of interest.

I can remember about 25 years ago attending a meeting of the Law Institute of Victoria when it first came in that the banks would not get the interest and for the first time the funds would go into the guarantee fund and for legal education. That was a lively meeting.

The government has been in power for seven years. The government has been talking about doing something about the interest arising from estate agents trust accounts, and an additional $15 million is available. The government has the hide to call itself an efficient money manager. An amount of $15 million has been available over the past couple of years in particular, $15 million has most of the time slipped through the government's fingers.

I shall not go into all the other financial matters around the State. Obviously the government should be ashamed. I regret that there is not one backbencher of the government in the Chamber at present to get the message that they are supporting a government that is completely incompetent and inefficient in money matters. It is a farcical state of affairs. The government is complaining about the Federal Labor government not giving it enough money for various projects; $15 million is now available that the government could have had in the past and used for housing but, because of ineptitude, inefficiency and sheer laziness, it has done nothing about it.

Two years ago there was a Bill that never got to the post because the government carries on like this. It fools around early in the session and at this stage we sit on night after night. It is beyond my comprehension. There has never been a worse organised government in the 22 years that I have been in Parliament.

I will say no more. The Bill has been thoroughly explained by the honourable member for Kew and the second-reading notes have given a further explanation, but I should like an assurance from the Minister as to when this interest and or $15 million will be put towards housing.

Mr HONEYWOOD (Warrandyte)—The Estate Agents (Amendment) Bill adopts some of the recommendations of the Law Reform Commission report *Occupational Regulation; Estate Agents and Auctioneers* April 1988. On this side of the House we would have been very concerned if other recommendations of the report had been incorporated in this Bill, such as the composition of the government-appointed Estate Agents Board.

Mr Ross-Edwards—Mr Acting Speaker, I draw attention to the state of the House.

A quorum was formed.

Mr HONEYWOOD—I refer the House to representations made by the Tenants Union of Victoria on this Bill. The union refers to another Law Reform Commission

recommendation where the report of the commission also recognised the need to broaden membership of the board and recommended that a majority of board members should not be professionally involved in the real estate industry.

An Honourable Member—Do you agree with that?

Mr HONEYWOOD—No, we are very glad indeed that the government has not accepted such an invidious Law Reform Commission recommendation because, as it currently stands, the government already appoints the Estate Agents Board. They choose from the applicants, many of whom come from the industry. The Estate Agents Board is very definitely a government-controlled and government-appointed board that plays around with taxpayers money.

Philosophically we would support an arrangement whereby the parties to a sale of property contract, rent or bond arrangement, and so on, receive a direct benefit by way of reimbursement when they entered into such a contract. At the moment, when a person signs a contract to buy a house, the estate agent places substantial amounts of money in trust funds, often to the order of tens of thousands of dollars, which accrue no interest whatever for periods of 60 days, 90 days or more. That money earns no interest and so no interest is returned to the rightful owners of the fund, the purchasers of the property, or indeed the vendors or the rent payers who arrange a bond with a real estate agent.

The Premier's stand on housing assistance is hypocritical. He is willing to blame the banks for the entire state of the housing interest rates. The government is content to reap the dollars it has gained from these arrangements from trust funds and none of this money is returned to the rightful owners of the investment, the purchasers of the home or the renters of the property who have to pay a bond.

The Bill allows for hidden taxation—in other words the unaccounted for diversion of millions of dollars by a government-appointed board. We on this side of the House are concerned that we may have another Victorian Economic Development Corporation situation arise where tens of millions of dollars in taxpayers money is controlled by a government-appointed board and diverted to shonky, mickey mouse investments for which there is little accountability.

The Opposition is pleased to have proposed amendments which the government has accepted and which will have the effect of not allowing the latitude that the VEDC was allowed in order to abuse the taxpayers dollar. Indeed, in this case, the house purchase or rental investment is in trust funds. Interest received from the current arrangements in 1987–88 was $4·9 million. That is based on only 40 per cent of funds invested under the current arrangements. The current arrangements under the Estate Agents Act require estate agents to deposit a minimum of 40 per cent of the lowest dollar balance held in trust funds in the previous financial year with the Estate Agents Board.

Under the government's proposed amending Bill we will have a 100 per cent investment of trust money scenario. Again, where will the accountability be for this so-called housing assistance to the purchasers of housing in Victoria? The Opposition amendments will at least allow for small businesses—such as estate agents—to retain their choice of institutions, which is an important feature for the survival of small business.

For instance, at present, an estate agent has some leverage. When an estate agent goes to the bank to invest a trust account, which is often, even from a small business, of the order of half a million dollars on average, he can say to the bank manager, "I shall place a substantial trust fund with you; will you provide me with preferential rates on personal loans for my business, and so on?" That is an advantage which real

estate agents have had to date and one which would be taken away from them if the Bill were to come into operation, in so far as we would have a VEDC-style, government-appointed board dictating to small real estate agents where that money was going and, therefore, any leverage the small business proprietor had over the bank, would be lost in the process. It is an invidious, Big Brother arrangement.

The amendments take away the right of the Estate Agents Board to invest moneys in so-called special accounts, which will have the effect of allowing large-scale investment, mickey mouse money to be used and abused as the board sees fit.

The Attorney-General has seen the amendments and has given an unequivocal undertaking privately to the shadow Attorney-General to accept them all as drawn up by Parliamentary Counsel. If the Attorney-General is not prepared to accept them, as he has undertaken, he should now declare so to the House.

On that basis the Opposition is pleased the government has seen fit to dilute its Big Brother, big government stand and allow the backbone of the country—small business—to survive in the economy.

I have a final comment in relation to clause 7 (1) of the Bill, which states:

After sub-section (1) insert—

"(1A) A corporation shall not be eligible to be granted an estate agent's licence or hold or continue to hold an estate agent's licence if . . .

(*c*) the spouse, parent, brother, sister or child (other than a licensed estate agent) of a licensed sub-agent who is in engaged in the estate agency business of the corporation is a director of the corporation.

As we understand it, the effect of this clause will be, in the case of a husband and wife where, for instance, the wife is a licensed subagent in her own right, to prevent the spouse from being a director of a family business. This clause again presents an invidious situation where the government is attempting to cripple the family business arrangement that applies to many real estate agents in Victoria.

The Bill proposed by the government was not sound. The Opposition has proposed some very important amendments that will have the effect of tightening the scope that the government-appointed board has to play with funny money and, indeed, allow real estate agents to retain the leverage they have had to date over their investments.

Mr McCUTCHEON (Attorney-General)—I thank honourable members opposite for their contributions to the debate. A number of issues have been raised. The honourable member for Kew referred to the various reports that have come along the way, but tended to, I believe, imply that the Law Reform Commission's report was unanimously supported by the submissions that were made to it. That is not true, and some of the submissions that were made to the Law Reform Commission—and certainly some of the comments made afterwards about the commission report—were opposed to the recommendations that report contained. I do not believe it is obligatory on the government to implement, willy-nilly, all the recommendations of a report made by such a body. That is the case in this instance.

The honourable member referred to clause 14 (3) and suggested that the amendment is unduly restrictive and precludes people with other substantial qualifications from getting an estate agent's licence. Certainly, as a I understand it, persons with other substantial qualifications will be eligible for exemption from certain subjects for prescribed courses. I think that covers solicitors, accountants and other people who might be seeking estate agent qualifications. These exemptions are a matter for the respective colleges, but it is the board that actually prescribes the course and, accordingly, the board maintains a monitoring role in relation to the continuing appropriateness and satisfactory operation of the prescribed course.

The honourable member for Kew referred to the deregulation of commercial commissions and was concerned about the process of consultation that would take place. I have already received deputations from various parties wanting deregulation of commissions, particularly in the commercial and industrial fields. The board can give notice to the Real Estate Institute of Victoria that it intends deregulating commissions and allow the matter to be ventilated. If the move is made to deregulate commercial commissions, that will be the process.

I have had discussions with the institute on that. It did request the deregulation of commissions for residential properties, but the government is concerned that that could cause many people, who perhaps buy or sell houses only once in a lifetime and who are not experienced in dealing with agents, to be vulnerable to the fees and commissions that might be struck in a deregulated market; and the government is not interested in deregulating, certainly, commissions to be paid by the majority of people buying and selling their houses.

The honourable member for Shepparton made some critical comments on the time it has taken to get interest on 100 per cent of trust funds available to assist in the housing arena. At least this government has done it, and we are getting it. The government is to be commended, and I am proud to be the Minister who is helping to achieve that. I assure the honourable member that interest on 100 per cent of trust funds will be collected as soon as the Estate Agents Board has negotiated arrangements with the financial institutions, and that will be as soon as possible. When the Act is proclaimed and the necessary arrangements are in place, the interest will start to flow.

With regard to the use of the money, the honourable member for Kew asked which programs the board would direct money towards. I inform the House that a number of programs have already received funds from the Estate Agents Board, including the Home Renovation Advisory and Referral Project, codenamed HARP; the Home Renovation Loans Program through the Ministry of Housing and Construction, which provides low-interest loans to elderly and disabled homeowners to allow them to continue to maintain their homes; and the Victorian Housing Bond scheme and Home Opportunity Loans scheme, which is critical in enabling people to get into home ownership and have security. That scheme has also been supported by the board.

The honourable member for Kew was interested in obtaining a definitive statement that the money would be directed to home ownership assistance. I believe that that is the case and that the board has up until this time used the money for those purposes. I see no reason why that policy should be changed.

The amendments put forward by the Opposition affect the proposal in the Bill for two options to be open to the Estate Agents Board in the handling of trust account funds. The first option is for the funds to remain in trust accounts with arrangements being made for interest to be paid on them by financial institutions. The second option is for some of those moneys to be placed in a special fund, in which case higher interest rates would probably be obtained from financial institutions, which would add to the money available for home ownership assistance schemes.

The Opposition wants to amend the Bill to eliminate the second option. I agree with the honourable member for Shepparton on this issue. It is important that 100 per cent of trust account funds become available and I am prepared on this occasion, not willingly but in the interests of having the Bill passed, to accept the amendments proposed by the Opposition. Those amendments will not be proceeded with in this House so that the passage of the Bill to the Legislative Council can be facilitated. The government will not oppose those amendments when they are moved in another place.

The motion was agreed to.

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

CRIMES LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

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

Discussion was resumed of clause 2, and of Mr McCutcheon's amendments.

2. Clause 2, line 14, omit "section 32" and insert "sections 14 and 37".

3. Clause 2, after line 15 insert—

"(2) Section 14 comes into operation on the day on which Part 2 of the *Magistrates' Court Act* 1989 comes into operation.".

4. Clause 2, line 16, omit "32" and insert "37".

Mr McCUTCHEON (Attorney-General)—Clause 2, provides for the commencement of the Act and will be proclaimed with two exceptions: firstly, the provisions consequential upon section 14 of the new Magistrates' Court Act and, secondly, section 32 of that Act being renumbered section 37, which would be deemed to have commenced on 4 April 1989. That is the same date as the Magistrates (Summary Proceedings) (Sheriff) Act was to be proclaimed. The amendments are to correct a technical oversight and they pick up those small but necessary points.

The amendments were agreed to, and the clause, as amended, was adopted, as were clauses 3 and 4.

Clause 5

Mr McCUTCHEON (Attorney-General)—I move:

5. Clause 5, lines 29 to 35, omit all words and expressions on these lines and insert—

"(5A) A person must not, with the intention that he or she may commit an offence against sub-section (1), make, or have in his or her custody, or under his or her control, a machine or implement, or paper or other material, which is, and which he or she knows to be, specially designed or adapted for the making of a document which, if made by him or her, would be false.

Penalty: Imprisonment for 10 years.

(5B) A person must not, with the intention that another person may commit an offence against sub-section (1), make, or have in his or her custody, or under his or her control, a machine or implement, or paper or other material, which is, and which he or she knows to be, specially designed or adapted for the making of a document which, if made by that other person, would be false.

Penalty: Imprisonment for 10 years.",

6. Clause 5, page 3, line 1, omit "5B" and insert "5C".

7. Clause 5, page 3, line 5, omit "false document" and insert "document which, if made by him or her, would be false".

These amendments pick up a request of the honourable member for Kew about genuine machines for making documents. They cover the criticism she made and clarify the matter.

Mrs WADE (Kew)—I thank the Attorney-General for picking up that point. My comment was not a criticism, it was supposed to be of assistance and I am glad that it has proven to be so.

The amendments were agreed to, and the clause, as amended, was adopted, as were clauses 6 to 9.

Clause 10

Mr McCUTCHEON (Attorney-General)—I move:

8. Clause 10, line 28, omit "Act," and insert "Act—(*a*)".

9. Clause 10, line 30, after or" ' insert—

'; and

(*b*) omit "defraud of " (where twice occurring); and

(*c*) omit "(as the case may be)".'.

These amendments are minor in meaning but they clarify some of the wording of the clause.

The amendments were agreed to, and the clause, as amended, was adopted, as were clauses 11 to 15.

Clause 16

Mr McCUTCHEON (Attorney-General)—I move:

10. Clause 16, page 6, after line 15 insert—

'(*m*) In Division 1 of Part IV.—

(i) omit the heading "(2) Probation Orders"; and

(ii) omit the heading "(3) Discharge and Amendment of Orders"; and

(iii) omit the heading "(4) Breach of Orders"; and

(iv) omit the heading "(5) Effect of Probation";'.

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 17 to 26.

Clause 27

Mrs WADE (Kew)—I invite the Committee to vote against this clause.

The CHAIRMAN (Mr Norris)—Order! I suggest that the honourable member also canvass new clause A.

Mrs WADE—New clause A was foreshadowed during the second-reading debate. At present a court making a community-based order can direct that the order be concurrent or additional. Apparently there is a problem in that on occasions courts fail to give direction as to whether the orders are concurrent or additional and the persons who administer the orders are then left without any guidance.

The government has chosen to propose that this be sorted out by saying that courts will impose concurrent orders unless they specify otherwise. The Attorney-General and the honourable member for Shepparton pointed out earlier that orders of imprisonment are in the same form as suggested by the Attorney-General for this provision. The instruction that, unless otherwise directed by the court or judge in pronouncing the sentence, the sentence shall be served concurrently appears to be directed at a different proposition. It is saying to the court that all sentences are to be concurrent unless the court takes the particular view that they ought not be concurrent.

I understand that with community-based orders, on the basis of existing provisions, the court has a choice between concurrent orders or an order being additional. So the intention is not the same with these orders as is the case with imprisonment.

The Opposition believes where a number of offences are being considered and a separate order is handed down in respect of each one it is probably meant that they be additional. Protection is already contained in the Penalties and Sentences Act so that

people who are given community-based orders have got protection in that section 29 (2) of the Act lists the number of attendances per week, the total period of attendances in any one week and the aggregate period of attendances. All have maximums specified and those maximums apply whether there are a series of orders that are additional. It is not possible for a court to impose a series of orders in conflict with the provisions of section 29 (2) of the Act. It seems appropriate that there be a different system for community-based orders than for sentences of imprisonment.

Mr McCUTCHEON (Attorney-General)—The government does not accept the omission of the clause. The provision covering ordinary sentences is that if the court does not give a direction the sentences are concurrent, and that is a sensible provision that is well understood. Where the court does determine that community-based orders should be cumulative, it can say so. It is up to the court to give that direction and to express its intention. It is much more consistent to have the same process operating in both cases so people have an expectation and, if the court wishes to direct in a particular way, it does so.

The clause was agreed to, as were clauses 28 to 30.

Clause 31

Mr McCUTCHEON (Attorney-General)—I move:

11. Clause 31, lines 5 to 8, omit all words and expressions on these lines and insert—"*Act* 1975, for the words commencing "Before asking you" and ending at the end of the sub-section substitute—

"Before asking you if you wish to enter a plea to this charge or to reserve your plea, it is my duty to warn you that you are not obliged to enter any plea today. If, however, you do plead guilty to this charge today or at any time before or during your trial, the court which sentences you may take into account your plea of guilty and also the stage in the proceedings at which you pleaded guilty or indicated an intention to plead guilty.

If you plead guilty today, I shall direct that you be tried at the Supreme Court (or the County Court as the case may be) at (*place*).

Whatever you say here today will be taken down in writing and may be used as evidence on your trial.

Nothing I have said alters your right to plead not guilty to this charge.

Are you guilty or not guilty of the charge?"

The amendment provides for a caution by the magistrate on the committal for trial. The magistrate can inform the person that he or she can get a discount for an early plea of guilty and make clear his or her rights in this matter. During the second-reading debate a number of speakers referred to the provision and the amendment will ensure that a person will know clearly what his or her rights are.

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 32 to 36.

Clause 37

Mrs WADE (Kew)—I move:

2. Clause 37, page 15, line 4, after "215." insert "(1)".

3. Clause 37, page 15, after line 24 insert—

"(2) Regulations made under this section may be disallowed, in whole or in part, by resolution of either House of Parliament in accordance with the requirements of section 6 (2) of the *Subordinate Legislation Act* 1962.

(3) Disallowance under sub-section (2) is deemed to be disallowance by Parliament for the purposes of the *Subordinate Legislation Act* 1962.".

The amendments were foreshadowed during the second-reading debate. It is proposed that the regulations made under clause 37 be capable of being disallowed in whole or in part by either House of Parliament. The regulations referred to are regulations that specify transport offences and those offences may be specified as being infringements for the purposes of clauses 35 to 45 of the Bill. They appear to be matters of a serious nature that should be subject to the consideration of both Houses of Parliament.

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

New clauses

Mr McCUTCHEON (Attorney-General)—I move:

12. Insert the following new clause to follow clause 10:

Taking of fingerprints

'AA. The Principal Act is amended as follows:

(*a*) In section 464 (2), after "Subdivision—" insert ' "Authorised person" means a person appointed as an authorised person under sub-section (3).';

(*b*) After section 464 (2) insert—

"(3) The Minister administering the *Police Regulation Act* 1958 may appoint by notice published in the *Government Gazette* a person or class of persons as a person or persons authorised to take fingerprints in accordance with this Subdivision.".

(*c*) In section 464K, after "take" insert "or cause to be taken by an authorised person";

(*d*) In section 464N (1), after "take" insert "or cause to be taken";

(*e*) After section 464O (10), insert—

"(1A) Subject to sub-section (10), an order made under section 464M (3) or 464N (3) may only be executed by a member of the police force or an authorised person.";

(*f*) In section 464P (1) (*a*), after "requires)" insert "or section 464Q";

(*g*) In section 464Q (1), after "fingerprints" insert "to a member of the police force or an authorised person";

(*h*) In section 464Q (2), after "fingerprints" insert "or cause them to be taken by an authorised person".'

New clause AA would allow authorised persons to take fingerprints. Under the Crimes (Fingerprinting) Act 1988 only police can take fingerprints and in discussions with police following the passing of that legislation amendments were requested to allow authorised persons; such as public servants or protective service officers, to take fingerprints on their behalf. This provision would free police for operational duty.

Mr ROSS-EDWARDS (Shepparton)—Presumably this will be done by regulation. Is it proposed to classify the types of people involved?

Mr McCUTCHEON (Attorney-General)—Yes, they will be specified and they will be authorised persons clearly defined.

The new clause was agreed to.

Mr McCUTCHEON (Attorney-General)—I move:

Insert the following new clause to follow new clause AA:

Fingerprinting of children

'BB. (1) In section 464N (1) of the Principal Act, after "young person" insert "who—

(*a*) is suspected of having committed an offence; or

(*b*) has been charged with an offence; or

(*c*) has been summonsed to answer to an information—".

(2) In section 464N (2) of the Principal Act, after "10 years" insert "who is suspected of having done or omitted to have done any act which is an offence or would have constituted an offence had the child been of the age of criminal responsibility.".'

New clause BB will make it clear that the Crimes (Fingerprinting) Act does not prohibit police from taking fingerprints from children who are not suspected of an offence. In other words, they may be victims of a crime and the legislation is not clear at this point. The new clause will clarify that position.

The new clause was agreed to.

Mr McCUTCHEON (Attorney-General)—I move:

Insert the following new clause to follow new clause BB:

Fingerprinting after conviction

'CC. In section 464Q of the Principal Act—

(*a*) in sub-section (3), for "this section" substitute "sub-section (1)"; and

(*b*) after sub-section (3) insert—

"(3A) Sub-section (1) of section 464O applies, with any necessary modifications, to the taking of fingerprints under sub-section (2).".'

New clause CC deals with the safeguards applicable to those persons fingerprinted after a conviction. The Crimes (Fingerprinting) Act provides for persons convicted of indictable offences to be fingerprinted and the records kept by police.

A distinction was made in the way those fingerprints would be taken prior to a conviction. Both the Office of Corrections and the Police Force have asked that simplified arrangements be made so that an independent person is not required to be present; offenders would be under the care of the Office of Corrections staff. The proposed amendment will also clarify the arrangements whereby post-conviction fingerprints can be taken.

The new clause was agreed to.

Mr McCUTCHEON (Attorney-General)—I move:

Insert the following clause to follow new clause CC:

Amendments consequential on *Magistrates' Court Act* 1989

'DD. The Principal Act is amended as follows:

(*a*) In section 464 (2), in paragraph (*c*) of the definition of "Suspect", for "an information" substitute "a charge";

(*b*) In section 464M (3) (*c*), for "an information" substitute "a charge";

(*c*) In section 464N (1) (*c*), for "an information" substitute "a charge";

(*d*) In section 464N (3) (*c*), for "an information" substitute "a charge".'.

This amendment is consequential on the passage of the Magistrates' Court Bill.

The new clause was agreed to.

Mr McCUTCHEON (Attorney-General)—I move:

13. Insert the following new clause to follow clause 16:

Amendment of *Crimes (Fingerprinting) Act* 1988

'EE. In section 9 of the *Crimes (Fingerprinting) Act* 1988, for "This Act" substitute "The Principal Act as amended by a section of this Act or section 11, 12, 13 or 14 of the *Crimes Legislation (Miscellaneous Amendments) Act* 1989".'.

This makes clear that the above amendments will apply to the Crimes (Fingerprinting) Act after the date of its commencement. It is intended to add all these provisions to that Act at the same time.

The new clause was agreed to.

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

The sitting was suspended at 11.54 *p.m. until* 12.25 *a.m. (Thursday).*

OCCUPATIONAL HEALTH AND SAFETY (MISCELLANEOUS 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.

OCCUPATIONAL HEALTH AND SAFETY (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.

DANGEROUS GOODS (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.

CHILDREN AND YOUNG PERSONS BILL

The debate (adjourned from December 8, 1988) on the motion of Mr Spyker (Minister for Community Services) for the second reading of this Bill was resumed.

Mr HAYWARD (Prahran)—This is an important Bill which has been in preparation for a number of years. The Bill had its genesis in the Carney report on child welfare practices and legislation in Victoria, which reported on those issues in 1984.

It is extraordinary that the House is debating such a major Bill, a Bill over which people have laboured for many years, at 12.30 in the morning. That reflects poorly on the way Parliament organises itself and shows a lack of appreciation of and respect for the many people who have worked so hard on the preparation of the Bill. Honourable members cannot pay proper attention to such an important Bill at this hour of the morning—especially when so few honourable members are in the House to listen to the debate.

The passage of the Bill is to some degree dependent on provisions contained in both the Magistrates' Court Bill and the Magistrates' Court (Consequential Amendments) Bill. The Minister gave an undertaking that this Bill would not be dealt with until after those two Bills were dealt with. As I understand it, the two Bills are the subject of negotiation between the government and the Opposition; those negotiations have been continuing for seven or eight weeks, as the honourable member for Shepparton says by interjection and, I am informed, will take some time to complete.

To accommodate the government, the Opposition agreed to proceed with the Children and Young Persons Bill on the understanding that the two Magistrates Court

Bills would be debated in the other place before this Bill. I am sure members of the Opposition in the other place will ensure that they do not deal with this Bill until they have dealt with the Magistrates' Court Bill.

The Bill essentially relates to the protection of children. Some of its major components are: the establishment of a specialist Children's Court; the establishment of administrative arrangements for the protection of children; and the establishment of provisions relating to children and the criminal law. It is an important Bill, but honourable members should not kid themselves that they are solving the fundamental problems by passing legislation.

I was impressed by an article in the *Legal Service Bulletin* I recently read, written by Cheryl Simpson and Brian Simpson, who teach legal studies at La Trobe University. The article states:

> The Bill merely tampers with the dispositions with the net effect that in the future we will find it more difficult to ascertain exactly who is under the control of the system and where they are located.

The article further states:

> The Bill may be another way for the State to avoid confronting the causes of the behaviour which leads young people into situations where they are deemed to be in need of protection or to commit crimes. Those causes are often related to the lack of housing and income support for young people and at times a basic desire to live independently and not within a traditional family. To tackle the needs of young people effectively more emphasis must be placed on the social inequalities which prevent them from becoming independent and self-supporting members of society and less time spent dealing with the individual pathology of young people. All this requires a commitment of State resources rather than the hiding away of young people.

The point made in the article is that we should pay more attention to the fundamental problems that often lead to cases being dealt with in the Children's Court.

We, as honourable members, must be cautious in thinking that we are solving fundamental problems by passing the Bill. Rarely does the passing of legislation solve problems of this nature. We must get back to the fundamental causes and the question of fundamental attitudes.

The Bill specifically makes the Minister for Community Services and Community Services Victoria responsible for the care of children in need of protection. That makes me extremely uneasy, and I shall explain why. The basis of western cultural civilisation dating back to its beginnings in the Greek civilisation and later taken up by Christianity—is caring for people as individuals. That is a fundamental, basic requirement of our civilisation. Unfortunately, a deep malaise permeates Community Services Victoria; it has lost the capacity to care for people as individuals. It has forgotten its reason for existing.

It is a disturbing experience to speak with people working for Community Services Victoria. I make it clear that most of the people working in the field are dedicated people trying extremely hard against enormous odds. However, when I speak with officials of the department, I find it difficult to bring them back to the purpose of their existence. The people they are supposed to be looking after are a distant thought in their minds. They seem to be more interested in their own theories and their bureaucratic approaches to problems. The officials of the department are interested in management structures and so on. They have moved away from the concept of basic case management, and that problem permeates almost every aspect of the department's operations, whether it be in the child protection area or in the provision of intellectual disability services.

It is extremely unfortunate for the clients of Community Services Victoria that in October last year the Premier decided to appoint the honourable member for Mentone

as the Minister in this sensitive area. In no way do I make disparaging remarks against the Minister as a person because people who do that are usually in a weak position and are trying to divert attention away from the fundamental problems.

The Minister for Community Services has built his reputation on the superficialities of politics. He is often thought of as the consumer's friend. The Premier thought that the consumer's friend could deal with the human problems involved in Community Services Victoria and, more importantly, could get under control a bureaucracy that had got out of control. Sadly, the Premier was mistaken.

The SPEAKER—Order! I suggest that the honourable member for Prahran should refer to the Bill rather than the allocation of portfolios by the Premier.

Mr HAYWARD—I shall certainly do that, but I am making the point that the Bill is essentially about the protection of children. I get back to the point I made at the beginning of my remarks, that the Bill is concerned with administrative arrangements for the protection of children.

What is the point of this Bill, which gives power to Community Services Victoria and the Minister, unless there is a capacity to implement that power? There is immense danger in believing the Bill will solve the problems because it will not if resources are not provided and if the capacity to deal with these matters is not available. The department is out of control and the bureaucrats have control of the Minister.

Not only has the Minister lost control of his department but also he has taken to covering up its mistakes. More dangerous than that, however, is the fact that the Minister is refusing to accept accountability. The Westminster system is based on accountability. Until people can be held to account, they will never listen and take action. As Community Services Victoria staggers from disaster to disaster and as more and more helpless people are harmed, the Minister refuses to accept responsibility and there is no accountability.

The Minister blames everyone else; he blames public servants and the victims themselves, but no-one is held accountable. Without accountability we will never correct the excesses because the Minister and his bureaucrats will think they can get away with it and will continue on this disastrous course.

It is important not only to speak in general terms but also to refer to specific examples. These matters can best be illustrated by examples, the most notorious of which was the appointment by Community Services Victoria as a child protection officer of a man wanted for sex offences in the United States of America. I refer to Mr Pierson, alias Dickson. That man was appointed by Community Services Victoria not once but twice. In addition, he was offered a third job within the department.

Mr Pierson, alias Dickson, was first appointed to a position at the Baltara Reception Centre for small boys between the ages of ten and fourteen years. I have spoken with people who worked with this man at Baltara and they told me that he had direct contact with small boys.

He was then appointed as acting senior child protection officer in CSV western region. The nature of his job meant that he had direct contact with small children. The sad thing is that not only did CSV appoint him to that job but also it gave him identification and authority to gain entry into children's homes and even to the Royal Children's Hospital.

This man was also about to be offered a child protection position by CSV in Geelong. This was despite the fact that the department had previously been informed by the St John's Home for Boys and Girls that the man's references and qualifications were fraudulent. If it were not for an observant policeman that man would still be

doing untold damage to small children. We have since had the dreadful revelation that the man has an AIDS-linked virus. This adds to the disastrous implications for the children involved. A department which is charged with the duty of protecting children had in fact exposed these children to terrible risks.

There is no other group of people whom the Victorian government owes a higher duty of care than to the small children who have been placed in its care. The precautions and checks that must be taken before appointing a person as a child protection officer must be stringent. The appointment of this man, despite the warning from the St John's Home for Boys and Girls, is inexcusable.

When this man was at Baltara it was considered that his attitude towards children was unsatisfactory. The department placed that man, who was wanted for sexual offences, in a position where he could exploit small vulnerable children who were likely to be so desperate for warmth and comfort that they might be taken in by his advances.

A scandalous part of the situation was the cover-up attempted by the Minister of the whole disgraceful episode. The Minister repeatedly said that this man occupied a managerial position and had no direct contact with small children. The Minister must have known that the man had direct contact with small children as part of his work at Baltara and in the western region. Alternatively, the Minister must be ignorant about his department's operation. The Minister must have known that following the man's appointment as a child protection officer in the western region he would have had direct contact with small children. Allegations had been made that he had sexually interfered with small children. The Minister must have known about that when I raised in this House the fact that the Victoria Police Force was in touch with CSV in connection with these allegations. If the Minister did not know, the department must have failed to inform the Minister adequately—which shows how far the department is out of touch. Yet the Minister continued to cover-up this matter for weeks.

Mr Justice Fogarty in his interim report on child protection in Victoria directed attention to the appalling state of child protection services in Victoria, which he judged were the worst in Australia. His report shows that the problems extend from the director-general down. The department has no clear values or goals, no notion of serving or caring for people as individuals, and bureaucratic procedures reign supreme.

Every aspect of the child protection services is a disgrace. Last year it refused approximately 50 per cent its priority-one child notifications. The Minister said that improvements had been made since that time but that is not the impression that I gained when I spoke to the people in the field. Neither the Minister nor his department have been able to give an undertaking that case load controls will not operate in various regions.

There has been creative accounting of statistics, particularly with the system of reporting and classification which has been changed in such a way as to hide the situation and prevent comparisons with the previous year. There is no need to argue about statistics. It is clear the department is not accepting every notification. If the department refuses to accept one child abuse notification that is one too many.

The department continues to leave many children on court supervision orders unsupervised or inadequately supervised. Mr Justice Fogarty states that one in every four of these children will never be visited by a social worker. Honourable members should be under no misunderstanding about the needs of these children. They have been judged by the courts to be in need of care and help. In other words, the court has assessed that these children are in need of care and help and they have placed them under court supervision orders to be supported and supervised by CSV social workers.

In December last year, 338 of these children were unsupervised by CSV. The Children's Court has informed me that often children go through the whole period of a supervision order without seeing a social worker. They have been left entirely unsupervised despite a court order.

The Minister has said that improvements have been made since last December but, if one of these children has been left unsupervised or inadequately supervised, that is one too many. It is unacceptable. The seriousness of the situation can be illustrated through a specific case of the death of a two-year-old boy about whom an inquest was held last week.

An article in the *Sun* on 20 May which illustrated the background of this tragic case was entitled "Child killer jailed but system goes free". The article reports the tragic circumstances in which the child was inadequately supervised. The child was allowed to return to a dangerous situation despite the warnings of the Royal Children's Hospital and, as a result, the child was killed.

The child was placed under a supervision order by CSV. Despite the warnings from the Royal Children's Hospital that the child would be at extreme risk if he returned home, that is exactly what CSV allowed to happen. The child was bashed by his mother's de facto and and he died after an extreme bashing that amounted almost to torture.

Under the Freedom of Information Act, I obtained a report of the CSV investigation into the tragic death. Some aspects of that report make disturbing reading. The report indicates there was no adequate psychosocial assessment and it showed that the risk factors for the child were underestimated; that there was no proper conference or case plan in place; and because of other pressures the social worker handling the case saw the family irregularly, sometimes at an interval of six weeks. Only two months before the child died the social worker was assigned to another position for a four-week period and there was a lack of continuity in the supervision.

It is important to examine the coroner's recommendations following the inquest. The coroner's recommendations stated:

> This case is a graphic and tragic reminder to everyone responsible for the care of young children, by definition vulnerable and defenceless, to heed any outward manifestations of physical abuse, to seek, accept and utilise the help and support of community agencies and to ensure that a child is protected from the source or suspected source of such abuse.

The report continues:

> So far as the Community Services Victoria handling of the case is concerned I identify the following shortcomings:
>
> > There was at the relevant time . . . no formal procedures or guidelines for a case conference to be called immediately following a Children's Court supervision order. A case conference would have enabled interested parties to meet, identify pertinent issues, assess the urgency of the case, assess the proper level of intensity of involvement with the family and to plan management of the case generally. Moreover a case conference would have ensured early and intelligent liaison between Community Services Victoria and the Royal Children's Hospital staff. No case conference was held.

These are the words of the coroner's report. The report goes on to say in part:

> No adequate liaison was initiated by Community Services Victoria with the Royal Children's Hospital. . .
>
> No case conference was held after the supervising officer became aware of the three incidents of bruising as reported by (the doctor at the Royal Children's Hospital) . . .
>
> The level of Community Services Victoria involvement with the family could not be said to have been intense. . .

Following the advice on 31 March 1987 that David had been seen with bruising at the hospital on three occasions, it was not until 23 April 1987 that the supervising officer made a home visit to discuss the issue with Miss Baxter.

In other words, the advice was received on 31 March that the child had been badly bashed, and no contact was made by the CSV supervising officer until 23 April. The report also states in regard to the supervisor:

She was during a 4–6 week period in about April–May 1987 acting as a programmatic supervisor of family group homes and transitional care units.

In other words, the social worker supervising the family was taken off her normal duties. The report states:

Her normal caseload, including this case, was barely pursued. . .

This was at a time when this child was being bashed by the de facto husband of the mother. Mr Speaker, if you had been at that Coroner's Court you would have been extremely upset by the evidence presented. The child's mother gave evidence of how she physically lay on the child to try to protect him from the bashings by the de facto husband, whice were so intense that an impression of his fist was left on the child's body. Finally, she said that she staggered down to the Royal Children's Hospital with the child in her arms and the child gasped "Mummy" and died.

This is the case where the child was left with no visit from the CSV social worker after a report that the child had been badly bashed. There was no visit from the social worker from 31 March to 23 April, and then that social worker was taken off the case and was put on to other work for a four to six-week period at a very critical time. As the report says:

Her normal caseload, including this case, was barely pursued. . .

The interesting point about the inquest was that the government had a bevy of lawyers at the Coroner's Court. The government spent a great deal of money on legal fees. One of the lawyers acting for the department said that the supervision by Community Services Victoria was "not brilliant". That is an understatement! The real thing that worried me about that inquest was that these highly-paid lawyers were all down there protecting Community Services Victoria, the Minister, the officials and the bureaucrats. But who was there to look after the interests of the child who died? More importantly, who was there to look after the interests of the children who will die in the future? That is what it is all about.

This Minister has been abusing me because I have taken up these matters and he has been saying that the coroner held that Community Services Victoria was not to blame. Certainly, the coroner did not hold any specific person or agency exclusively to blame, but the coroner also spelt out those shortcomings.

Mr Spyker interjected.

Mr HAYWARD—She spells it all out in her report.

Mr Spyker interjected.

Mr HAYWARD—The coroner has set it all out here in her report.

Mr Spyker—The coroner said you are a liar!

Mr HAYWARD—Mr Speaker, I take exception to that because that is not the case. She did not.

The SPEAKER—Order! The Minister used an unparliamentary expression and I ask him to withdraw it.

Mr SPYKER (Minister for Community Services)—I withdraw the expression, Mr Speaker.

Mr HAYWARD (Prahran)—The point I am trying to make is that no matter what the Minister says, the facts are here. They are in the department's own report, and they are in the coroner's report. The situation can be simply stated: the child had been placed by the court—and let us be very clear about this—on a supervision order. Why was he placed under a supervision order? Because the court held that this child was in need of protection and support. That is the very simple reason. He was placed on a supervision order not for any slight reason but for a very important reason.

Therefore, the child was under the supervision of the department and, while this child was under the supervision of the department he was being bashed by the de facto husband. After the Children's Court had pointed out that the child had been bashed, the department left this child unsupervised from 31 March until 23 April, and the child continued to be bashed. The department then assigned the social worker to other duties for a four to six-week period. As the coroner says—and they are not my words:

> Her normal caseload, including this case, was barely pursued . . .

And then the child was bashed to death. Can anybody feel in any way comfortable with that situation?

Opposition Members—No!

Mr HAYWARD—I do not think so. I do not think the Minister can feel comfortable about that situation. I am quoting this example for a very simple reason: it is an example of a high-risk case which was inadequately supervised. As I said earlier, in December there were 338 children who had been placed on a supervision order by the court. Why were they placed on a supervision order? Because the court considered they were in need of support and protection. In December there were 338 children who were not being supervised, who had not been allocated to a social worker.

The Minister produced graphs and statistics before the Estimates Committee to show that things are better and that fewer children are unsupervised. The very simple point that I make is that if one child is left unsupervised, that is one child too many. We saw what happened to David Baxter when he was unsupervised. The coroner said that no one individual or agency was exclusively responsible for that situation. That is fine; that is what the coroner said. But the coroner also directed attention to the inadequacies of Community Services Victoria.

I am reliably informed that there continue to be other high-risk cases that are either not supervised or are inadequately supervised. There is an ongoing risk that children who are supposed to be supervised by Community Services Victoria will continue to be abused while they are on supervision orders because of lack of supervision or inadequate supervision.

I repeat: it is unacceptable even if one child on a court supervision order is left unsupervised or is inadequately supervised. Therefore, no matter how many statistics the Minister quotes about how the figure being lower now than it was in December—I do not want to argue with him about statistics—that is not the point. I say again: the point is that if one child is left unallocated to a social worker that is one child too many.

As well as children on court supervision orders, many hundreds of wards of the State are left unsupervised. It is clear from the Minister's public statements that he does not understand why children are made wards of the State. Children are made wards of the State because they have been abused or neglected. Because of this, they desperately need support and supervision.

When bureaucrats speak of unallocated wards of the State—as they did when appearing before the Estimates Committee when they said, "There are fewer wards of the State unallocated now than before"—that is simply their language for saying that nobody is caring for these children. The bureaucrats have simply unloaded them and sometimes they even send these children home to be reabused. There is a lot of data about that. I repeat that if one child who is a ward of the State remains unallocated, that is one child too many.

An important aspect of child protection is foster care, which is covered in this Bill by a number of clauses but specifically clauses 57 and 58. I have had extensive discussions with foster care parents and groups in recent weeks and they are appalled by Community Services Victoria's lack of interest and support for foster care. This is vividly shown by the fact that the Minister has refused to give financial support to the Foster Care Association. I shall explain why that is a clear example of the department's attitude.

The association gives invaluable support to individual foster care groups and parents. It is a liaisoning, coordinating and key body and it is desperately seeking a grant of $25 000 from CSV to keep going. The Minister has refused to give that assistance to the Foster Care Association although he has given a grant of $21 950 to the Prostitutes Collective. It is easy to see where his priorities lie. I am not saying anything against the Prostitutes Collective but I wonder why the Minister would not give money to the Foster Care Association when it is there to help foster parents and foster groups but he will give it to another organisation.

The Minister must get his priorities right. If he has only one amount of money that he can give he should give it to the Foster Care Association in preference to the Prostitutes Collective. Once again the needs of adults—in this case prostitutes—are recognised before the needs of children. The needs of adults, even those who break the law, are recognised before the needs of children who are the victims of the lawbreakers. Many children will sleep in institutions tonight for want of foster homes. Foster parents provide an extremely valuable service, not only to the children for whom they care but also for the community as a whole.

Foster care payments do not meet the financial outlays that foster parents must make for the children they foster. It is essential that the government increases in the next Budget the payments to foster parents because it is unreasonable to expect foster parents who are doing an important service not only for foster children but also for the community as a whole to bear this heavy expense without additional assistance.

This is especially so when the foster care arrangements are first entered into. There are high initial expenses. The initial clothing allowance of approximately $150 is totally inadequate. It is essential that for the first two weeks of foster care the foster parent payments be twice the regular payments.

Foster parents incur many additional expenses that are not reimbursed by CSV. I give an example because it is important to consider specifics rather than generalities. I recently met a foster mother who regularly drives long distances about once a week so that the birth mother of the child, who is in prison, can have regular access to the child. The foster mother is in very moderate circumstances and it would assist her if CSV reimbursed her for the petrol expenses. However, CSV has consistently refused to do so. That is a clear situation where more assistance should be given to foster parents to meet the needs of the foster child and, in many cases, the needs of the birth parents.

As a foster child grows older, additional payments are necessary to allow the foster parents to provide benefits to help the child build self-esteem and to fully participate

in school life, such as school camps, extra tuition and so on. In my discussions with foster parents I have been told that it is difficult to meet those extra expenses. A system to reimburse some of these expenses is in existence but it is at the discretion of regional officers, who tend to reimburse foster parents or not reimburse them in quite a capricious manner. It is essential that proper guidelines be provided for the reimbursement of these expenses, which place an added strain on the already tight budgets of foster parents.

Because of inadequate support given by the government to foster parents, it is sometimes difficult to find sufficient foster parents and children remain in institutions for months and even years. A considerable number of wards who are not offenders are left for long periods with young offenders at Turana and other training centres. If the department is unable to place a ward of the State in foster care and other facilities are unavailable, the child is often put in an institution with offenders and that has harmful effects.

The Bill sets out various ways in which children can be placed in the care of the State. Commissioner Burdekin, as a member of the Human Rights and Equal Opportunity Commission, in its recent report *Our Homeless Children* said that being placed in the care of the State is the beginning of homelessness for many children. It was said at page 109:

> Indeed, coming into care, or attempting to have a child committed to care, provides a clear path to homelessness.

It is especially distressing to read from page 110 of the report:

> In Victoria the inquiry received evidence of a recent dramatic increase in the proportion of young people presenting at one service who were, or had been, clients of the Department of Community Services.

The report reveals that for that service this proportion had increased from 29·2 per cent in 1983–84 to 48·5 per cent in January 1988. This is consistent with my own inquiries among community groups trying to help homeless young people. The community groups say that about half of those seeking help are wards of the State.

I have visited the groups in the evenings when young people are coming in to seek shelter. I am told by the groups that it is clear from talking to young people that approximately half of them are wards of the State and many more young people should be in the care of the State.

What happens when a child is made a ward of the State? The State, in effect, takes over the responsibilities of the parents of the child. In other words, the State has the responsibility of ensuring that that child has proper support, proper care and proper accommodation. It is a shocking indictment of our system that many of these young people who are allegedly in the State's care are now literally homeless. Those are not my words, they are the words of Commissioner Burdekin, a respected person who spent an enormous amount of time inquiring into the situation.

At page 117, the report states:

> In view of the inquiry it is simply unacceptable that this situation should continue. Steps must be taken to ensure that the substantial and growing numbers of homeless children who are or have been State wards be given the "care" to which they are legally entitled.

We shall discuss the specific provisions of the Bill during the Committee stage. However, the point I have been attempting to make this evening is that there is little point in introducing a Bill concerning the protection of children when Community Services Victoria is out of control and is constantly failing in its responsibilities; it even places sex offenders in positions where they can sexually exploit the children whom the department is supposed to be protecting.

The Minister for Community Services is clearly unable to control the department. I am not making any disparaging remarks about the Minister as a person. The Minister and members of his department spend most of their time and energy in trying to cover up each new problem as it occurs.

I emphasise that the department has a very heavy responsibility. There is no group of people to whom the Victorian government owes a higher level of care than the children who have been placed in its care. However, the department is out of control and the Minister does not seem to have the capacity to get on top of the bureaucrats in that large and very important department.

The Minister seems to be preoccupied with the superficialities of the situation rather than getting down to the fundamentals. He spends much time attempting to divert the fundamental problems in his department by indulging in pesonal attacks. Personal attacks are always an indication that a person is in a weak position, and that the person is trying to divert attention.

The situation in the department is now so bad that there must be a proper inquiry into Community Services Victoria. The department is not capable of reforming itself. The question is: how many more disasters will there be before the government decides that the CSV ship is on the wrong course, that the design is faulty and that the captain does not know port from starboard? I am worried about where the whole area of child protection is going. I am worried about the capacity of CSV to deal with child protection. I am worried that things will go from bad to worse. Sadly, the stage will be reached where something drastic must be done, and some new type of approach must be adopted.

This is a very critical matter for Victoria and for the children involved. The matter needs urgent attention. I look forward to taking up many specific aspects in the Bill during the Committee stage.

Mr STEGGALL (Swan Hill)—I congratulate the honourable member for Prahran on his contribution to the debate. He has laid out very effectively before the House the reasons why legislation is required to protect children and young persons. He pointed out many of the areas where the government needs to understand the shortcomings of the system now in operation.

When one examines the downside of the children's welfare situation to which the honourable member for Prahran has referred, one realises the difficult situation that now exists. One could quietly wonder why the situation about which he spoke so well actually exists. What on earth is going wrong with society when a series of events like that could be taking place on a daily basis? Admittedly, the honourable member has used some examples of very bad cases; there are other moderate instances.

The government and the Minister must be aware, as the people of Victoria are slowly becoming aware, that Community Services Victoria cannot handle the situation. The Minister understands that and it is an embarrassment for him because somehow the management and direction of the department do not seem to be what they should be.

Recently I was saddened to realise the enormous mess surrounding adoption in Victoria. The situation in the department has let down the Parliamentary intentions and those of most people in the adoption field because CSV officers have made a complete and utter mess in that area.

The Children and Young Persons Bill establishes the Children's Court of Victoria jurisdiction and establishes the procedures and rules under which the problems of young children will be handled in the future. The set of rules to be used to try to

overcome the problems was so graphically outlined by the honourable member for Prahran. I wonder how well the implementation of the provisions will be resourced.

I am aware that the government recently put more funds into that area, and I wonder whether CSV will have the answer to the enormous range of problems. I wonder whether the government, with its ideology about the strength of this State, is not using the voluntary agencies in our community to their full extent; it could probably have included them in consultations prior to the preparation of the Bill.

The Bill is necessary because of the change in society's standards in the past six or seven years. People have been critical in many ways, but surely the Bill and the reasons for its presentation should make people realise that changes in our society have not always been in the best interests of our children and our families and related to the way society is now structured.

The Minister for Community Services appeared before the Parliamentary Estimates Committee and referred to the problems facing his department. He stated:

> The major challenge for Community Services Victoria is to respond effectively and efficiently to increasing levels of need and demand for community services as a result of the changing social economic and demographic environment. These include such things as the increasing level of homelessness, and unemployment with the pressures put on those families and individuals, particularly young people; also, the increasing number of children of low-income sole breadwinner families living in poverty and the increasing number of older people with increasing levels of frailty and dependence; also, the increasing number of disabled people living longer with their families, and the increasing levels of work force participation by women, resulting in a greater demand for child care services.

I do not criticise the statement made by the Minister for Community Services, because it is true. People in a modern society require more and more resources from government or assistance agencies. Perhaps the reasons for that are related to the social values applied by the government. The government espouses issues such as equal opportunity and some of the feminist philosophies. Perhaps the problems, as illustrated in the proposed legislation, reveal that society is not doing very well in heading in that direction.

The government is entering an area that historically has not been the domain of government. Child protection has been the domain of church-based organisations and voluntary groups. The number of voluntary groups in society has diminished, and the number of single parent families and families with both spouses working has greatly increased. Voluntary groups have a narrower base from which to attract volunteers.

During the late 1970s the Child Protection Society, a non-government organisation, was funded by government and had the aim of protecting children from all forms of abuse and neglect. The society established a regulated protective service and set standards of good practice in its child protection role. The Victoria Police has always played an historic role in child protection, particularly through the activities of the women's police. In 1984 a major review of child welfare practice and regulation was commissioned and carried out by Dr Terry Carney. This report, known as the Carney report, suggested major reforms in child welfare. One of its recommendations was that the government take responsibility for providing a Statewide, welfare-based child protection service. This is the proposed legislation that flows from that.

The proposed legislation divides the Children's Court into two divisions, a Family Division and a Criminal Division. The Family Division will deal with accommodation orders covering the child protection services that the Carney report, Community Services Victoria and other agencies have decided are required. It is good that a court is able to police and then carry out the things that are needed for the protection of children. The Criminal Division of the Children's Court has a range of subject areas

that will help police, the children concerned and others to overcome the problems that occur.

The honourable member for Prahran made an excellent contribution to the debate. The proposed legislation sets out the legislative framework, which is adequate, but time will prove whether the provisions will establish the framework so that children are adequately cared for.

Clause 63 sets out the revised grounds under which a protection application can be made in respect of a child who is in need of protection. Division 2 of Part 3, protection of children, states:

When is a child in need of protection?

The proposed legislation creates the position of protective intervener and gives those persons the power to enter a home and take a child away from that home. Those persons will have to make the judgment. They will have a tremendous power, and a very dangerous power. The interests of the children are paramount. Clause 63 attempts to set out the position. It asks, "When is a child in need of protection?" and states:

For the purposes of this Act a child is in need of protection . . .

(*a*) the child has been abandoned by his or her parents and after reasonable inquiries—

(i) the parents cannot be found; and

(ii) no other suitable person can be found . . .

(*b*) the child's parents are dead or incapacitated and there is no other suitable person willing or able to care for the child.

I take that to mean the extended family, relations of the child, who would be the first people approached to look after the needs of the child. The clause continues:

(*c*) the child has suffered, or is likely to suffer, significant harm as a result of physical injury . . .

Honourable members can give examples of severe harm where children have suffered from physical and sexual abuse. Ultimately, it means that the protective intervener or social worker must make a judgment on whether the child has suffered or is likely to suffer significant harm as a result of physical injury and the child's parents have not protected, or are unlikely to protect, the child from harm:

(*d*) the child has suffered, or is likely to suffer, significant harm as a result of sexual abuse and the child's parents have not protected, or are unlikely to protect the child from harm of that type;

(*e*) the child has suffered, or is likely to suffer, emotional or psychological harm of such a kind that the child's emotional or intellectual development is, or is likely to be, significantly damaged . . .

The last subclause deals with the child's physical development or health where the child's parents have not provided, arranged or allowed for effective medical, surgical or other remedial care. The test of harm will be difficult. It is clear that the difficulties Community Services Victoria has recently had regarding the adoption laws will transfer to this sensitive area. This is a more sensitive area than adoption. An intervener may go into a person's home and take a child away from that home if he or she believes a dangerous situation exists for that child.

I assume that the Minister will produce some practice guidelines. Without the guidelines the test of harm in all those areas—physical, sexual, psychological and health—will be difficult to assess. I trust that the guidelines will provide the option of family-based procedures, because the use of the family is a far better way of providing protection than institutional or foster care.

I also point out to the Minister that the options are basically of taking the child away and placing it elsewhere. A lot of families who are in strife need help as family units. We must steer some of our resources into supporting families. It is something

we have not done; our society does not do it through tax laws or the welfare system. We must take a positive step by encouraging families in financial, legal and other ways. We must turn the society around.

From time to time, honourable members on this side of the House mention such needs and we are ridiculed. It is true that the family structure seems to have changed dramatically over the past ten years or so. I suggest that the strong family is by far the best protection that children can be given. It is worth using resources to try to ensure that families are protected in the first instance.

The proposed legislation contains the dual track approach, that is, Community Services Victoria and the Police Force, as protective interveners. In the country, Community Services Victoria officers finish work at 5 p.m. every night and do not work on Saturdays or Sundays. As I am a rather prominent member of the community, when things go wrong at weekends people tend to contact me as their local member. I am pleased that the government is not intending to pursue a single track policy. I know that the government is considering the principle and has indicated it will move towards the single track policy of using only Community Services Victoria and that recourse to the Police Force will be phased out slowly. That might be appropriate in Melbourne and other metropolitan areas. With the extra people the government has employed it may be able to provide a 24-hour service in Bendigo, Ballarat and Geelong, but it will not be able to provide that service in country areas. The government is seeking to provide services—I hope they will not be needed—which can be provided only through liaison with the Police Force.

The Bill creates a few areas of increased costs in its structures. The funding for the proposed legislation will be important, not just to pay people and have the numbers on the ground, but to ensure that the quality of the service is high because that quality is more important than the number of people employed. I hope the same thing does not happen with the Bill as happened with the legislation relating to adoption. A good piece of legislation was passed and it took five years for the government to fund it. Even then, it was not funded properly; there is still a shortage of professionals in many areas of adoption.

I hope the Bill is reasonable in its provisions and that those provisions will not wither on the vine because the required post-court and backup support is not available, as the honourable member for Prahran said. The increases in staff which the Minister has effected over the past few months have not overcome the shortage of post-court assistance.

The legal costs are of interest, too. Clause 21 sets out a range of proceedings in which a child is required to be legally represented. There is no option in the clause but to have legal representation. Will the Minister in his summing up—which I hope will take place tomorrow—indicate whether the legal costs which will be incurred because of the provisions of the Bill will be met through the Legal Aid Office or through a departmental vote?

Recently the Minister appeared before the Estimates Committee. We are lucky to have a transcript of that hearing. It indicates that there has been a substantial increase in child protection services and that the occupancy rate of the positions created by the funds going to Community Services Victoria has been filled by and large. The numbers are there, although I am not sure that the quality is as high as it might be. Perhaps as time goes on that matter can be addressed. The situation is not satisfactory because a number of priority one cases cannot be handled.

Another area of concern which can be read about in the transcript of the hearing of the Estimates Committee relates to the number of reports made and how many cases

are not followed through. I am concerned about this matter because the protective intervener is given enormous powers to intervene in a family situation when Community Services Victoria has been notified of a suspected abuse or neglect case, yet most of those cases have not been followed through. I notice that 60 per cent of the cases have been handled through consultation and counselling, which is very good.

I shall not go through the figures in the transcript of the hearing at this hour of night. I simply indicate that they leave a lot to be desired. They indicate that 7 per cent of the cases notified are not even contacted. One must wonder just how good the system is and what practices will be followed in the future.

I suggest that the Minister consider making more use of voluntary agencies which operate in this field, rather than pursuing the course of State control over the entire area. There are many voluntary agencies, as I am sure the Minister is aware. Community Services Victoria has a close working relationship with the Children's Welfare Association and those who work in it.

The Bill does not provide for the use of voluntary agencies as agents of the government, as was provided in the legislation relating to adoption. The government had to be dragged unwillingly into accepting voluntary agencies as agents of the government. I imagine they will be used as a resource but not as an agent. It will be a servant-master situation and not one where an agent can conduct activities on behalf of another.

The Bill throws up a whole range of moral questions which the House cannot address this morning, but I shall summarise some issues from the Children's Welfare Association of Victoria which issued a position statement on child protection services in May 1988. One section of the position paper probably best summarises my approach to the Bill. Again I stipulate that I do not see the State as being a parent. I do not believe the State has a role as a parent as many people do. Many people working in the child-care field believe the State has a responsibility literally to be the parent of children. My view is that the State has responsibility to seek relief and have children placed in care, not to be a parent. Under the heading "Children and parents' rights and responsibilities"—and the honourable member for Prahran referred to responsibilities that go with parenthood and family life, which are an important part of this whole approach—the document states:

(*a*) Families have a right and a responsibility to care for and raise their own child(ren) and the most desired option for children is to be cared for adequately by their own family.

(*b*) Children should reside with their own family except when there is a clear case of abuse, neglect or exploitation from which they should be protected.

(*c*) Parents/guardians have the right and responsibility to continue to have custody of their children unless it has been clearly demonstrated that this is not in the interests of the children's health and welfare.

(*d*) In situations of alleged child abuse and neglect, all family members concerned and particularly the children have the right to seek or obtain legal counsel and a timely disposition of their case.

(*e*) All family members have the right to privacy, but this right is secondary to the right of children to be adequately cared for and protected. The care and protection of children is of paramount concern.

(*f*) The diversity of families in relation to values, cultural mores and economic status should be respected.

The Bill covers those issues so long as the people involved in the field are able to deliver the service. Although the Bill contains some good aspects, it also has a few bad aspects.

The Bill provides the State with powers and responsibilities with respect to children that rightfully belong to the family. The Bill denies to the accused a fundamental and

historical common-law right: the right to face one's accuser. The Bill provides for an intervener to be notified and to examine aspects of a child's care. An intervener can go into the family home, check on or remove the child from the home, and the family has no right to defend itself against claims made by the person who notified the intervener. The Bill paves the way for unfounded or malicious allegations to be made. Those of us in public life know what that means.

The Bill provides for the removal of children from the family home without a warrant. In other words, the "offending" party is guilty without any proof, which is the reversal of a fundamental tenet of our justice system. The Bill also introduces the concept of irreconcilable difference whereby the child may divorce its parents on its own initiative.

The Bill can be dangerous if people practising in the field do not take proper responsibility for their actions. If the practice guidelines run astray or are not adhered to, there are enormous dangers with the proposed legislation.

For those reasons I do not particularly like the Bill but I also do not like the matters referred to today by the honorable member for Prahran, especially issues involving extreme violence and the desperate plight and problems of some children living in our society. It is a sad state of affairs when families are faced with these problems. The safest place in our whole life should be with our family, but for many people it is the most dangerous. It is a place where more harm occurs to individuals than in any other area.

I shall refer the House to another quotation which was on the back of my church newsletter at Swan Hill. It is called "A Family" and states:

A family is a PLACE
to cry
and laugh
and vent frustrations
to ask for help
and tease
and yell
to be touched and hugged
and smiled at.
A family is PEOPLE
who care when you are sad
who love you no matter what
who share your triumphs
who don't expect you to be perfect
just growing with honesty in your own direction.
A family is a CIRCLE
where we learn to like ourselves
where we learn to make good decisions
where we learn to think before we do
where we learn integrity and table manners and respect for other people
where we are special
where we share ideas
where we listen and are listened to

where we learn the rule of life
to prepare ourselves for the world.
The world is a PLACE
where anything can happen
If we grow up in a loving family
we are ready for the world.

It would be wonderful if all Australian families were like that. Of course, many are; the majority of families, no matter what their structure in today's society, are along those lines. Unfortunately, there are more and more—and I see the Minister for Community Services nodding his head—that do not fit into that category. We, as legislators must examine closely what is causing the breakdown of the family.

Mr Leigh—Socialism!

Mr STEGGALL—They are your words, my friend, and you will get no argument from me. Society must examine its attitude to the family and to its fellow man. The proposed legislation, hopefully, will assist those people who require assistance and will protect individuals from their families. This is a shocking measure for what it attempts to do, but it is needed.

The Bill has been introduced and, with the support of the National Party, it will be passed. The National Party has some doubts about some provisions but has no doubts about the need for its introduction. I hope that workers employed in this field will continue to be professional in the way they carry out their duties and in the practices endorsed by Community Services Victoria so that the Bill will be successful and will provide relief to the many areas referred to today by the honourable member for Prahran. Unfortunately, society needs this Bill.

Mr COOPER (Mornington)—If one looks at the list on the Notice Paper of Bills that have come into this Parliament, one sees a list of very important Bills. Although many are important and will have ramifications for a wide section of the Victorian community, no Bill is more important than the Children and Young Persons Bill. It is a Bill that deals with the future of this State; indeed, the future of this country. That is why it is so important, and I regret that the debate has been brought on at this time of the morning when there are not more honourable members in the House to listen to and participate in the debate.

I am concerned about children and young people and the growing problem of child abuse. Child abuse is on the increase; it is a matter that should be addressed with a great deal of care by Parliament. Whatever is done with regard to the Bill and whatever is put in place, honourable members must be absolutely certain that the problem being addressed is tackled in a proper manner by the government and the community in this State.

The Australian Institute of Criminology defines child abuse as:

> . . . an "umbrella" term which encompasses physical, sexual and emotional abuse and neglect. Like domestic violence, it seems to know no socioeconomic boundaries, although risk factors may be greater in some socioeconomic groups.
>
> Societal recognition of the battered child came in the 1960s but it was not until the 1980s that due attention was given to the existence and serious nature of child sexual abuse . . .

The statistics show that there is an increase in child abuse reports in Victoria, and from time to time lists are published and made available to the community of what is going on with regard to the abuse of children. It is horrific! Child abuse is being published regularly. Although it may shock a lot of people in society, it is important

that society knows what is happening and is aware of the problems we must come to grips with. There are matters involving incest on children, beatings, desertion of children, sex attacks on children by adults, sex attacks on children by other children, and the whole gamut of violence in all its horror on the child abuse scene. It is more than important; it is vital that we deal with the matter.

I have had access to a number of child abuse reports. I have seen police reports on child abuse and Community Services Victoria reports have been made available to me. A reading of those reports makes one wonder whether our society is healthy. In fact, my conclusion is that our society is very sick.

Community Services Victoria is unable to deal with the problem satisfactorily. That is a shame! The present system is allegedly a dual track system, one that divides itself between Community Services Victoria and the Community Policing Squad of the Victoria Police Force. That system is supposed to ensure that priority one cases—the very worst cases—go to the Community Policing Squad, and priority two and three cases are dealt with by CSV workers. The dual track system appears to have many failures. Many cases are falling down between the tracks and some children are at risk, or worse, in danger, by the shortcomings of the system.

Many priority two and three cases are not accepted by CSV because of case overload. That in itself is a shocking indictment of the system that the Minister for Community Services is overseeing. Honourable members may not know what case overload is, but community service workers are compelled to work to a 100-point case load rule. Each case is credited with six points, and that translates into a constant fifteen to sixteen case burden for each worker. A worker who drops four points is forced to take on an additional case. Ultimately, any case which leads to the 100-point case load being exceeded is automatically referred to the Community Policing Squad, regardless of its nature. The Community Policing Squad is constantly being prevailed upon to handle inappropriate cases because CSV workers are in constant case overload.

It is not surprising that most cases referred to the Community Policing Squad are referred during the late afternoon. It is now at the stage where many persons or agencies, particularly schools, notify the squad rather than CSV because they know the problem will receive far more rapid attention. That is an indictment of the system.

I have numerous episodes from police files which show case overload. I could go on and on about those. A case in point is of a two-year-old child who was in danger and the police attempted to refer the case to the child protective service unit of Community Services Victoria, but with no success. It was a situation of case overload, and the concern about the child not being cared for was left in the hands of the police because CSV was unable to take the case due to case overload.

Another case is of a two-year-old male where the child protective services unit of CSV received notification that the child was being physically abused by the father. The child had a bruised face and the child protective services unit could not take the case because of overload and referred the matter on to the local unit of the Community Policing Squad. The list goes on and on about the serious offences being reported either to the protective services unit of CSV or to the Victoria Police. They are priority two and three cases which should be taken up by the protective services unit of CSV, but they are being rejected because CSV workers are in a case overload situation.

Unfortunately, the police are unable to go into case overload; they have to take the burden that is put onto them, whether it be a priority one case with which they should be dealing, or the overload situation that are priority two or three cases. The police must take them; they cannot avoid it. That is some dual track system. It is not a

system at all. CSV more or less picks up what it wants and the rest of the cases are lumped into the hands of the Victoria Police.

The Bill is evidence of the fact that both the government and the Minister are confused about how to address the problem. The government has not given a logical explanation of either the Bill or the measures it will take to overcome the shortcomings of the present system.

In October 1985 the government accepted the recommendations of the 1984 child welfare practice and legislation review that was chaired by Dr Terry Carney. Dr Carney recommended the implementation of a dual track system. On page 223 of the report, it is stated:

> Responsibility for intervention in reported cases of maltreatment should be vested in the Department of Community Services and in the Police Department.

The government adopted the dual track system recommended in the Carney report, and did so with a great deal of enthusiasm. That measure has been widely criticised, yet the government continues in its attempts to implement the recommendations contained in the report.

Mr Chris Goddard, in his report entitled *Dual Tracks and Double Standards*—a very apt title—attacks the dual track system as well as the services provided by Community Services Victoria. In chapter 6, entitled "Victoria's Defective Services: The Contribution of the Carney Report"—Mr Goddard declares on page 55, that Victoria possesses:

> A defective protective service, with no clear accountability and without adequate resources.

The issue of accountability has never been addressed by the government, despite it being an issue that has consistently created disquiet in the community.

In response to the provisions contained in the Bill, the Probation Officers Association of Victoria made some interesting comments, among which is included:

> The association further believes that the proposed legislation overemphasises community accountability whilst providing limited accountability of Community Services Victoria.

Of particular concern in the debate about accountability is the case load control factor which appears to place the child protective services unit in a constant state of case overload.

The protective service unit workers must maintain a 100-point case load, which means that they are constantly overloaded and under pressure. Priority one cases are obviously of a serious and urgent nature, such as sexual abuse. However, such cases do not constitute any more points than less serious and less time-consuming priority three cases. One wonders about the system that attaches as much importance to a priority three case as it does to a priority one case.

Almost 100 per cent of priority one cases are referred to the Community Policing Squad which, because those cases most often involve criminal activity, is appropriate. Ultimately, any case that leads to the 100-point case load being exceeded is automatically referred to a Community Policing Squad regardless of its nature, with the now familiar and well-worn catch phrase "Case overload".

The phrase is now so familiar that many agencies and school social workers bypass the protective services unit in order to receive attention. Cases such as the following are certainly not rare. In one case, a Community Policing Squad received a complaint that a two-year-old boy was not being well cared for. Attempts had been made to refer the case to the child protective services unit; but because the unit was in "case overload" the squad was forced to investigate the complaint.

Another case concerns a school welfare officer who contacted a Community Policing Squad regarding a fifteen-year-old female who had allegedly been indecently assaulted by her stepfather four years previously. Since that time she had been unhappy at home, and the school welfare officer requested information about the legal options that were available to the child. Subsequently, alternative accommodation and financial support were arranged. In neither case did the Community Policing Squad receive assistance from Community Services Victoria. Neither case could be regarded as a priority one case; but police officers are compelled to act on all cases that are referred to them. They are not afforded the luxury of refusing a case for reasons of case overload or because the cases are deemed "inappropriate".

In 1986–87 in the Southern Suburbs Region of Community Services Victoria—which, incidentally, contains the Minister's electorate—the protective services unit intake summary revealed some disturbing case refusal statistics. Of all the priority one, two and three notifications that were received in that region, 93 per cent of priority one cases were refused by Community Services Victoria for work load reasons, 82 per cent of priority two cases were refused for similar reasons, as were 33 per cent of priority three cases. In all, 44 per cent of cases were refused and were transferred to the Police Force. That is a damning indictment of the system over which the Minister is presiding.

The percentage of cases refused by CSV in the Southern Suburbs Region is considerably higher than the State average. A statistical study commissioned by the Law Reform Commission in its report on sexual offences against children states:

> In July 1986 to June 1987 37 per cent of notifications were not accepted by Community Services Victoria.

In the Southern Suburbs Region, 44 per cent of cases were refused by the department. This high rate of refusal could be acceptable if it consisted only of priority one or even priority two cases. But the refusal of 33 per cent of priority three cases shows that the government's commitment to child protective services is not being fulfilled in an efficient and sufficient manner and hardly meets the needs of clients in the Southern Suburbs Region.

There is no need to ask the Minister how he plans to rectify the obvious inability of the protective services unit to cope with the problems it faces, because he provides an answer in Part 5 of the Bill. The Minister says that he intends to establish more detailed procedures and to extend the department's commitment to protective services by creating a list of new offences.

The Probation Officers Association of Victoria has expressed its concern about this matter:

> The association remains however sceptical that, given the inadequacy of the department in fulfilling its current legislation requirements, establishing more detailed procedures will further restrict the department in its endeavours to deliver services.

Members of the association must have been horrified when they read the Minister's press release of March 22 of this year, in which he stated that he was pleased to announce the phasing out of the dual track system. He stated:

> My department is gearing up to play the major role in this area.

The Opposition was also perturbed to discover at that time that the House would be debating a Bill that would aim to reinforce the dual track system after the Minister had announced plans to abandon it. One wonders what the Minister has in mind. Clearly the Bill does not seek to implement the recommendations of the Fogarty report: instead, it seeks to implement the recommendations of the Carney report—in

other words, the dual track system! Yet on 22 March, the Minister talked about abandoning the dual track system.

Two paragraphs later in that press release, the Minister described his proposed single track system as one in which:

> the Community Policing Squads will still be required to deal with a good share of the workload.

The Minister is obviously confused. He seems not to know the difference between a dual track and a single track!

Therefore, I shall have to leave it to others to work out what it is that the Minister is on about and, in fact, what the government is on about. The fact is that the Bill seeks to implement the 1984 Carney report and yet the Minister, in his statements, even if he does not mention the person's name, is talking about recommendations of the Fogarty report.

No-one in government seems to know what we are on about. The Minister talks about phasing out dual tracks and two paragraphs later he talks about dual tracks continuing. It is really quite confusing and the Minister needs to explain to Parliament and to the House just what it is that he is on about and what he intends his department to do, what sort of assessment he is making of people who are applying for jobs with his department and what guarantees he can give that the wrong sorts of people will be kept out of his department.

The last thing the Minister needs to explain is what the Bill will do because he seems to be confused about that and, if he is confused, he is probably doing a good job of confusing a lot of other people in Parliament.

I also have a concern regarding the question of prevention programs and the prevention of child abuse. It is all very well for us to be talking about dealing with people who have abused children, and it is important that we do so and that programs are in place with the ability to find those who have abused children, bring them before the court and deal with them properly.

Today Parliament has dealt with the Corrections (Amendment) Bill which talks about changes to the Penalties and Sentences Act and the Opposition made clear its position with regard to dealing with people who break the law. People who abuse children, whether it be sexual abuse, physical abuse or the desertion of children, should be dealt with in the strongest possible way and one would hope that the end result of this legislation would be finding these people and dealing with them properly.

Of course, the most important thing in any kind of crime program is crime prevention. Apprehension is one thing but if we can stop the crime being committed, that is the preferable way to go, and it would mean a guarantee that one could plateau out or diminish the level of child abuse in this State.

One of the ways in which this could be addressed is through local early intervention programs, and I was pleased that one organisation in the electorate I represent, the Tanti Park Preschool introduced on its own initiative a local early intervention program, and that program has operated well and successfully. It has done its fair share towards cutting back on child abuse before it mushrooms. The program is highly worthy of being supported.

However, no program has been organised by the government for early intervention. It appears that it will have to be on the initiative of local preschools or local schools if anything is to be done. The government has to be dragged to the line when it comes to providing any kind of funding to keep these programs going.

It was noticeable that prior to the October State election last year the then Minister for Community Services, in a flush of enthusiasm of trying to seek votes for the person I thoroughly defeated, who was representing the Australian Labor Party, made a promise to fund the Tanti Park Preschool program for the whole of 1989. It comes as no surprise to Opposition members that after the election and defeat of the Labor Party in the electorate of Mornington that the promise was forgotten.

This is not an annual event on the part of the government. I was contacted by the Tanti Park Preschool a few weeks ago and they said they had had no success whatsoever in getting the Minister to keep the commitment of his predecessor. Therefore, I wrote to the Minister and asked him to examine the situation as a matter of urgency, otherwise the important program at the Tanti Park Preschool would have to be wound down. I give the Minister credit and thank him because in his letter to me which I received on 8 May he showed that he had kept the commitment and funding has now been given for 1989. I note that the honourable member for Footscray is suffering from a slight case of hysteria over in the corner.

Mr Spyker interjected.

Mr COOPER—I would love to hear myself talk before I would want to love anything like you! You are the most unloveable thing I have ever seen!

The SPEAKER—Order! The honourable member will return to the Bill.

Mr COOPER—This poor, grotty, horrible little thing sitting over here! Listen to it bleat! Why don't you go put your head in a bucket!

The SPEAKER—Order! I ask the honourable member to address his remarks to the Bill, and at this hour of the night I would hope that he might exercise some commonsense and address his remarks to the matter before the House.

Mr COOPER—Thank you, Mr Speaker. I was being heavily provoked there, and I certainly will meet your ruling. I urge the Minister to ensure that the funding for this important program is kept going beyond 1989 and I hope the government will start to implement a series of programs and some firm guidelines for the establishment of similar programs right throughout the State, because it is important that this sort of program be implemented. If we do not address the issue at its source we are not doing the right thing in terms of reducing child abuse in the State.

The Bill appears to have nothing much going for it. The Minister should explain exactly what he is on about. It certainly seems to fail to address the issues, particularly the issue of mandatory reporting. These are matters the Opposition will be addressing during the Committee stage of the Bill and I hope during the Minister's comments that his confusion has ceased and that he will be able to guide the House on the direction he intends to take in regard to the Children and Young Persons Bill.

On the motion of Mr MAUGHAN (Rodney), the debate was adjourned.

It was ordered that the debate be adjourned until next day.

SUBDIVISION (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.

NATIONAL PARKS (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.

The House adjourned at 2.20 *a.m. (Thursday).*

Thursday, 25 May 1989

The SPEAKER (the Hon. Ken Coghill) took the chair at 10.33 a.m. and read the prayer.

QUESTIONS WITHOUT NOTICE

MAYDAY HILLS TRAINING CENTRE

Mr HAYWARD (Prahran)—I refer the Minister for Community Services to a recent report of the joint union-departmental working party, including representatives of the Hospital Employees Federation (No. 2) Branch, concerning the Mayday Hills Training Centre at Beechworth, which is jointly operated, as I am sure the Minister will know, by Community Services Victoria and Health Department Victoria. I ask the Minister what action he has taken to eliminate practices described in the report as the "raping of the roster system . . . worked by manipulation and fraud" and "privileges . . . being rorted.

Mr SPYKER (Minister for Community Services)—The question shows the attitude of the honourable member for Prahran to community services.

Honourable members interjecting.

The SPEAKER—Order! Question time can continue only if the House allows the Minister to answer without interruption.

Mr SPYKER—Community Services Victoria deals with a range of institutions that have been around for decades, and that is undesirable in a number of ways. I remind the honourable member for Prahran that the party of which he is a member was in government for 27 years. During that time institutions were not even given a coat of paint. The then Liberal government did not differentiate between people with intellectual disabilities and those with psychiatric disabilities. There was inadequate staffing and training and patients were neglected.

The government has been attempting to deal with those matters. The Neilson plan for deinstitutionalisation is being put into effect and Mr Michael Arnold is now working on a State plan. Since the Labor Party has been in government it has built 120 community residential units to provide clients of Community Services Victoria with a better lifestyle than they had under the previous Liberal government. They are the issues the government deals with. Community Services Victoria is checking through its organisations and the matter raised by the honourable member for Prahran will be carefully investigated.

LIQUOR LICENSING LAWS

Mr JASPER (Murray Valley)—Will the Minister for Consumer Affairs explain to the House how the Premier was able to tell the Chamber the week before last that applications for liquor licences and permits had decreased by 26 per cent this year compared with the last financial year when publicly available figures from the Liquor Licensing Commission clearly reveal that the number of licences granted this financial year has increased by more than 125 per cent? The figures do not include the explosion in the number of applications for limited licences, extended permits and those functions

that do not require licences under the current Act. If the Minister cannot give a satisfactory answer, will he agree that the Premier has misled Parliament?

The SPEAKER—Order! The latter part of the question asks for an opinion, which is out of order.

Mr ROPER (Minister for Consumer Affairs)—I suggest that the honourable member for Murray Valley compares like with like, as the government has been advised that the Australian Hotels Association—which undoubtedly wrote the question that the honourable member has read out—does not understand the arrangements that the Liquor Licensing Commission has been following.

Indeed, a deal of misinformation has been put out about the liquor licensing arrangements. The AHA and some honourable members from the corner party have been suggesting that milk bars and other such places have been given liquor licences. I carefully checked the allegations made by the association and indeed there have been licences granted to general stores and others in country Victoria. I should have thought that country members of Parliament would have strongly supported such a position. For example, in Woorinen in the electorate of the honourable member for Swan Hill, a licence has been granted which enables people to purchase packaged liquor without having to drive 20 kilometres and back to buy their liquor at Swan Hill. I should have thought that the people of Woorinen were pleased with that situation.

At Hattah Lakes much the same situation has occurred. Of the fifteen claims made by the AHA, in each case I believe the country communities would be extremely pleased with the results of the new arrangements.

I shall provide to the honourable member for Murray Valley a copy of the material we provided to the association so that he understands there is a need to measure like with like and not to compare different groups with different figures.

FAMILY BUDGET PLEDGE

Mr MATHEWS (Oakleigh)—I ask the Premier whether, arising from the recent Premiers Conference and from his subsequent reaffirmation of the government's family pledge made in the Budget has he called for an examination to be made of the revenue-raising measures adopted in other States, particularly New South Wales, and if so what conclusions have been reached?

Mr CAIN (Premier)—As the honourable member for Oakleigh knows, and as other honourable members know, the government has a strong commitment to keeping taxes and charges in this State as low as possible. I assure the House that the government has no intention of following in the path of the New South Wales government and raising taxes and charges to obscene and grotesque levels.

Since 1982–83 Victoria has had by far the lowest growth of taxes of any State in Australia. In the five years to 1987–88 Victoria's taxes rose 67·5 per cent. That is 17 percentage points lower than that of the next lowest State, interestingly Queensland. The increase in the Commonwealth's figures for taxes in that time was 82 per cent. I emphasise that the government will continue to do all it can to assist families in meeting their weekly commitments. That is in stark contrast to the situation in New South Wales.

The new Leader of the Opposition ought to say where he stands on those grotesque charges in New South Wales which are at the forefront of a vicious attack upon the living standards of the ordinary people that he is so concerned about.

Does the new Leader of the Opposition favour the New South Wales Premier's 9·1 per cent increase in electricity charges as contrasted with Victoria's 2·9 per cent? Water rates in Sydney rose by 12 per cent compared with 5·9 per cent in Melbourne. Which does the Opposition want—New South Wales or Victoria? Mr Greiner's gas bills increased by 10·1 per cent compared with Victoria's 3·5 per cent. The list of savage increases in New South Wales goes on and on! Hospital bed charges in New South Wales are up by 12 per cent. Rail and bus fares rose between 11·7 per cent and 100 per cent.

All these figures come from a government that said it would not increase charges and taxes above the increase in the consumer price index—and already New South Wales is seeing a further $40 increase in third-party costs from July, following a $70 increase last November. Three cents a litre will be added to the cost of petrol from July, which will add $100 a year to the cost of running a motor car.

There will be a 30 per cent increase in water charges, which includes a new $80 so-called environment levy which, as I read it, is a poll tax on every household, regardless of income or capacity to pay. The estimate is that from 1 July the average New South Wales family will be up for costs of $850 a year or $16 a week as a result of Mr Greiner's increased taxes and charges over the past twelve months.

That is what the Liberals always do. It is time the new order stated what it will do. The Liberal Party talks about cutting taxes and charges when it is in opposition and sticks them up as high as the sky when it is in government.

Mr Greiner is threatening families. It is time the air was cleared here. Families in this State should be assured by the new Leader of the Opposition that he does not contemplate that sort of thing. If necessary, he can send out a "Noddygram".

Mr DELZOPPO (Narracan)—On a point of order, given that all honourable members are tired this morning after a long sitting—and the House has been very patient with the Premier—I suggest to you, Mr Speaker, that the Premier is debating the question and I ask you to bring him back to order.

The SPEAKER—Order! The honourable member for Narracan has raised a point of order asking me to rule whether the Premier is debating the question. The Premier has been giving a wealth of comparative information and, as such, I do not believe the Premier is debating the question. There is no point of order.

Mr CAIN (Premier)—I add one further figure which I believe is an important comparative statistic: Victorian taxation per head is far lower than in New South Wales—about $100 less in this current year. That, I believe, is a remarkable reversal from 1982–83 when Victorians paid $30 a head more. A complete reversal has taken place. I suggest the new Leader of the Opposition should use his acting press secretary, the honourable member for Forest Hill, to send out a "Noddygram" telling people what his intentions are.

Honourable members interjecting.

Mr CAIN—I have to admit that one would have to be pretty desperate to use the honourable member for Forest Hill as a press secretary. However, perhaps it would be better than using one of Nick Greiner's minders. One would not want one of his minders!

All I ask is that the new Leader of the Opposition tell the people where the new order stands on this important issue because, in the absence of some clear statement, Victorians are entitled to draw the inference that they will get the same treatment from the Liberal and National parties here as the people in New South Wales got from the Liberal government.

WORKCARE

Mr GUDE (Hawthorn)—Is the Treasurer aware that the Accident Compensation Commission has advised investigation firms that it intends to call tenders for activities and circumstance investigations for WorkCare? If so, will he advise the House why Mr Ian Rodger, general manager of review, handed around the curriculum vitae of a personal friend, Neil William Holland, to promote him at a meeting of the fraud panel of solicitors on Friday, 12 May, prior to tenders being called?

Mr JOLLY (Treasurer)—I am not aware of the circulation of the curriculum vitae to which the honourable member refers. Obviously the honourable member has an eye for detail, but often that detail is wrong. In respect of the investigation by the Accident Compensation Commission, certainly a higher priority has been given to that matter in recent times, and that will continue to be the case. I shall certainly have examined the matter that the honourable member has raised today.

VICTORIAN ECONOMIC DEVELOPMENT CORPORATION

Mr W. D. McGRATH (Lowan)—My question is also directed to the Treasurer.

Mr Micallef—You are out of your depth again!

Mr W. D. McGRATH—Will the Treasurer confirm that the Victorian Economic Development Corporation's losses have now increased from the $111 million revealed in the Auditor-General's report to a total of $140 million? Having regard to the Treasurer's promise to ensure that the Rural Finance Corporation would be protected against the losses of the VEDC, will he explain to the House from where he proposes to arrange the additional funds?

Mr JOLLY (Treasurer)—The Deputy Leader of the National Party was wrong yesterday, so perhaps he is starting off on the wrong foot again today in regard to the VEDC. I remind him that the information to which he referred in his question yesterday was in the Appropriation Bill and also special appropriations, and there was no additional allocation such as the honourable member implied.

In regard to the VEDC, obviously a detailed assessment is being undertaken by the Rural Finance Corporation of all loans that were provided by the VEDC. I have not been advised of any amount in relation to the position to which the Deputy Leader of the National Party alludes. Therefore, I am not able to confirm or deny any figures that he has put forward. However, on his past performance, there is no doubt that he is likely to be wrong again.

UNEMPLOYMENT IN COUNTRY VICTORIA

Mr ERNST (Bellarine)—Will the Minister for Labour provide to the House details of recent initiatives he has taken to reduce the level of unemployment among young people in country Victoria?

Mr POPE (Minister for Labour)—This government has treated unemployment as a scourge, be it in metropolitan Melbourne or in country Victoria. The results of the government's actions are evidenced by the fact that Victoria has the lowest unemployment rate in Australia, and it has had the lowest rate for some 71 months.

Mr McNamara—Not in country Victoria.

Mr POPE—The Leader of the National Party says that that is not the case in country Victoria. It was proved yesterday by the Minister for Police and Emergency

Services just how wrong the Leader of the National Party is with facts. The fact is that Victoria has the lowest unemployment level in Australia, and that has occurred for 71 months. The level is now 5 per cent, which is probably the lowest in ten years.

The Leader of the National Party, in his position of fiction and fantasy, states that that is not the case in country Victoria. Indeed, an article in the *Maryborough District Advertiser* of 24 May carried the large headline "The big issue no-one believes". It reported the Leader of the National Party as having stated that there had been a 108 per cent increase in unemployment in country Victoria. The reality is that there is no separate figure for unemployment in country Victoria as distinct from metropolitan Melbourne.

Mr McNamara—Wrong!

Mr POPE—Two Liberal frontbenchers——

Honourable members interjecting.

The SPEAKER—Order! The Leader of the National Party should be setting an example to his colleagues. I ask him and the Deputy Leader of the National Party to cease interjecting.

Mr POPE—It is not only me who is saying that the Leader of the National Party is wrong. Two Liberal Party frontbenchers—that is, two honourable members who are on the frontbench at the moment—the honourable member for Ripon and the honourable member for Hawthorn, were quoted in that article as saying that there is no such figure.

The Australian Bureau of Statistics does not produce figures for country Victoria as distinct from metropolitan Melbourne. The Leader of the National Party has come up with more fiction. In fact, the 108 per cent increase in country Victoria and the 26 per cent decrease in metropolitan Melbourne are his own fiction and fantasy. It is unbelievable!

Yesterday the Leader of the National Party came up with a fantasy about the closure of police stations and that was pointed out to him by the Minister for Police and Emergency Services. Today he is quoting figures that he has made up in his own mind, figures which have actually been put down by two frontbenchers of the Liberal Party and which are patently not true.

The government is acting positively with respect to unemployment not only in metropolitan Melbourne but also in country Victoria.

Mr McNamara interjected.

The SPEAKER—Order! I have already cautioned the Leader of the National Party once. I do not wish to act against him, but if he leaves me no alternative I will.

Mr POPE—I am sure we will hear outbursts of fantasy from the Leader of the National Party in the future. I hope some of his colleagues help him to get some facts into his statements.

The government has addressed the issue of unemployment in metropolitan Melbourne and in country Victoria, especially among young people. We now have some 44 employment placement counsellors throughout the State, 50 per cent of whom are in country Victoria. Job offices in this State are dealing with the unemployment situation not only in metropolitan Melbourne but also in country Victoria.

Country people know we are addressing the issue. The *Maryborough District Advertiser* is aware of it: "The big issue no-one believes". I hope the Leader of the National Party can come up with facts instead of fiction in the future.

WORKCARE

Mr GUDE (Hawthorn)—Further to the Treasurer's response to my previous question I ask: is it a fact that Mr Rodger's wife, Pearl Marwick, is employed in the same area as one of two people within the commission who have authority over surveillance, and does the Treasurer acknowledge that this could create a conflict of interest?

Mr JOLLY (Treasurer)—This must be *Days of our Lives*, although it sounds more like a Liberal Party meeting than anything else. The honourable member for Hawthorn, on this performance, certainly has a better chance of being Leader next time than the Deputy Leader of the Liberal Party. I wish him well in the way he orders those numbers.

I am amazed by the questions relating to soapies but I should have expected there to have been far more substance in the questions coming from the Opposition on these matters. After three days of new leadership, they are shown to be in a hopeless position. Obviously they do not know who the Opposition spokespersons will be in specific areas, and that is why they do not ask any questions about policies. They have no policies whatsoever. It is pathetic that this delving is going on. If there is any substance to any claims the honourable member wishes to make, I shall certainly examine them. However, on many occasions so far he has failed to provide substance; as I said, he is obviously obsessed with soapies. I wish him well next time he stands for leadership of the Liberal Party.

SCHOOL INTEGRATION PROGRAM

Mr F. P. SHEEHAN (Ballarat South)—Will the Minister for Education advise the House what resources have been provided for the integration program in schools for 1989 and what effect these resources are having on improving the education of children with disabilities?

Ms KIRNER (Minister for Education)—The honourable member is obviously most concerned about the issue of the integration of children with disabilities into the normal classroom and I do not blame him for that, given the comments that were made by the shadow Minister for Education, the honourable member for Polwarth, in a recent *Ballarat Courier* article.

I am alarmed about the comments made by the honourable member for Polwarth because they undermine the confidence of parents in terms of what they thought was a bipartisan commitment to integration from all political parties. I am also concerned about the comments because they give an incorrect view of the move from day training centres to special developmental schools.

I want to assure the honourable member for Ballarat South and other honourable members that the government has no intention of forcing integration on parents of disabled children. The absolute basis of the government's policy is a choice of a special setting or a regular classroom with supporters.

Honourable members interjecting.

The SPEAKER—Order! I ask the honourable member for Brighton to stop his incessant and constant interjections against the Minister and allow the Minister to complete her answer.

Ms KIRNER—I understand that the honourable member for Brighton is in training for his next shadow portfolio, so it is not really a bother. The facts are that in just five years Victoria has become a national leader in integration. The government intends to build on that success by developing a further five-year plan for integration.

There are now 4335 children with disabilities being educated in regular schools. Almost 3000 of these children have individual teachers, paramedical supporters or teacher aide support. This is a very impressive record. Approximately 64 per cent of State schools now have children being educated to their appropriate level, even though they have disabilities.

The Budget has increased the allocation for integration from nothing in the dying days of the previous Liberal government to $24·5 million. That amount is for integration alone, because a further $40 million is spent on special schools and special services.

Contrary to the statement made by the honourable member for Polwarth the integration policy has been achieved with no diminution of the excellent record of achievement by the government. It has been achieved without reduced funding for children in special settings and special schools.

I understand the honourable member for Polwarth was reported in the *Ballarat Courier* as saying that integration might be a good idea, but that the dollars and cents aspect of integration is excessive. How about that for a cost-benefit analysis! If that is not bad enough the honourable member went on to say——

Honourable members interjecting.

The SPEAKER—Order! Almost every day I have had to caution the honourable member for Malvern during question time. I warn the honourable member. I shall not caution him again and if he continues to act in a disorderly manner I will be forced to act against him.

Ms KIRNER—It is clear that the honourable member for Malvern has had a very bad night trying to reorganise his numbers. The honourable member for Polwarth said—and this will dismay parents of children with disabilities who attend normal schools—that integration is not a viable alternative. Perhaps the honourable member mixed up his views on integration with his own political future. It would be disastrous if the education of disabled children in Victoria had to meet the cost-benefit analysis that we have all read about in the *Ballarat Courier.*

Mr I. W. SMITH (Polwarth)—On a point of order, Mr Speaker, the Minister appears to be reading from a lengthy document, and I ask you to direct her to make it available to the House.

The SPEAKER—Order! I ask the Minister whether she is quoting from a document. Order! The honourable member for Evelyn!

Honourable members interjecting.

The SPEAKER—Order! I have previously had cause to refer to Standing Order No. 106 and have already cautioned the honourable member for Brighton this morning. I do not want to be forced into the position of acting against the honourable member.

I ask the Minister whether she is quoting from a document and, if so, whether she is prepared to make it available to the House.

Ms KIRNER (Minister for Education)—No, I am not quoting from a document but I am more than happy, for the enlightenment of the honourable member for Polwarth, to hand over my notes. He might then understand something about integration because he certainly does not understand it now.

Mr EVANS (Gippsland East)—On a point of order, Mr Speaker, the Minister for Education has just said she is prepared to hand over her notes at the completion of her reply. I suggest that it is out of order for her to have notes during questions without notice.

The SPEAKER—Order! The Minister is in order to bring with her notes on any topic to which she may wish to refer.

Honourable members interjecting.

The SPEAKER—Order! The honourable member for Brighton—I warn the honourable member for Brighton. I will not warn him again. There is no point of order.

Ms KIRNER (Minister for Education)—Perhaps I should refer to the view of one student expressing concern about the Opposition's views on integration. After the Greensborough by-election I received a letter from a young man who has no speech and who has to use a word processor to communicate. He stated:

> Gosh, it was good news to hear about the election in Greensborough. I really fear for my future under a Liberal government. They take a very narrow view on life and send people with disabilities into institutions. Life under a Labor government has been fantastic. When I met Joan Kirner, she told me she would not let me down. This has been true so far.

I suggest that the words "so far" are the essential part of that statement because we are about to move from the present integration situation to a second five-year plan on integration to service the needs of children in Victoria.

Mr I. W. SMITH (Polwarth)—On a point of order, Mr Speaker, the Minister's allocation of funds does not match her enthusiasm for this subject. I point out that she has now been debating the question for some considerable time.

Mr Micallef interjected.

Mr I. W. SMITH—I am fascinated. I suggest, Sir, you bring her to order and ask her to answer and not debate the question.

The SPEAKER—Order! I have been listening to the Minister's reply, a reply which has been made lengthy by a series of interruptions, interjections and the raising of points of order. I do not believe the Minister is debating the matter at this stage. There is no point of order.

Ms KIRNER (Minister for Education)—The five-year plan will include transport for students with disabilities, the issue of education for students who are eighteen-plus years of age, and the issue of community participation in decision making, and I hope it will receive the bipartisan support it deserves.

PERSONAL EXPLANATION

Mr McNAMARA (Leader of the National Party)—Mr Speaker, I wish to make a personal explanation. The Minister for Labour made several comments concerning a recent press release in which I detailed the massive increase in unemployment in non-metropolitan areas throughout Victoria. Over a period of seven years the government has continually claimed that it has the lowest unemployment figures in Australia.

I pointed out in the press release, which the Minister said was incorrect, that it was a tale of two cities and the position in country Victoria was totally different from that in the metropolitan area. The Minister disputed the statistics in the press release and asked me to produce those figures.

I now produce those figures and direct to the attention of the House the statistics prepared by the Australian Bureau of Statistics. Although I have doubts about the Minister's ability to pick up those statistics, I should have thought that one of the highly paid bureaucrats in the Minister's department would have been able to provide them.

The SPEAKER—Order! The honourable member is out of order in debating the matter and in using the personal explanation in the manner in which he is attempting to use it. He may only present facts to correct the record as he sees it; he may not introduce other material, argument or debate.

Honourable members interjecting.

The SPEAKER—Order! Furthermore, I remind honourable members that a personal explanation should be heard in silence; it is an important matter for the honourable member concerned.

Mr McNAMARA—The unemployment figures show that a good result has been achieved in the metropolitan area. Table 2 produced by the Australian Bureau of Statistics for April 1982 shows that unemployment in the metropolitan area was 85 700. Table 7 for February 1989 shows a reduction of 2·6 per cent in unemployment in the metropolitan area, with the figures standing at 83 500; a commendable result.

The rest of Victoria was not so fortunate. In April 1982 the unemployment figures in country Victoria, which includes provincial cities such as Ballarat and Bendigo, were 25 100. By February 1989 that figure had increased by a massive 108 per cent to 52 500.

The SPEAKER—Order! I advise the Leader of the National Party that he should confine himself to indicating the precise manner and area in which he believes he has been misrepresented. The honourable member should put the facts as he sees them in that precise issue rather that attempting to present a comprehensive review of the background to the matter on which he claims to have been misrepresented.

Mr McNAMARA—I am endeavouring to put to the House the Australian Bureau of Statistics figures on unemployment.

Mr ROWE (Minister for Agriculture and Rural Affairs)—On a point of order, Mr Speaker: clearly the Leader of the National Party is quoting from documents which he says are Australian Bureau of Statistics publications. I ask him to make the documents available to the House.

Honourable members interjecting.

The SPEAKER—Order! I ask the House to come to order; I shall not proceed until the House is in order.

I ask the Leader of the National Party whether he is prepared to make available to the House the documents from which he is quoting.

Mr McNAMARA (Leader of the National Party)—Certainly I am happy to make the documents available. I seek leave to have them incorporated in *Hansard.*

Honourable members interjecting.

The SPEAKER—Order! The Leader of the National Party would be well aware that he is out of order in the way he has sought to have the documents incorporated in *Hansard.* There has been no opportunity for the documents to be examined to see whether they are of a suitable quality to be incorporated. The Leader of the National Party has said that he is prepared to make the documents available to the House.

Mr STOCKDALE (Brighton)—On a point of order, Mr Speaker: there is no Standing Order that requires the usual procedure of the House to be followed. My understanding of the matter is that *May* does not require that procedure but that it is one you have suggested to the House, and in the normal course of events all honourable members would regard it as appropriate.

There is no point of order available to any honourable member that would prevent the Leader of the National Party from having the documents incorporated in *Hansard*—whatever the conventions or practices of the House, with or without a small "c" and a small "p". In the circumstances of this matter, it would be grossly unfair to the Leader of the National Party—the matter having arisen during question time and there having been no break during which he could have consulted you, Mr Speaker, if he is required to consult you—to preclude him from answering the charges made against him by incorporating factual information which, as you have correctly pointed out, goes to the nub of his personal explanation.

If the Leader of the National Party is required to consult you about the matter, I suggest you give him that opportunity before he concludes his remarks; and that necessity requires that the usual procedures not be followed in this case on the simple grounds of fairness and equity.

Mr LIEBERMAN (Benambra)—On the point of order, Mr Speaker: with the passage of the past 2 or 3 minutes you have had the opportunity of examining the documents that the Leader of the National Party has sought leave to have incorporated in *Hansard.* As you correctly said, up until that time you had not had the opportunity of examining them to see whether they are suitable for incorporation.

You now have the documents in hand. I am sure the Leader of the House, on behalf of the government, would be prepared to facilitate an opportunity for you to now look at the documents and to allow the Leader of the National Party to complete his explanation in the way he wishes to make it.

The reason why I believe it is terribly important that you, Mr Speaker, allow that to occur with the report the Leader of the National Party is referring to is that the Minister for Labour told the House a few moments ago that figures showing the dimension of unemployment levels in country Victoria separately from the figures for the metropolitan area do not exist.

It is a serious issue where the Minister of the Crown responsible for these matters has told the House that the Leader of the National Party has lied across the State. The Minister has said that these figures do not exist.

In view of the importance of the matter, I ask you, Sir, to use your discretion as Speaker to allow an opportunity for the document to be explained, thus allowing the Leader of the National Party to complete his personal explanation on this serious issue.

Dr WELLS (Dromana)—On the point of order, Mr Speaker, it would seem to me to be a sad day within the progress of a democratic Parliament if tradition is so ossified that we could not, when a new need is identified within our practice, make a positive response to it. Regardless of the undoubted importance of this issue, it seems to me

that the fact has emerged that a member has risen to make a personal explanation—and you, Mr Speaker, have acknowledged that figures are essential to the nature of that explanation—and the Leader of the National Party has not had an opportunity of presenting the document to you for your authorisation before the House has had the chance of approving that document; there is clearly a need within our Parliamentary practice, if this House is to operate on commonsense political lines, on behalf of all of the people of Victoria present not just on defending past traditions that, Sir, you are then in a position to make the appropriate contribution to Parliamentary practice here such that in the future it will cover what may be a small but important gap in our Parliamentary practice.

I believe this is an opportunity for that contribution to be made and I would be very sad if you, Sir, cannot in your wisdom find a way of approving the document either now in a brief delay or have the document brought back to the House for House approval once you have looked at it.

Mr EVANS (Gippsland East)—On the point of order, Mr Speaker, the whole question of the purpose of seeking the approval of the Chair and the parties before incorporation of material in *Hansard* is involved with the point of order. The principle was put into effect to avoid the necessity of reading long tables of information onto the record or, alternatively, to ensure that detail within a document was suitable and not out of order.

The document in question is relatively brief and is appropriate and suitable for incorporation into *Hansard.* I believe that you, Mr Speaker, now have a copy of the document and have had the opportunity of examining it. I suggest to you, Sir, that the alternative to refusing leave to the Leader of the National Party to incorporate the document in *Hansard* is that he must be allowed to read the document into *Hansard.* I do not believe he can be denied that opportunity.

When you make your ruling on the point of order, Mr Speaker, it would be in the best interests of the House if you agreed that the document should be incorporated in *Hansard.*

The SPEAKER—Order! Comments on the point of order have proceeded, at the best, on a misunderstanding of the situation and, at worst, much worse than that. I point out, firstly, that the matter arose after the Leader of the National Party approached me seeking to make a personal explanation and after discussion with him here beside the Chair about the nature of any personal explanation that he might make; so it is incorrect to suggest that the Leader of the National Party had no opportunity of discussing with me leave for any document that he might seek to have incorporated in *Hansard.*

Secondly, the Leader of the National Party has stretched to the absolute limit—if not beyond—the tradition of the House in respect of personal explanations, which must not debate the matter and which must be brief and to the point and respond directly to the facts on which he claims to have been misrepresented.

As I have pointed out in a previous ruling, the Leader of the National Party has exceeded that provision of the House by the comments he has made.

Finally, I refer to the documents in question. It is not one document but two large documents, and the physical quality of them is questionable. I do not believe they are of a satisfactory standard for reproduction and incorporation in *Hansard,* and leave for their incorporation is refused. There is no point of order. I call on the Leader of the National Party to conclude his personal explanation.

Mr McNAMARA (Leader of the National Party)—Thank you, Mr Speaker. The point that I need to respond to clearly is the statement of the Minister for Labour that these statements did not exist. In fact, the Minister seems not even to know of the figures produced by the Australian Bureau of Statistics. The way the Minister attacked me at question time shows a total incapacity——

The SPEAKER—Order! The Leader of the National Party may not debate the matter. He may simply present facts to illustrate how he believes he has been misrepresented. If the honourable member wishes to present any further facts, I will hear him. If not, I will not hear him any further.

Mr McNAMARA—The statistics provided in the documents are very clear. They show that, in the metropolitan statistical area, the total number of males unemployed in April 1982——

The SPEAKER—Order! The Leader of the National Party is clearly exceeding the normal provisions for making a personal explanation and is introducing new material which, in the view of the Chair, goes far beyond simply making a personal explanation on facts about which the honourable member believes he was misrepresented. Unless the Leader of the National Party can convince the Chair that there is some aspect of the comments of the Minister for Labour on which he has not commented by way of presenting facts, I will not hear him further.

Mr EVANS (Gippsland East)—On a point of order, Mr Speaker, I seek your guidance. In respect of your instruction to the Leader of the National Party that he may not debate the personal explanation, I seek clarification and ask: does that same ruling about not being able to debate the matter apply to some degree and extent to answers to questions without notice?

The SPEAKER—Order! There is no point of order. Does the Leader of the National Party have any further personal explanation?

Mr McNAMARA (Leader of the National Party)—It is very clear from the statistics provided by the Australian Bureau of Statistics that the statement I put out was correct. The statement made by the Minister for Labour at question time today was incorrect, and I call on the Minister to correct the statement that he previously made.

The SPEAKER—Order! The Leader of the National Party is out of order in his latter comments. I shall not hear him further on his personal explanation.

PETITIONS

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

Hunters' rights

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

The humble petition of the Sporting Shooters Association of Australia (Vic.) Inc. sheweth:

Given that the rights of duly licensed and law-abiding recreational hunters are being threatened by protesters who have:

caused disruption to hunters on our wetlands;

stolen game birds belonging to hunters;

acted in a manner likely to result in a firearms accident; and

incited each other to acts of violence against hunters.

Your petitioners therefore pray that:

1. The government takes immediate action to ensure that hunters can conduct their recreational hunting free of harassment by these protesters.

2. That protesters found in possession of protected species be prosecuted to the full extent of the law.

3. That the government sets about the drafting of a Bill for protection of hunters' rights.

4. That the government consults regularly with the Sporting Shooters Association of Australia (Vic.) Inc. as to the proposed content and impact of the aforementioned Bill for protection of hunters' rights.

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

By **Mr McNamara** (1288 signatures)

Community information workers course

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

The humble petition of the Victorian Association of Citizens Advice Bureaus sheweth that:

The number of community providers of further education that are granted authority to conduct the community information workers course, which is accredited by the State Training Board, is insufficient;

the amount of funds allocated to community providers of further education to enable them to conduct the community information workers course is insufficient; and

the administrative processes of the Further Education Council and the State Training Board are too slow and do not enable an effective response to community needs.

The result of these problems is that not enough volunteers can be trained to work in Citizens Advice Bureaus, especially in rural Victoria.

Your petitioners therefore pray that the Minister for Education will give an assurance that:

a sufficient number of community providers will be granted authority to conduct the community information workers course in 1989 and 1990, so that community needs can be met;

community providers which are granted authority to conduct the community information workers course will receive sufficient funds to enable them to conduct the course; and

administrative procedures will be improved, especially in relation to further education needs in rural Victoria.

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

By **Mr F. P. Sheehan** (965 signatures)

Foreshore land in Flinders

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:

We are concerned about the commercial development of foreshore land in the Shire of Flinders from Safety Beach to Dromana, north—on the seaward side—of the Esplanade—and from Dromana to Sorrento, north—on the seaward side—of Nepean Highway. This will lead to the destruction of the treed, natural foreshore land and beach in this, the most popular tourist area in Victoria.

Your petitioners therefore pray that the Victorian government will alter the planning scheme for this area and zone the area as "recreational, not for commercial or higher density housing development".

To meet the need for increased facilities for the resident population and tourist visitors to the area we support the further progressive, high-density development of land on the southern side of the Esplanade and Nepean Highway.

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

By **Dr Wells** (106 signatures)

Flinders planning scheme

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:

We are concerned that the current building height limits in the Shire of Flinders planning scheme will lead to unacceptable reduction of the current level of amenity enjoyed by residents and visitors.

Your petitioners therefore pray that the Victorian government change the Shire of Flinders planning scheme to ensure that:

1. No new commercial development at all nor new housing development above two storeys is permitted on the foreshore between Safety Beach and Portsea; and

2. Building height limits from the water's edge to 1·6 kilometre inland in the shire be brought in line with planning controls covering the rest of the eastern Port Phillip Bay coastline making the normal height limit two storeys and exceptionally three storeys.

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

By **Dr Wells** (160 signatures)

Prominent landmarks

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

The humble petition of the undersigned citizens of the State of Victoria sheweth our concern regarding proposals to change the names of the Grampians, Hall's Gap, the Glenelg River and other prominent landmarks in western Victoria.

Your petitioners therefore pray that the current names applying to the Grampians, Hall's Gap, the Glenelg River, Victoria Gap, the Black Range and other prominent landmarks in western Victoria be retained.

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

By **Dr Napthine** (2317 signatures)

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

COMMAND PAPER

Mr McCUTCHEON (Attorney-General) presented, by command of His Excellency the Governor, the report of the Council of Magistrates for the year ended 31 July 1988.

It was ordered that the report 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:

Border Groundwater Agreement Review Committee—Report for the year 1987–88.

Building Societies—Report of the Registrar for the year 1987–88—Ordered to be printed.

Co-operative Housing Societies—Report of the Registrar for the year 1987–88—Ordered to be printed.

Co-operative Societies—Report of the Registrar for the year 1987–88—Ordered to be printed.

Dandenong Valley Authority—Report and Statement of Accounts for the year ended 30 September 1988.

Freedom of Information Act 1982—

Report by the Attorney-General on the operation of the Act for the year 1987–88.

Report by the Public Service Board of Victoria on the Administration of the Act for the years 1986–87 and 1987–88.

Planning and Environment Act 1987—Notices of approval of amendments to the following planning schemes:

Bacchus Marsh Planning Scheme—No. L4, Part 2.

Caulfield Planning Scheme—No. L6.

Parliamentary Committees Act 1968—Report of the Minister for Transport on the action taken with respect to the recommendations made by the Social Development Committee's Reports on Alcohol Abuse and Road Safety, and Drink-Driver Education and Treatment.

JOINT PRINTING COMMITTEE

Mr ROPER (Minister for Planning and Environment)—By leave, I move:

That, contingent upon the Legislative Council concurring with the resolution of this House establishing the Joint Printing Committee, Mr Norris and Mr Smith (Glen Waverley) be appointed members of the Joint Printing Committee.

The motion was agreed to.

SESSIONAL ORDERS

Mr ROPER (Minister for Planning and Environment)—By leave, I move:

That Sessional Orders be suspended for this day so far as to allow Government Business to take precedence over General Business and that Government Business accordingly do take precedence.

Mr PESCOTT (Bennettswood)—The Opposition accepts the proposition put by the government but I want to say that the proposal has come forward because the National Party—and Order of the Day, General Business, No. 1 stands in the name of the Deputy Leader of the National Party—has made a suggestion to help this House deal with the incredible and ridiculous situation that has occurred this week by having proposed legislation stacked up——

The SPEAKER—Order! The honourable member for Bennettswood on the question.

Mr PESCOTT—It is on the question, Mr Speaker. The question is that the order of business be changed so that the House can deal with a ridiculous situation where it has had so many Bills stacked up towards the end of this week and the House has been sitting late into the night, thereby causing a situation that could have been avoided.

The Liberal Party accepts the proposition put by the Leader of the House about Government Business, but it makes the point that it occurs only as a result of the chaotic situation on the other side.

The motion was agreed to.

PUBLIC BODIES REVIEW COMMITTEE

Victorian Dairy Industry Authority

Mr ROPER (Minister for Planning and Environment)—By leave, I move:

That, if the House is not sitting when the Public Bodies Review Committee has completed its inquiry into the Victorian Dairy Industry Authority, the committee may send its report to Mr Speaker, who may authorise the printing and publication of such report prior to its presentation to Parliament.

The SPEAKER—Order! Is leave granted?

Mr DELZOPPO (Narracan)—On the question, Mr Speaker: before the House gives leave for this motion, I ask that, should the terms of the motion be carried out—namely, that the report be tabled with you between sessional periods—will the question of privilege apply to the report and to all those concerned with it?

The SPEAKER—Order! I think that is a matter for the Speaker to rule on.

The Chair is not able to express a legal opinion, but the motion is worded to allow the document to be freely distributed. I hope that answers the point raised by the honourable member for Narracan.

Mr ROPER (Minister for Planning and Enviroment) (*By leave*)—To give the government an opportunity to check this out, my understanding is that the moving of a standard motion to cover those issues is correct, but it may be appropriate for me to withdraw the motion, have it checked and deal with it later this day. I will check the matter raised by the honourable member for Narracan.

By leave, the motion was withdrawn.

DAIRY INDUSTRY (AMENDMENT) BILL

The debate (adjourned from May 4) on the motion of Mr Rowe (Minister for Agriculture and Rural Affairs) for the second reading of this Bill was resumed.

Mr AUSTIN (Ripon)—The Dairy Industry (Amendment) Bill is a small but important one. It makes changes to the payment system for market milk and brings market milk into line with manufactured milk in that compositional payments will apply to both types of milk.

In the last sessional period the Agricultural Acts (Miscellaneous Amendments) Bill amended the provisions in the Dairy Industry Act to introduce compositional payments for manufactured milk. It was foreshadowed at the time that the move would be made to compositional payments for market milk. This Bill complements that earlier Bill.

In the past, payment for milk has been made on its butterfat content. In other words, under the proposed legislation factories will be able to adopt a different pricing system, which reflects both the butterfat content and the protein content, and this will be introduced on 31 May 1989. Therefore, it is important that the Bill passes through both Houses of Parliament.

I express my concern that important Bills relating to agriculture seem to be left always until the dying stages of the Parliamentary sessional period and insufficient time is allocated for the debate and the consultation which needs to be undertaken while the Bills are between here and another place. The government stands condemned because it almost always puts the Opposition in that position.

Under the present system, milk supplied to the Victorian Dairy Industry Authority by factories on behalf of farmers is standardised to 3·9 per cent butterfat. Any surplus butterfat arising from that standardisation is shared by farmers who produce in excess of 3·9 per cent butterfat. The payment is by way of the Butterfat Released from Standardisation payment system. Until now, under the BRS payment system, farmers who have supplied milk above 3·9 per cent butterfat content have not received any reward for that higher content. Those few who were under 3·9 per cent did not pay a penalty or have any reduction in the payment they received. Mr Acting Speaker, as you represent a dairy farming area, you will be aware of the practice in the past. The

system was not perfect and it did not accurately pay the producer for what he put into the market.

On the other hand, a farmer whose product was below the then prescribed 3·6 per cent butterfat content could not participate in the scheme. That did not occur on many occasions but it did from time to time under adverse seasonal conditions and during very good seasonal conditions. It meant that under seasonal conditions of a varying kind some dairy farmers fell below the 3·6 per cent level. When they did, they did not participate in the scheme but were able to adjust, if given time, by various feed changes.

The Bill provides that all dairy farmers will participate in the supply of market milk, even those producing below the standard 3·9 per cent butterfat content. The butterfat in their milk for market milk will be adjusted by transferring some kilograms of butterfat from the manufactured portion of their milk. Those farmers producing above 3·9 per cent butterfat content for market milk will be included in the scheme. The kilograms of butterfat in excess will be included in their manufactured milk and the farmers will be paid at the manufactured milk rate.

Some companies will not necessarily participate in the scheme. I understand that at least two companies have indicated that they do not wish to change to the compositional payment scheme at this stage.

Where companies have decided not to change to the compositional payment scheme, the proposed legislation provides for a different rate to be set for butterfat payments with adjustments for the butterfat in market milk supplied by the farmer. In these circumstances the company would be using a lower payment rate for the butterfat removed or added in that standardisation process for market milk as the current rate paid for manufactured milk is an all-up rate which includes the value of protein. The legislation requires the company in that position to declare or to notify in writing and pay a price for the butterfat removed from or added to a farmer's milk in that standardisation process for market milk.

A company that is not paying compositional payments would pay about $5 a kilogram butterfat this season and that reflects the revenue of all sales. Any butterfat released from standardisation from market milk cannot be paid to a farmer at that figure because it does not contain the protein component.

The change to compositional payments has come about because of the propaganda that anything to do with fat is bad and should be excluded from the diet. I do not believe there is much value in getting into that argument because any particular food taken in excess is bad for one but I maintain that it is a matter of degree. However, the popular view is that one should steer away from fatty foods, and protein is considered in this day and age to be far more beneficial. In America there is a strong move away from cream and milk because of the fat content, but over there the flavour of the month at present is coffee milk which has 9 per cent fat—three times the fat content of milk.

On the question of protein, although there is now standardisation for market milk, the protein component will still be adjusted similarly to the butterfat adjustments, but against the average protein percentage test actually sent to the Victorian Dairy Industry Authority by the factory.

This is an important Bill and was introduced in Parliament two weeks ago. Since then there has not been a great deal of time to consult with industry but it is fair to say that, because of the compositional components of this proposed legislation, because they go hand in hand with the compositional payments legislation which was debated

in a previous sitting of Parliament, the Opposition does not have any concern about rushing it through both Houses in the next couple of days.

However, we criticise the government for taking the opportunity of introducing other amendments to the Dairy Act. I refer in particular to dairy technicians. The industry, industry leaders and dairy farmers have been concerned because they consider what the government has done to be an unacceptable tactic. They agreed to the compositional payments of this Bill but nobody told them about the dairy technicians. In the future, if the Minister tries to sneak other changes into pieces of legislation——

Mr Rowe—We are not sneaking anything.

Mr AUSTIN—It is considered by the industry to be an unreasonable tactic and I suggest to the Minister that he would be wise to watch those sorts of moves in the future.

There were some things in it which did concern the industry. In clause 4 proposed new section 86 relates to dairy technicians and under the heading of "Performance of prescribed functions of a dairy technician" it states:

(1) A person is qualified to perform the prescribed functions of a particular prescribed class of dairy technician if that person—

(*a*) holds the prescribed qualifications; or

(*b*) is authorised by the Authority to perform those functions.

On the face of it, that would appear to mean that the authority could authorise anyone to perform that function. The Minister says there is nothing in it to concern anybody and it is straightforward. I inform the Minister that the industry was very concerned about that particular wording. I ask the Minister to clarify that point for the benefit of the House.

With those comments, the Opposition supports the proposed legislation. We believe that compositional payment is here to stay. Some concern was expressed by the Australian Dairy Farmers Union in relation to this Bill. The union believed there were some weaknesses in the pricing mechanism. It was concerned that factories may take advantage of the situation to not pay them a fair price. I understand that those matters have been discussed by the industry. No doubt, they will be watched carefully by all interested groups, whether they are producers or industry leaders, and in particular, the Australian Dairy Farmers Union.

I repeat that the Opposition supports the proposed legislation and hopes it will be, as it would appear to be, for the long-term benefit of the industry.

Mr W. D. McGRATH (Lowan)—This Bill basically picks up three principles: the change to the payment system for market milk; the requirements relating to the dairy technicians; and delegation to officers employed by the Victorian Dairy Industry Authority.

When the previous amendments to the Dairy Industry Act were in this place some months ago, we expressed disappointment that the Minister had not brought forward a measure to introduce the right to have the compositional basis of payment for market milk. The leaders within the dairy industry expressed that opinion to me at the time, and it is pleasing to the industry that the Minister has now indeed picked up this system of payment for market milk. Of course, a new definition has been included in relation to standardisation, to which the honourable member for Ripon has alluded, and is based on the 3·9 per cent butterfat within the milk when it comes into the factory. The compositional payment is made either side of that 3·9 per cent, where the butterfat level or component is higher or lower. On butterfat content, it is interesting to note that in the flush of the season when the cows are producing large volumes of

milk, the level of butterfat is likely to be down, whereas when the quantity produced by the individual cow is less, the butterfat content tends to rise. It is a little like the wheat industry in many ways because, with a larger wheat crop per acre, the protein level within the grain is usually on the lower side but, in a reasonably tough year, when plant growth has been difficult, usually the protein content is on the higher side of the average. A similar situation appears to occur in the dairy industry.

As we try to meet more demands in relation to the specifications and quality of the product, there is a need to examine milk production. If it is possible to extract some of the milk components to bring about a different quality or a different specification in the product to meet a market need, one must take advantage of that potential. In many ways, compositional payments will allow farmers to address market requirements. Of course, in genetic engineering, it is important for the farmers to realise the genes required to produce a particular type of product, so that they can adjust their herds to meet the market requirements. It is very important for the farmer to read the signals, address the situation and so benefit financially. He will then be financially better off at the end of the day.

I took the opportunity of attending the annual United Dairyfarmers of Victoria conference at Geelong, which is concluding today. In his address, the President of United Dairyfarmers of Victoria, John Watson, said that, while dairy farmers do not want to face up to deregulation because they feel more comfortable within a regulated marketing system, it is probably inevitable, with some of the overseas market forces that they have to compete against, that they may indeed have to move more towards deregulation.

I believe it is unfortunate that, because of what is termed as corrupt marketing, with subsidisation particularly by the EEC countries to their dairy industries, it is not easy for the Victorian dairy industry to compete. It also competes under the closer economic relations with New Zealand. The dairy industry in Victoria at the moment has to be a very effective and efficient industry.

From listening to speakers at the conference it is obvious that dairy farmers are striving very hard to meet the demands of efficiency so that they can continue to survive in an unsubsidised world market. They are not benefiting from the subsidisation that is afforded their competitors overseas who are also competing for those markets.

A lot of credit must be given to the dairy farmers of Victoria at the moment for being able to sustain their family farms and maintain their viability in that environment. Once again, listening to some of those speakers, I believe there is a strong need for a commitment from both the government and the industry itself to address the research and technical sides of the industry and all those matters which relate to efficient production and, more importantly, efficient marketing of the various dairy products, whether they are manufactured or market milk products.

There is a need to be really tuned in and that is where the government has an important role in ensuring that it is able to undertake research on behalf of the industry and to feed that information back to the industry. We do not want any government to become involved directly in the industry but we do need the government of the day to provide the incentive, and a favourable climate to enable individual producers to retain a strong and viable position within their communities.

One of the great strengths of the agricultural industry, regardless of the policy of the government of the day, is that it cannot be centralised. It will always remain a decentralised industry within this country.

I take up the point made by the honourable member for Ripon that the industry is somewhat unaware of the changes affecting dairy technicians. I spoke on this point

last night to a couple of people who are closely connected with the dairy industry. They expressed some concern that they had not been aware that this change would take place until after they had seen the Bill.

I agree with another point made by the honourable member for Ripon. I have heard the Minister for Agriculture and Rural Affairs say he will be the Premier of country Victoria, and the way he can achieve that is to have close consultation with the various industry people before a Bill is drawn up and brought out into the public arena. Although I understand that at the moment the Department of Agriculture and Rural Affairs is responsible for the regulation of technicians as to registration, the Bill provides that the responsibility for their competency rests with the employer. The United Dairyfarmers of Victoria is fearful that responsibility may fall back eventually to the farmers and that the ultimate cost of their registration will be borne by the farmers. I ask the Minister to give an assurance that this is not the intention of the change to the legislation affecting dairy technicians.

The other amendment to the Act concerns the delegation of powers to an officer or employee of the Victorian Dairy Industry Authority, and the National Party does not object to that change. I come back to the point made by John Watson at the dairy industry conference at Geelong; the dairy farmers want to see their industry strong and they want to see it aggressive.

Farmers realise that to retain an industry that is competitive and is able to produce quality products, they must work closely with the government of the day, but in return they do not want interference from the government. They want the government to provide research backup through the agricultural institutes around Victoria. They want to see farmers working in close cooperation with the technical and research people so that the best possible results eventuate for the farmers in the first instance, and for the consumers in the second instance.

Although this country competes against countries that provide heavy subsidisation, we are in the fortunate position of not being bothered by the industrial pollution apparent in many of the European Economic Community countries. This pollution impinges on the quality of the product being produced by those countries for their markets. Australia has a particularly pollution-free agricultural environment, and that should be a strong selling point for the government and the industries that make up agricultural production in this State and in Australia as a whole.

The National Party has no argument with the concept of cleaner agriculture. We understand that if we are to supply those markets overseas and get a fair and reasonable return for our products we have to meet standards that are required by those importing countries, and of course those same standards must also apply to our domestic markets.

The National Party supports the measure allowing for compositional payment for market milk, which brings it in to line with manufactured milk. The standardisation technology that is included is also supported, and although we had some initial reservations about the clauses relating to dairy technicians, those concerns have now been alleviated and we are prepared to support that aspect of the Bill.

The Victorian dairy industry is a strong industry. It was pleasing to see that last night the annual dinner of the Victorian Dairy Industry Authority was attended by about 550 people, all of whom were in a good frame of mind. They believe their industry is facing a prosperous few years and I am certain, with a proper legislative framework in which to work, that they will benefit from that prosperity.

Mr MAUGHAN (Rodney)—I support the Bill. The dairying industry is the most important industry in the electorate of Rodney, where there are a number of important

milk factories. The Bill changes the method of payment for market milk, thus complementing legislation that has already been passed by the House.

It is based on the premise that the various components of milk have values which vary from time to time and, although the dairying industry for many years has discussed changes to the method of payment, I am pleased that now something is being done about it and dairy farmers will be paid for their milk in accordance with the value of the varying components in the milk they produce.

The Bill makes provision for giving notice to farmers one month in advance of any change in the value of payment, and that is necessary because it is now possible to manipulate the composition of milk by manipulating the nutrition of the dairy cows, so if the farmers do have time, over a period, they can change the composition of the milk they produce.

As the honourable members for Ripon and Lowan pointed out, dairy farmers strongly support the amendments proposed. I concur with the remarks made by the honourable member for Ripon that general concern exists about the introduction of the open-ended powers of dairy technicians and, in particular, I refer to proposed new section 86 (1) (*b*) where the dairy technician is authorised by the authority to perform certain functions. It is rather open-ended, and we do not really know exactly what powers the government may have in mind in that area.

I do not want to speak at length on the issue; on behalf of the dairy farmers in the electorate I represent, I strongly support the changes that are proposed.

Mr ROWE (Minister for Agriculture and Rural Affairs)—I thank honourable members for their contribution and particularly for their support of the proposed legislation. I gave an undertaking when the other aspect of compositional payments was discussed for those payments to be complementary so that the compositional payments would apply to market milk and manufactured milk.

I take up the point made by the honourable member for Lowan about the future direction and position of the dairying industry. Yesterday I was pleased to open the United Dairyfarmers of Victoria conference in Geelong. Many of the issues that I raised and points I made at the conference would be supported by honourable members, certainly according to the comments that have been made today by the honourable member for Lowan.

The dairy industry is currently on a good footing; it is confident. I also take up the point made by the honourable member for Lowan about overseas markets and the difficulties that are always faced in gaining access to many of those markets. He correctly described those markets as corrupted. They are not efficient producers; they have the benefit of export enhancement programs or they are in receipt of significant subsidies.

At the conference I indicated that despite popular opinion I believe the overall agricultural sector is an area which receives less government support by way of subsidy than does the manufacturing sector.

Mr Steggall—Well done!

Mr ROWE—It is important that the community recognises that situation. Agriculture has the score on the board with its increased productivity over the past two decades when it has outstripped the manufacturing sector and the service sector. I look forward with optimism and confidence to the capacity of agriculture generally and specifically the dairy industry. It has the capacity to maintain its increased activity.

Mr Coleman—Without government interference.

Mr ROWE—I am referring to the fact that the industry has been able to increase productivity and outstrip other sectors of the economy. That should be recognised and an environment should be provided in which the industry can continue to do so. That is not to say that there ought not to be adequate resources and support for the industry.

Mr W. D. McGrath interjected.

Mr ROWE—I take up the interjection and the point made by the Deputy Leader of the National Party. It is important to maintain a commitment to research, an increase in marketing, economic development and so forth. That is the position that I put to the conference yesterday. I gave a commitment about research. It is a vital component of the agricultural sector. Approximately one-third of my department's budget is allocated to the research area. It is a major factor that has allowed all areas of agriculture to increase productivity. It has not been a situation of pure research but it has been applied research, which raises important issues of its rate of application.

Application has been a significant factor in ensuring that the dairy industry and other sectors have been able to remain competitive on world markets and within Australia. It must not be forgotten that dairy production in Victoria is competitive on world markets; Victoria provides 90 per cent of the manufactured product in Victoria and it is also competitive with other States in producing milk. Along with New Zealand, Victoria produces milk for the least cost.

I made a commitment to maintain the level of public sector input for research through the various institutes in the State. It is important that it remains applied research that focuses not only on the needs envisaged by the government through its agricultural strategy but also on meeting the needs of the industry in a changing environment.

Currently approximately 550 people are employed in research in Victoria on 360 projects. It will be an area of increased attention. It was a matter of significant debate at the conference yesterday. Recently the dairy farmers have had a 100 per cent increase in the levy for research. Under proposals at the national level, with encouragement by the Federal Minister for Primary Industries and Energy, John Kerin, each of the industries will apply 0·5 per cent of value of production in research levies. That means that it is likely there will be millions of dollars available throughout Australia for research in agriculture.

I give an undertaking to the House that the department, which has been at the forefront of research, will maintain its focus in order to enhance the capacity of the dairy industry and other industries in the agricultural sector. The application of that research is dependent upon personnel being available for an extension of services. I gave an undertaking at the conference yesterday that the government will be replacing a number of personnel who have left the department, particularly in the Gippsland area, to move into the private sector. I welcome the fact that the private sector is involving itself, but I also note that it is left to the public sector to carry the cost of the training and development of skilled personnel. We will maintain our commitment to the application of important research and new technology that is available.

It is not only research on farms but also the whole area of research in terms of the value-added dairy industry, marketing, and the importance of maintaining our worldwide reputation for clean products. Work is being conducted at Werribee through the Agricultural Engineering Centre which will maintain and enhance that world-class capacity.

In relation to the specific matters raised by the honourable member for Ripon about dairy technicians and the consultations on this matter, I have been advised that

following a departmental review of the regulations a committee was established of officers from my department and the Regulation Review Unit to examine the overlap and duplication in registration requirements for dairy technicians.

There is and has been agreement between the government and the Victorian Dairy Products Association on the proposed amendments. The Bill proposes to remove duplication and thereby remove any additional costs associated with the current requirement for registration and fees to be paid in two areas. This will reduce the burdens on the industry, and I give a categorical undertaking to the Deputy Leader of the National Party that there will be no additional costs to dairy farmers as a result of this provision being enacted.

I thank honourable members for their support for the Bill.

The motion was agreed to.

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

EGG INDUSTRY BILL

The debate (adjourned from April 20) on the motion of Mr Rowe (Minister for Agriculture and Rural Affairs) for the second reading of this Bill was resumed.

Mr AUSTIN (Ripon)—This is the long-awaited Egg Industry Bill. It has a very short, simple title, but it is a Bill that is very complicated in substance and has 143 clauses. I might say that, if the Honourable Frank Wilkes were still here, I am sure he would be reiterating his view that the government could not even run a pie shop. The fact that this Bill is being debated on this Thursday, with Parliament supposedly rising tomorrow for the winter recess, creates the incredible situation where, if the amendments were agreed to—and the Liberal Party, the government and the National Party propose to move many amendments—and the Bill were passed in this House, I am informed by the Clerks that it would take more than 48 hours to rewrite the Bill. Therefore, I suppose Parliament would have to sit again next week, over the weekend, or at some time to complete the process of the Bill passing both Houses. That is an absolutely ludicrous situation and is an insult to industry, members of Parliament and the people of Victoria.

I suppose the Minister for Agriculture and Rural Affairs, who is fairly new in the job, has learnt quite a bit about the egg industry in recent times. I am sure he now understands what lobbying really is. A couple of weeks ago the Chairman of the Victorian Egg Marketing Board was caucusing members from all sides of the political spectrum on just about every sitting day of Parliament to such an extent that I understand he found himself in a position where he thought he would have to resign, which I believe has occurred—the Minister may be able to confirm that later.

Over a number of years the Victorian egg industry has been very heavily regulated. It has had a quota system, which has come under strong criticism from time to time. It is true to say that the small producers in the industry, particularly those on the outskirts of Melbourne and around the Bendigo geographic area, welcomed that quota-controlled, regulated system, but the larger producers in the industry were very critical of it. They felt they were not able to expand in the way that they would like and that they would not be able to take advantage of the economies of scale that such an expansion would bring about.

I believe consumers have been somewhat confused about the regulated egg industry, and probably believe if it were deregulated they would be able to buy eggs more cheaply. I am not sure whether that is completely true. No doubt, it would have some effect on price, but it is unfair to say that because in the egg industry, as in the dairy

industry, the price of the product is very cheap compared with prices of other items in the basket of standard consumer goods. I have often said in the House previously, and I believe it is worth saying at any given opportunity, that the price of a litre of milk to the consumer is somewhere around 80 cents, and yet a litre of soda water, which is just water with a few bubbles injected into it, is $1.20 a litre. That shows the absurdity of the pricing structure of some of the products other than primary products. Primary products are fairly cheap in this country.

I now refer to the history of the egg industry over the past 40-odd years. In 1937 the Victorian Egg Marketing Board was set up. I believe there were some 30 000 egg producers in Victoria at that time. The next major move occurred in 1965, when the Commonwealth Egg Marketing Board—known as CEMA—was established. At that time there were 4000 egg producers. Some seven years later, in 1972, the Australian Agricultural Council agreed to a system of hen quotas. By then there were 2000 producers in the industry in Victoria.

The Victorian Minister of Agriculture at that time, Gilbert Chandler—I am not sure whether he was Sir Gilbert by then—was opposed to the principle of hen quotas, but under that famous pressure that comes from time to time from producers in the industry it was agreed in 1975 that hen quotas would be introduced. It is interesting to note that at the time the provisions establishing the hen quotas were sunsetted for three years. Those who have been Ministers for Agriculture since that time, such as the honourable member for Polwarth, other Ministers in the present government, the present Minister, and me, will be aware that the continued pressure from some areas to get rid of hen quotas, and then the probably stronger numerical pressure from other people to keep hen quotas, has been quite remarkable. I suppose the intensity of that lobbying has been a credit to the skill of those who have engineered it.

By 1977 we had 1000 producers and it was agreed in that year that quotas would be extended for a further two years—so much for sunsetting the provisions. In 1979 quotas were extended for a further year, and that was to allow the McArthur inquiry to run its course. Sir Malcolm McArthur and Mr John O'Connor, who was an economist with the then Department of Agriculture and who is today with the Australian Wool Corporation, carried out that inquiry.

The first McArthur report was presented in 1980, following which the government agreed to phase out hen quotas. The phasing out was to occur with industry-funded compensation for those farmers who held quotas.

By that time the pieces of paper that hen quota holders had in their possession were worth an increasing amount. Each quota started off being worth a few dollars—and one quota represented one hen—but at its height the cost of a hen quota reached approximately $18.50, just for that small piece of paper.

In 1981 the second McArthur report was completed, and it strongly recommended the abolition of quotas and the deregulation of the industry. That report was overtaken by the change of government in 1982. In 1983 the Minister of Agriculture was the Honourable D. E. Kent. If the Minister for Agriculture and Rural Affairs tends to be a deregulator, and I am glad that he is, the Honourable D. E. Kent was the exact opposite. He made a deal with the industry that made hen quotas permanent. Part of the deal was to limit the number of hens that any one producer could own to 10 000. In other words, a family farm being operated as a partnership could have 20 000 hens, but the maximum limit was set at 40 000 hens for any family farm with the exception of those farms that already had hen quotas in excess of that maximum, which could retain their quotas.

It is interesting to note that at that time there were 500 producers left in the industry. In 1985 the Public Bodies Review Committee commenced its inquiry into the egg

industry. In 1986 the egg pricing question was referred to the Prices Commissioner. He upset the industry because he recommended that the price of eggs should be reduced by 12 cents a dozen. That recommendation caused considerable anger in the industry. It is always difficult to obtain the absolute truth on what a price mechanism ought to be or what the price to the producer ought to be at any given time.

The producers strongly questioned the method adopted by the Prices Commissioner. The claim was made that the Prices Commissioner had based his calculations not on the average farm that one would expect a reasonably efficient producer to operate, but on a highly efficient farm, the top farm, one where money had not really been a concern, where there was an efficient economy of scale, where large capital expenditure had occurred, no interest payments had to be met and so on. It would be impossible for the average farm to be so structured. It was also claimed that the Prices Commissioner did not really consider, when examining the cost of production and the wage structure, the family input into the running of a family farm.

Mr Perrin—True.

Mr AUSTIN—The honourable member for Bulleen agrees with me. Because of the change in pricing it was claimed that the future of many farms was put in jeopardy. A number of farms did go out of business at the time—larger farms because they felt they were being pressured and prevented from being efficient because of the limit on the number of hen quotas they could accumulate, and smaller farms because they could not make do with the reduced price of eggs.

In 1988 the report of the Public Bodies Review Committee was tabled in Parliament, closely followed by the Ministerial statement of the then Minister for Agriculture and Rural Affairs, the Honourable Evan Walker, now the Minister for the Arts. They were two significant events for the egg industry, an industry which then waited with bated breath to see what action would be taken following the report of the committee and the Ministerial statement.

The major recommendation of the Public Bodies Review Committee was that the control of eggs should no longer be vested in the Victorian Egg Marketing Board and, in a way, the report dodged the hen quota issue by recommending that quotas should be phased out or should disappear in seven years from the tabling of the report.

The Minister for the Arts, in presenting his Ministerial statement as the then Minister for Agriculture and Rural Affairs, made it very clear that, although he believed some deregulation was necessary in the industry, the government had no intention of taking away the vesting of eggs in the egg board. It was agreed that the monopoly power that was so strongly held by the board should be removed. It was expected that egg marketing would be open to more competition. That had been a major thrust of the review carried out by the Public Bodies Review Committee and of the Ministerial statement and, until recently, a major part of the legislative program.

Although the proposed legislation goes some way to achieving that end, I understand proposed amendments foreshadowed by the Minister will have the effect of the regulation of the egg industry being largely emasculated. I am sad that the Minister has succumbed to pressure brought to bear by the strong and clever lobbying of smaller growers in the industry and the egg board.

Mr Kennedy interjected.

Mr AUSTIN—I understand the honourable member for Bendigo West would be delighted. He would be one of the main lobbyists. The egg industry is worth approximately $80 million a year to the State of Victoria. There are now 371 producers left in the industry. I remind honourable members that initially there were 30 000 egg

producers: there are now 371. Only 200 of the remaining egg producers have more than 1000 hens. Most of those producers with 2000 or fewer hens are family farms. They do not just have eggs; they are mixed family farms and run cows and sheep and grow wheat. Those farms are important and the Opposition wants to see the family farm survive and prosper but there is some inevitability about farm sizes because, although the reduction in the number of producers has slowed, the situation is that 10 producers produce 25 per cent of all eggs produced in Victoria, 19 producers produce 36 per cent, and 37 producers produce more than 57 per cent of all eggs produced in Victoria.

So, although it is nice to do the sorts of things that are being done by regulation to keep the small farmers on their farms—if they are good many of them will survive—it is absolutely essential that the industry becomes efficient. It is not just essential for Victoria, but essential so that the egg industry will survive against the pressures that will come from New South Wales. Although Victoria has been more efficient than New South Wales, the changes proposed by the Bill will mean that Victoria will be able to hold its egg prices and reduce the overproduction of eggs. It will then be both more efficient and more competitive, which is an important position to be in at all times.

Division 1 of Part 2 of the Bill establishes the Egg Industry Licensing Committee as a separate entitity to the Victorian Egg Marketing Board. Some people in the industry—I am not sure about the National Party's view—believe this licensing function ought to be carried out by the egg board, perhaps not by the whole board but by some members of the board who could be involved in a specific structure for that purpose. The Opposition has been advised that at present some 30 minutes is set aside at each monthly meeting to deal with that aspect. If Victoria is to move down this deregulatory track it is important that some of the powers now held by the egg board should be removed. The Opposition supports that proposal.

Division 2 of Part 2 restructures the Victorian Egg Marketing Board and increases the membership of the board from six to eight, which is a reverse of deregulation. That move has been brought about because the Minister for Agriculture and Rural Affairs and the government wish to appoint an employee representative to the board. I do not understand why that is necessary. The industry does not appear to have suffered from not having an employee representative on the board. I suggest such a proposal is against the spirit of deregulation.

The egg board's chief function is the production and marketing of eggs. Part 2 of the Bill provides for the appointment of producer agents to ensure that eggs and egg production are of a satisfactory grade, standard and quality, and also to ensure that eggs are priced in accordance with the Act.

Part 3 of the Bill refers to the State hen quota, which provides for the number of hens that the Egg Industry Licensing Committee, after consultation with the egg board, decides is the appropriate total number of hens necessary to supply the required eggs. The State hen quota is the number declared by the Minister for Agriculture and Rural Affairs on the recommendation of the Australian Agricultural Council, and the issued quota must not exceed the State hen quota. It is important that the issued quota ensures that as few eggs as possible are sold from the unprofitable market, and that is where New South Wales has got itself into considerable difficulty. I understand that position is improving because of the high production of eggs over and above those than can be sold on profitable markets.

From time to time the quota has to be varied. I am advised that just before and after Easter this year consumption varied by 150 per cent. It is difficult to predict what will occur in the future, but the egg board has always had the right to increase or

reduce the total number by removing a percentage of the quota of hens from all egg producers, with the exception of farmers with 2000 hens or fewer. The Bill will change that position by including farmers with 2000 hens or fewer in the quota adjustments.

The Minister has been good enough to advise the Opposition of the amendments he proposes to move in the Committee stage, following some pressure exerted on him. No doubt the honourable member for Bendigo West had a bit to do with that! The Minister has now given in and has backed off from his original intention.

Mr Kennedy interjected.

Mr AUSTIN—It depends whether the honourable member wants an efficient industry. I am sure the people of Bendigo will be pleased about that. The Minister will learn that there are times when he has to do the right thing by the community and not just cave in to every pressure group that comes along. I have read all the submissions and documents and have had representatives of those groups in my office; I have met with such groups for seventeen years.

The Bill provides for 90 days notice to be given to egg producers if any changes to the total egg quota are to be made. I understand the Minister has agreed to the Opposition's proposed amendment that the 90 days should be reduced to 21 days. Ninety days is much too long.

When the Honourable Eric Kent was Minister of Agriculture, he reduced the number that any one grower could have to 10 000 a farm, and 40 000 for a family farm. The Bill increases the number for any one farm to 80 000. The Opposition will propose an amendment to increase that to 100 000, which will bring it into line with New South Wales. In fact, I believe there should be no limit, or a limit as high as 250 000. If New South Wales makes a further change as a result of deregulation, the Minister ought to be ready to respond. I am pleased to see the Minister nodding his head. I am sure the honourable member for Bendigo West will have something to say about that, too.

Mr Rowe—We will look at it.

Mr AUSTIN—Both the Minister and the honourable member for Bendigo West will look at it. The Bill will provide growers with the opportunity of freely trading or leasing hen quotas, which they have not been able to do before. They will be able to lease hen quotas from other growers. The only stipulation is that the Egg Industry Licensing Committee has to be informed of any changes in hen quotas so that the committee knows exactly who owns quotas at any given time.

Mr Rowe—And the value!

Mr AUSTIN—The value will do what it has always done and fluctuate according to demand. That is the biggest complaint about the whole hen quota system.

Part 4 of the Bill deals with the owning and keeping of hens. At present the most hens that any backyarder can keep without a quota is twenty. The Public Bodies Review Committee recommended lifting that number to 500. That figure may be a little too high and may knock out many legitimate producers. The Bill proposes to increase that number to 50 hens, and the Opposition agrees with that proposal.

I am a bit confused about clause 66 which refers to associated persons with respect to owning or keeping up to 80 000 hens, which the Opposition proposes to increase to 100 000 hens in the Committee stage. I am not sure what "associated persons" means in that clause.

Part 5 of Division 2 of the Bill refers to producer agents; this is the most regulatory part of the Bill. It is what makes the Bill worthwhile. The Minister has been under fire from various sections of the industry, but all egg producers were not opposed to that

part of the Bill. Many of them supported that part of the Bill and believed it was essential for the future efficiency of the industry. I am saddened that the Minister has given in under fire on that issue; it has made the Bill a waste of time.

The Bill says that the board must appoint producer agents; that is, if somebody applies to become a producer agent, that gives that person the right to sell, trade and market his or her own eggs and other producers eggs. The government seeks to amend that part of the Bill to provide that the board may, if it sees fit, appoint a producer agent. The Minister is giving that power back to the board. The board will not appoint producer agents when local pressure is brought to bear on this matter. The Liberal Party does not want more agents in Bendigo because existing agents in that geographic area would be disadvantaged. This provision was included because egg producers said that there would be pressure from New South Wales, a price war would eventuate and that eggs would flood into Victoria. That was the basis of the lobby.

I would have suggested that, if eggs flooded into Victoria, the Minister could deal with that under section 92 of the Constitution. Many people would suggest that New South Wales eggs would be kept from coming into Victoria if the industry were efficient and if the price of eggs in Victoria were kept below the price of eggs in New South Wales. Eggs have traditionally been considerably dearer in New South Wales than in this State, even without the addition of the transport cost that would be involved in bringing them to Victoria.

Of course, when we used an argument that eggs could come in from New South Wales in any case under section 92, we had thrown up at us the case of *Permewan Wright Consolidated Pty Ltd* v. *Trewhitt* in which that matter was tested in the High Court in 1979 and the position was upheld. That was used as an argument to maintain that it was no bluff to say that that position could be held. Since then, however, plenty of legal people have suggested that, if that question were tested again, the result would be different; but that is a matter for debate, argument and differences of opinion.

I wonder why Mr Foster has resigned from the board if he has had such success in his lobbying to emasculate——

An honourable member interjected.

Mr AUSTIN—Has he resigned? I do not know whether he was going to be sacked or not, but I believe he has resigned. It seems strange that he has had such a win on behalf of the board if that is so.

Part 7 of the Bill deals with the price of eggs and relates to the Egg Prices Review Panel. In the past, the Prices Commissioner has reviewed the egg industry and made recommendations to the board, which sets the price of eggs. If the Bill is passed, the panel will have increased authority, and the Egg Prices Review Panel will review and determine the price of eggs. The industry is concerned that the Prices Commissioner may have too much power. The National Party wants to get rid of that but to get rid of the panel and return that power to the board would reverse the deregulatory process.

Mr Steggall—There must be some regulation at some time.

Mr AUSTIN—That power should not be given back to the board. One can understand why the industry is nervous about being screwed down as to price.

Honourable members interjecting.

Mr AUSTIN—The Prices Commissioner can only make a recommendation; it is the board that sets the price.

Mr Steggall—You are drawing a long bow.

Mr AUSTIN—It is questionable whether it is a long bow or not. The panel consists of three members and the Prices Commissioner is one person only. The Liberal Party foreshadows that it will move an amendment during the Committee stage to provide that one of the commercially oriented members of the Egg Prices Review Panel should be a producer.

Clause 137 (2) (*c*) (i) deals with the code of practice under the Prevention of Cruelty to Animals Act. The Liberal Party agrees with the concept of a code of practice. It was a Liberal government that introduced a code of practice for the transport of sheep, cattle and other farm animals. The Liberal Party was the initiator of that particular system. It has worked well and, where animals are not treated in a correct, fair and reasonable manner, someone usually gets to know about it; and, after a complaint is made, the matter is examined and judgment is made. The farmer concerned has to set the matter right or is prosecuted. The Liberal Party has no objection to the enforcement of the code of practice in relation to the egg industry. Compliance should be a condition of licence.

Further negotiations will take place between the Liberal Party, the National Party and, hopefully, the Minister to overcome this difficult situation as to the number of foreshadowed amendments. The Liberal Party foreshadows many amendments, as do the National Party and the government. A decision should be made whether amendments should be moved during the Committee stage. If the amendments are moved it will not be possible to go ahead with the Bill in its present form because the Minister has virtually destroyed many aspects of the Bill.

Mr Rowe interjected.

Mr AUSTIN—The Minister, by way of interjection, says that he wants the Bill to be passed in its present form. If that is the case, the amendments will not be accepted because it would take at least 48 hours for the 137 clauses to be rewritten, and that would mean sitting again next week.

The sitting was suspended at 1 *p.m. until* 2.3 *p.m.*

Mr W. D. McGRATH (Lowan)—The Bill was introduced on 20 April, yet it is being debated more than one month later. It is also disappointing that, because this is the last week of the sessional period, debate on the Bill will be restricted.

Various amendments to the Bill will be proposed by all parties, yet because of time restrictions those amendments will not be moved in this Chamber but only foreshadowed, and they will be dealt with when the Bill is in the other place—which is a pretty average way of dealing with an important Bill!

The Bill was introduced as a result of recommendations made in 1987 by the Public Bodies Review Committee, after a review of the operations of agricultural marketing bodies. The recommendations of that committee were not unanimous. A minority report was produced by two members of the National Party, the honourable member for Swan Hill and Mr David Evans an honourable member for North Eastern Province in the other place.

The majority report of the Public Bodies Review Committee recommended deregulation at any cost and the elimination of hen quotas, to open up the industry. The minority report recommended a continuation of orderly marketing, the hen quota system and the maintenance of the Victorian Egg Marketing Board's role, and stressed the need for an elected grower majority on the board, as well as some other matters.

The need for growers to be in the majority on the statutory marketing boards is a fundamental National Party principle. I noted with interest that the honourable member for Ripon said the Liberal Party does not support the principle of a grower

majority on statutory marketing boards. I read this afternoon's *Herald* to see how the wheat marketing debate was progressing in Canberra, and I noted that the Federal Liberal Party will support the Federal National Party's demand for a grower majority on the Wheat Marketing Board. It seems that there are two sets of rules in this matter—one for Victoria and one for Canberra!

Mr Austin—They are in coalition up there.

Mr W. D. McGRATH—Yes, it is a coalition. But the principle of grower majorities on statutory marketing boards is fundamental to the Victorian National Party. Unless decisions are made that——

Mr Rowe interjected.

Mr W. D. McGRATH—I shall take up the Minister's interjection. It is my understanding that all honourable members come into this place to represent the interests of the people who elected them. Yet the Minister for Agriculture and Rural Affairs is not prepared to go along with the wishes of producers in the egg industry. Instead, he intends to let them down. He claims to be the "Premier of country Victoria"; yet at the first hurdle he faces he slips and falls and lets down the primary industry. I wonder what the honourable member for Bendigo West said about this matter in the Labor Party room?

Mr Kennedy—I've just been praised by the honourable member for Ripon.

Mr W. D. McGRATH—I am sure the honourable member would not take the Minister's line in the party room, if he wished to represent the people who elected him to Parliament. Although the National Party supports the thrust of the Bill, we contend that it should be significantly amended to ensure that producers are in the majority on the Victorian Egg Marketing Board.

As a farmer I use machinery that is made of metal. I wonder how the Amalgamated Metal Workers Union, for example, would feel if I went to that union and said, "Because I am a user of some of the products made by members of your union, I want a position on your executive". I wonder what would happen if members of the Victorian Farmers Federation approached Bill Kelty, the Secretary of the Australian Council of Trade Unions, and said, "Because we are farmers and rely on the work done by trade unionists, we want a position on the ACTU board". Mr Acting Speaker, you know what he would tell them—"No dice, fellows, you are not getting in here!"

The Minister talks about the need for deregulation of the industry. What about wages policy? The wage fixing system has not been deregulated. Once again, this is an example of the double standards applied by the Minister for Agriculture and Rural Affairs. The Minister must be consistent. If he is to represent the agricultural sector, he must be more receptive to the wishes of the industry.

The Victorian Farmers Federation and the Bendigo group are in unison and approximately 95 per cent of the industry is now represented by those groups. The honourable member for Ripon spoke about the loss of people from the industry, and he is right that between 1979 and 1986 the number of producers decreased from 2300 to 344. There are now some 371 quota holders and egg farmers in Victoria.

There are a number of egg producers in the electorate represented by the honourable member for Bendigo West.

Mr Rowe—I have been there.

Mr W. D. McGRATH—So have I. I spent some time with the producers in that area, and if the Minister had listened to them as I did he would be following the same

line as I am. I am sure those producers would not have given the Minister a different line from the one they gave me.

Mr Fordham—Are you a messenger?

Mr W. D. McGRATH—I and members of the National Party try to give representation to the people of the industry. Members of the government think that just because they are members of Parliament they suddenly become experts on the egg industry and can say, "To hell with the industry; it doesn't matter what they think, we are going to put through this legislation regardless of what the egg producers want". The Minister has not listened carefully to the people he met in Bendigo, although I am glad he met them.

Mr Rowe—They are good people.

Mr W. D. McGRATH—They are good people and they try hard to keep viable units in place. The Bill will make that harder to achieve.

Mr Rowe—How much investment has there been in the egg industry in the past few years?

Mr W. D. McGRATH—The Bill contains a sunset clause and if that remains the amount of investment in the industry will be restricted.

Mr Rowe—Seven years.

Mr W. D. McGRATH—I believe it is four years. The government will not imbue the industry with confidence if the sunset clause remains in the Bill. The industry has not asked for a sunset clause.

For some time egg producers have been critical of the Victorian Egg Marketing Board because they do not elect the people who represent them on the board. The Minister for Agriculture and Rural Affairs appoints the members of the board and they are accountable to him. The operation of the board is paid for by egg producers, and they feel that the majority of members of the board should be elected by them.

Mr Rowe—What about public interest?

Mr W. D. McGRATH—I am glad the Minister mentioned that; I shall come back to that point. The Minister for Agriculture and Rural Affairs should be concerned about the producers rather than the public interest. The Minister for Prices should look after the public interest and the Minister for Agriculture and Rural Affairs should take up the cudgels on behalf of the producers because they are the important people. If they knock off work tomorrow, I do not know what the rest of the community will do because eggs will not be available.

Mr Perrin—The chooks don't stop!

Mr W. D. McGRATH—The eggs would not be delivered to the various outlets if egg producers stopped working.

For some time honourable members have been talking about what is happening in New South Wales. Basically, that State will retain a producer-dominated cooperative board. The ACIL report is a report commissioned by the New South Wales government which has reviewed the egg industry in that State. I shall refer to point 6 of that report, which I understand will be taken up in the legislation to be initiated into the New South Wales Parliament in the spring sessional period.

Point 6 states:

> Creation of a cooperative of producers, titled the New South Wales Egg Producers Cooperative and hereafter referred to as the "cooperative";

the primary function of the cooperative would be to accept and market eggs supplied by members, although it would be free to source eggs from non-member producers within the constraints of the New South Wales Co-operation Act and the Income Tax Assessment Act;

holders of quota as at the date of announcement would become shareholders in proportion to their levels of quota, in line with point 1 above; and

a restriction of 5 per cent would be placed on the maximum shareholding of any individual.

I put to the Minister once again the importance of grower control of the Victorian Egg Marketing Board.

It is interesting to compare the price of eggs in New South Wales, Victoria, Western Australia and New Zealand. Approximately a fortnight ago the prices for middle grade eggs in those places were as follows: Victoria, $1.69; Western Australia, $1.90; New South Wales, $1.91; and New Zealand, between $1.80 and $1.88. Egg producers in Victoria claim they have lost out by approximately 12 cents a dozen in relation to the price suggested by the tribunal. That is one reason why the National Party believes the Victorian Egg Marketing Board should have the responsibility of setting prices.

The National Party proposes that the egg board will review prices every six months and, after review, establish a price for the next six months. Under that scenario, if producers are doing the wrong thing they will put themselves out of business. They will not be able to blame the government or consumers; they will have only themselves to blame. If the producers price the eggs at a restrictive level for the consumer, they will suffer the consequences of creating a situation where consumers will not buy eggs.

A grower-controlled egg board would act in the best interests of the people it represents at the first stage—the producers. We have often seen so-called experts come into marketing situations and take a big slice of the cake from the price of a product. In many cases, the producer does not have much say in the end result of where his product finishes up and he is penalised by poor returns. That has happened over a number of years.

The National Party believes there should be a grower majority on the Victorian Egg Marketing Board and that the board should have the right to run the egg industry within the legislative framework set up under the proposal.

The National Party outlines to the Minister that each of the persons nominated under subclause (3) should have been appointed by licence holders under a poll according to the provisions and regulations which provide that each licensee shall be entitled to one vote in each poll, that the voting will be preferential, and that the poll will be for the election of six persons, whereas three or four persons are nominated. Those persons then would have been appointed by the Minister.

If the Minister is not satisfied with the elected representatives, clause 32, which deals with Ministerial direction, can be applied. It states:

(1) The Board is subject to—

(*a*) The general direction and control of the Minister; and

(*b*) any specific written directions given by the Minister.

(2) The Board must publish specific written directions given to it during a financial year in its annual report for that year.

(3) The Board must provide the Minister with such information, reports and documents relating to its policies and activities as the Minister requests.

The board will still be fairly subservient to the Minister, even though it is elected. The Minister will still have power to direct and control. I do not see why the Minister should be afraid of the proposition of the National Party for a grower majority on the Victorian Egg Marketing Board.

A letter was sent to me—and to other Parliamentarians—on 11 May 1989. It states:

We the producer representatives of the Victorian egg industry urge you to consider carefully the attached amendments which we are seeking for the Egg Industry Bill currently before Parliament.

We both agree that the proposed amendments represent the wishes of all egg producers in this State that belong to an egg producer organisation. We estimate this to be about 95 per cent of the current hen quota holding.

Please consider our requests, it is our industry and our livelihood. We must have legislation which provides a future for producers and the family farm.

I repeat the last paragraph for the benefit of the Minister:

Please consider our requests, it is our industry and livelihood. We must have legislation which provides a future for producers and the family farm.

The letter is signed by Kevin Brinkkotter, President of the Egg Producers Group of the Victorian Farmers Federation, and Ron Robins, the President of the Commercial Egg Producers Association of Victoria.

Clause 137 deals with regulations and the code of practice under the Prevention of Cruelty to Animals Act 1986. The proposed legislation also provides that, if a breach against the code of practice occurs, a producer could suffer the loss of his licence, which would mean that his livelihood would be taken away. Therefore, not only is there a monetary penalty, but also the penalty of the loss of licence.

At times mistreatment or cruelty to birds could take place, but it may not necessarily be the fault of the licence holder. It may be that the breach is unintentional. Anyone who has a good understanding of agriculture and those involved in the industry knows that producers respect the birds and animals under their control and, although the National Party acknowledges the code of practice concerning animal cruelty, only a minority of producers would allow birds to suffer any distress because the birds are vital to the viability of the producers operation. In this day and age we get a little carried away with putting codes of practice and the associated connotations into proposed legislation.

The egg producers of Bendigo and the Victorian Farmers Federation made the following comments about the Egg Prices Review Panel:

We consider that producers should control the marketing of their own products and therefore it is policy of both our groups that the board consist of a majority of producers elected by direct producer vote.

We are however concerned at criticisms that producers should not be controlling supply and pricing of their product. Therefore, despite the fact that we consider it is not in the producers best interests to take advantage of this situation, we are willing to accept an expanded producer minority board to quell such criticisms on the proviso that the board retain its ability to determine farmgate and wholesale egg prices.

For those reasons, they believe there is no further need for a price review panel.

Mr Kennedy—What do you say?

Mr W. D. McGRATH—As I said, it has always been a fundamental principle to have——

Mr Kennedy—You are not saying anything about your own policy.

Mr McNamara—He is a bit slow.

Mr W. D. McGRATH—That's right.

The ACTING SPEAKER (Mr Evans)—Order! The honourable member for Bendigo West will have an opportunity of contributing.

Mr W. D. McGRATH—The policy of the National Party is that it would like a producer majority on the boards of statutory authorities. The egg producers are prepared to forgo that control, provided the prices review panel is abolished. I note that the Minister is shaking his head. However, clause 116 (1) states:

(1) The Board may determine the price of eggs at any time and must determine the price of eggs at least once in every 6 months.

The prices review panel is a cost to the industry. The board is in a better position to establish a fair and equitable price for both parties: a price that is fair to the consumer and a price that ensures a fair and reasonable return to producers. By continuing with the policy of a prices review panel and by not listening to the industry, the Minister is being negligent in his Ministerial role.

The egg producers make the following comments about the funding of the surplus:

To ensure a constant supply of reasonable sizes and grades of fresh eggs all year round the board must be able to fund a small surplus. The Public Bodies Review Committee (PBRC) made it clear that cross-subsidisation of up to 4 per cent surplus is acceptable.

The submission states:

It is our view that clause 103 (3) (*a*) (v) be amended to include "manufacture of egg products and up to 2 per cent above the annual shell and profitable product market".

That would facilitate a surplus of 2 per cent above the annual shell production. The Minister shakes his head. He is once again not prepared to accept a suggestion put forward by an industry group.

The next important area of the Bill relates to the board's ability to have at least minimal control over producer agents. The submission from the industry group states:

In the interests of all Victorian producers the board must have at least minimal control over the distribution of eggs which includes whether a PA can grade interstate eggs.

It is our view that clause 87 (3) have added to the end ". . . producer agent providing such person can efficiently and expediently give effect to the marketing function".

That is important. I think the Minister is indicating that he is prepared to accept that. That is pleasing, because the producer agents provision is important to the Bill. I am concerned about interstate eggs coming into Victoria. For example, a person could take out a quota of 50 hens and set up production near the Victorian border, then take out an agent's licence to test and grade eggs. He could then bring eggs over the border and feed them into the market. The provision in the Bill is not tight enough to prevent that.

Clause 88 should provide that a producer agent may market eggs and egg products as prescribed by the Act. What the clause actually says is that a producer agent may market eggs and egg products, whether produced by the agent or by another producer. Another producer could easily be an interstate producer getting eggs into Victoria through the back door. That would cause hardship on the egg farmers in this State, as mentioned by the honourable member for Ripon.

Clause 63 is a sunset provision. The industry group submission states:

Under no circumstances will we accept a sunset clause to quotas. Such a clause would discourage long-term investment, increase concern of risk by impending financial lenders and clearly would be a backward move by the government.

There was no sunset clause in the May 1988 Ministerial statement on egg marketing arrangements nor was it part of the ALPs election platform.

I ask the Minister the reason for including a sunset clause in the Bill. He may be able to give a reasonable explanation. The sunset clause will restrict investment.

Mr Rowe interjected.

Mr W. D. McGRATH—I am not interested in what applies in New Zealand, I am interested in what the Victorian industry wants. The producers want a long-term assurance that they will remain in the industry and they are concerned that the inclusion of a sunset clause may lead to a change in the situation in four years time. As the Minister pointed out, the review is in four years time and the sunset clause is effective in seven years. If a farmer is investing $100 000 or $200 000 in an industry, he would need some sort of assurance that for at least ten or twenty years he will receive some return on his investment. No-one can pick up a return on that sort of investment in four years.

It is easy for honourable members to pick up their salaries once a fortnight. We should not be dictating to people outside this place who are not in the same situation. The sunset clause will put a cloud over the future investment of egg farmers. I ask the Minister to remove the sunset clause from the Bill when it is between here and another place.

Clause 55 relates to seasonal quotas. The industry group submission states:

> Ninety days of increased production by an individual will cause a sizeable blowout surplus to market needs which could only be dumped and would be of cost to producers. We therefore recommend "90 days" be replaced with "21 days" in clause 55 (2).

That is a more reasonable approach. If a surplus occurs, after 90 days has elapsed that surplus will have expanded enormously. If action were taken within 21 days the industry would have a better chance of coping with the situation. These problems tend to arise in the industry because hens have higher rates of production at some times of the year than at others. I ask the Minister to give consideration to this while the Bill is between here and another place.

The next issue is the 2000-bird farm exemption. The submission states:

> We note that the 2000-bird exemption per farm has been left out of the Bill and consider that it should be reinstated. The lack of it will impose inordinate hardship on the smaller producers who are already finding it hard to survive.

The honourable member for Ripon commented on the decline in the number of producers in the industry. The big producers are getting bigger and the small producers are going out of the industry. If a cut in production is to be made, that cut should apply only to those with hen quotas for more than 2000 birds. Those with hen quotas for fewer than 2000 birds should not be subject to cuts in production if and when that is necessary.

The next point relates to the farm size limit. The submission states:

> It is VFF policy to support a quota hen limit of 100 000. Lifting of the limit of 80 000 specified in clause 66 to 100 000 would bring Victoria in line with New South Wales and ensure the highest levels of efficiency can be achieved—as we are sure is the government's desire.

The current hen quota limit in Victoria is 40 000. That has been lifted from 40 000 to 80 000 and the National Party believes that limit is reasonable. The ACIL report recommendations that are being followed by the New South Wales government are for a hen quota limit of 100 000. If the limit in Victoria were lifted to 100 000, that would bring it into line with New South Wales.

The National Party favours 80 000 but the industry would like the hen quota lifted to 100 000. The Bill contains a provision for those who already have in excess of the 80 000 hen quota to be facilitated. That is a fair and reasonable prescription.

The Victorian Farmers Federation refers to the Egg Industry Licensing Committee; that is an important aspect. The industry group submission further states:

> Is it the Minister's intention that the licensing committee should use the staff and facilities of the board? This would be yet another cost to producers created by the Bill . . . For reasons of increased cost, the Victorian Farmers Federation considers clause 11 (2) should be amended to read "All appointees must be members of the board, but the chairperson of the board is not eligible for appointment to the committee."

I ask the Minister to consider that suggestion from the industry.

I have tried to place the industry's position before the House. As I said in opening, if honourable members are to represent people—and that is the reason we are here, to provide representation for individuals and industries—the Minister for Agriculture and Rural Affairs has an important role to play in representing and supporting the industry to the utmost. Without those industries there would no longer be a need for a Minister for Agriculture and Rural Affairs.

Mr Rowe interjected.

Mr W. D. McGRATH—That is not the way the industry is explaining it at all. I wonder how the Minister, who has never been involved in the industry, although he may have an economics degree——

Mr Rowe interjected.

The ACTING SPEAKER (Mr Evans)—Order! The Minister will have his opportunity.

Mr W. D. McGRATH—The industry has survived for a number of years.

Mr Perrin—And the industry will survive this Minister.

Mr W. D. McGRATH—That is probably right, and it will survive for much longer than the Minister unless he starts to listen to the views of the primary industries.

The broiler industry, for example, runs almost parallel to the egg industry in its operations and is very much controlled by only a few people. Fantasy Farm was one large organisation funded by the Victorian Economic Development Corporation but in the crunch of large organisations, that was squeezed out and went to the wall. The Victorian taxpayers who have supplied funds to the VEDC to finance that venture were the ones who suffered.

If a monopolisation by a few large corporations with vested interests is obvious, it is in the best interests of all to have an equal chance to make a dollar from the industry. As the House has heard, hens owned by 371 poultrymen produce all Victorian eggs, and 52·8 per cent of farms have only 2000 or fewer hens, producing approximately 3·8 per cent of all Victorian eggs. The egg farmers should nevertheless be entitled to an even share of the take. They are important to their communities, such as Bendigo, where many producers are located.

Mr Rowe—The 3·8 per cent has condemned your own argument.

Mr W. D. McGRATH—No, I have not condemned it. The Minister is saying through his interjection that there is no place for the little bloke under the argument put by him that the 52 per cent of farmers constitute the egg industry, but small producers do not really matter. He says that all that is needed is an allocation at the top of the scale. The Minister should be condemned for that interjection.

I place all the points put by me at the outset in the government's camp. If you, Mr Acting Speaker, went to the Australian Council of Trade Unions, perhaps to Bill Kelty or Simon Crean, and said, "I want a representative for farmers or private enterprise on the ACTU executive", you would not get too far.

Mr Kennedy—What is the point you are making?

Mr W. D. McGRATH—We would have no chance. They want to have a majority control over their union executives. The Victorian egg producers should be entitled to the same privilege, if that philosophy is followed.

Mr Rowe—They are setting the prices.

Mr W. D. McGRATH—Yes, they are setting the prices.

Mr Kennedy—Should the ACTU set wages?

Mr W. D. McGRATH—Yes, it is now the role of the ACTU. I can tell you right here and now that the most powerful men in politics——

Mr Rowe—Back to the Bill!

Mr W. D. McGRATH—The Minister does not like it; he says, "Back to the Bill". The most powerful men in Labor Party politics are Simon Crean and Bill Kelty. They set the policies for the Federal government in relation to wages to be paid.

The National Party is of the opinion that representatives of the industry should have similar controls and the right to have a majority say in the industry that is so important to them. It is disappointing that, because of time constraints, the House has not had the opportunity for a full debate on the various clauses through the Committee stage. On behalf of the industry, I have outlined to the Minister suggested amendments to the Bill and I hope while the Bill is between here and the other place he will reconsider some of the proposals put by the egg industry. Those suggestions have been put by farmers who make up the industry, and without them there would be no good quality eggs on Victorian tables.

The Minister must adopt many of the suggestions, particularly in relation to the majority grower control of the board. He would then demonstrate to the agricultural industry in Victoria that he actually is the Minister for Agriculture and Rural Affairs.

Mr KENNEDY (Bendigo West)—I am happy to be involved in this debate, and to make only a brief contribution because of time constraints.

Honourable members interjecting.

Mr KENNEDY—I express my congratulations on the spirit of cooperation and compromise which has been shown by many parties involved in discussions leading to the introduction of the Bill. I commend the government for its capacity to listen to various points of view and to ensure that all are taken into account in providing what will finally be a balanced Bill.

I am honoured that I have been singled out for attack early in the day by the Opposition spokesman on agriculture, who said I was one of the main lobbyists for small producers in my electorate. Frankly, I am not at all embarrassed or belittled by the comment of the Opposition spokesman on agriculture and rural affairs. I am proud that I have had the pleasure of listening to many people involved in the industry, particularly egg producers in my area. I have been happy, too, to pass the remarks of those people on to the Minister for Agriculture and Rural Affairs. A number of the considerations referred by me to the government have been taken into account in a positive manner.

I know that the National Party is a little distressed that the shadow spokesman for agriculture and rural affairs made those comments about me. The honourable member for Lowan has indicated clearly that he would have liked to have attacked the government on its attitude to the people of the Bendigo area, and to run the usual line that the government does not listen to or work for those people. Unfortunately, such

a campaign could not be conducted, by courtesy of the Opposition spokesman on agriculture and rural affairs.

While I was coming under personal attack for being cooperative with industry in my area, I notice that no reference was made to what was being done by my colleague from Bendigo, the Liberal member for Bendigo East. I do not know whether he has expressed any views to his party on the subject and, if he has, whether they have been taken notice of, or whether he has not bothered to express any views in the first place. Perhaps the honourable member for Bendigo East could enlighten the House later on that matter.

As I said, I am not at all displeased that the Opposition has recognised my role in the local area.

I comment on some positive aspects of the proposed legislation. It is interesting to look again at the ramshackle arrangement existing between the National and Liberal parties. There is much talk of the two parties forming a coalition at some due date.

The ACTING SPEAKER (Mr Evans)—Order! The honourable member will address the provisions of the Bill.

Mr KENNEDY—My comments are relevant because a variety of views have been expressed on the provisions of the Bill. The government has a clear view, as outlined by the Minister for Agriculture and Rural Affairs, and has taken account of a number of amendments suggested to be made to the Bill, but there are two views expressed by those on the other side of the House who fancy they will become the government of Victoria.

What is the view of those opposite? Honourable members have heard one view from the Liberal Party, which is strongly pro deregulation; the National Party has said the opposite. The views expressed run the full gamut of possible views.

Mr Maclellan—Which faction are you in?

Mr KENNEDY—Will you have a shadow portfolio next week? Perhaps you can tell the House that!

If one considers the policies of the opposition parties, one finds that yesterday the National Party almost reached the stage where its members were prepared to vote against a measure which would protect the community from dangerous weapons being available for use. In recent weeks, the same style of confrontation has been exhibited with a clear-cut difference in the positions of the parties on the proposed legislation relating to national parks.

The same division occurs over petrol pricing policy: the National Party supports a uniform pricing policy and the Liberal Party wants no control whatever over petrol prices.

The Egg Industry Bill is the result of extensive consultation as well as consideration by the Public Bodies Review Committee.

Honourable members interjecting.

Mr KENNEDY—Honourable members opposite do not like to be told of the phantom coalition of the opera! That coalition does not seem to work!

The provisions of the Bill were examined last year by the then Minister for Agriculture and Rural Affairs, now the Minister for the Arts, and that work was taken up promptly on his appointment by the current Minister for Agriculture and Rural Affairs. As one of the first tasks, he came to Bendigo to discuss the proposed legislation with those involved in the industry.

I emphasise two important amendments which were made to the then proposed legislation. All those involved in formulating the amendments, and particularly the Minister, are to be commended for their work.

Bendigo is an important area for egg production in Victoria. The egg industry must be given a fair go. As a local representative I have been pleased to work with members of the industry for many years. There is a small number of big producers and a large nunber of small producers in the industry.

In early 1983, I was pleased to support legislation which gave an assurance of a sound and viable future to the egg producing industry. It was proposed that the exemptions on the hen quota cuts made on a seasonal basis should be removed. Under the old system, producers who had 2000 birds were exempt from cuts, with the first 2000 birds not being counted in the cuts if a producer had more than that number of birds. It was proposed initially that the Bill would provide for removal of the exemption.

Representations were made to me by a number of people in my area. There are 371 egg producers in Victoria and 196 of them are in the Bendigo area. That is, 53 per cent of producers with 2000 birds or fewer are in the Bendigo area. While they make up over half of Victorian producers, they produce only 3·88 per cent of the total output of eggs.

If the exemption were removed, much difficulty would have been created for small egg producers and for the egg grading board in Bendigo, of which I am a strong supporter. I am pleased to be able to say that the Minister received representations from a number of people, including me, and took account of the concerns expressed. He was prepared to revert to the status quo.

A second matter of considerable interest relates to the position of producer agents. I am disappointed and alarmed that such a hard line has been taken by the opposition parties to the government's approach to this matter. The government is being reasonable and flexible. The Bill was to have pursued a certain course of action with producer agents which would have enabled them not merely to grade, package, label and sell their own eggs, but also the eggs of others. It is important that the egg producers of Bendigo have access to a grading arrangement that is useful and efficient for them. There is a very useful egg grading board used by many producers in the Bendigo area.

I was pleased that the Minister was able to consider the points of view expressed by members of the industry on the desirability of ensuring that the egg board retains some directional flexibility in enabling applications for licences by producer agents to be considered. As a result, the functions of the board as spelt out in the Bill have been broadened to include the promotion of the efficient and effective marketing of eggs. The Bill also makes it possible for the board to have flexibility by providing that the board "may" approve producer agents on the basis that they will contribute to an efficient and effective marketing of the products of the industry.

The decision is significant and has attracted a good deal of interest and discussion in the industry. I have taken up the matter with the Victorian Egg Marketing Board and the Victorian Farmers Federation and a number of other organisations in the industry who have emphasised the priority of this modification. They are satisfied that the Minister has shown that he is prepared to listen to a reasonable point of view and take account of it so that the package of the provisions of the Bill provides a good balance, covering all realistic and reasonable needs.

There are a number of other aspects of the Bill that I will not go into. I wanted to stress the two particular matters that I was able to refer to the Minister. They are important to the egg producers in the Bendigo area and to the egg industry in Victoria.

As the representative of Bendigo West who is keen to see this important industry maintained in the form of the existing egg grading floor, I am pleased the Minister has shown himself to be flexible and positive in that area. I commend him for the amendments he will be moving and for his preparedness to consider others on their merits. This will result in good balanced legislation to provide a basis for a sound future for the industry in Victoria.

Mr PERRIN (Bulleen)—I congratulate the honourable member for Ripon, who made an excellent speech in this House. The honourable member for Bendigo West has just sunk half of the Labor Party because I remind him that the Public Bodies Review Committee produced a report which was almost unanimous and all the recommendations in that report were wholeheartedly supported by the Labor Party representatives on that committee, including the former chairman, the late Honourable Pauline Toner. If she had been the Minister today, we would have a totally different Bill before us.

This Bill is supposed to totally rewrite the egg legislation in this State. As honourable members are aware, some amendments will be moved by the government and by the Opposition, the net effect of which will be that there will not be too much deregulation in this industry. The basic provisions of the Bill are:

1. To increase the membership of the board from six to eight members;

2. To constitute the Egg Industry Licensing Committee, which is separate from the board;

3. To increase the maximum quota from 10 000 hens for an individual and 40 000 hens for a family farm to 80 000 hens;

4. To abolish the Hen Quota Tender Pool and allow for free trading and leasing of hen quotas;

5. To lift the number of hens an unlicensed person may own from 20 to 50 hens;

6. To enable the appointment of producer agents to market eggs and egg products in competition to the board;

7. To establish an Egg Prices Review Panel with power to approve or not approve egg price determinations of the board and to review egg prices;

8. To appoint the Prices Commissioner as chairman of the panel with two other members;

9. To provide for appeal against decisions of the committee and board to the Administrative Appeals Tribunal;

10. To enable a code of practice under the Prevention of Cruelty to Animals Act to be incorporated in the regulations; and

11. To remove the cross-subsidy arrangement for the disposal of unprofitable eggs, allowing different prices to be paid according to the end use of the eggs.

I included that summary of the major provisions of the Bill in my speech because it will be obvious that the Bill covers many issues. I do not intend to touch on all of them but only on a number of them.

I am proud to have been a member of the Public Bodies Review Committee that produced the report on the Victorian Egg Marketing Board, the Poultry Farming Licensing Committee and the Poultry Farming Licensing Review Committee, in November 1987. The report was a compromise report. Much discussion took place, and the majority view in the report represents a compromise on many of the issues.

The egg industry has almost been under constant review. There have been numerous examples of inquiry after inquiry into the egg industry and that situation will continue. There will be more inquiries after the report of the Public Bodies Review Committee has long gone.

I speak not only as a member of that Public Bodies Review Committee but also as a consumer because the consumers must have some say in the legislation that is being debated in the House at present. More market forces and more competition is needed in the egg industry, and although the report of the Public Bodies Review Committee was not wholly unanimous, it is a sensible compromise although it has nothing whatsoever to do with the Bill before the House. There is almost a total difference between the Bill and the recommendations of the Public Bodies Review Committee.

The previous speaker, the honourable member for Bendigo West, had a 4·8 per cent swing against him at the last election which indicates how in touch he is with his own community! I wonder whom he is representing in Bendigo. That area contains only 4 per cent of the industry, and if he started talking for the majority of the egg industry, he might find a totally different picture. The honourable member for Bendigo West had a 4·8 per cent reduction in his majority at the last election and we believe he will lose his seat at the next election!

I want to encapsulate quickly the principles in the recommendations of the Public Bodies Review Committee. Firstly, it felt strongly that there was a need to separate the pricing controls from the supply controls. That was one of the worst features of the existing situation. Secondly, the committee felt there was a conflict of interest on the Victorian Egg Marketing Board. I will go into that later. Thirdly, the committee was extremely concerned about the monopoly position of the board with regard to marketing powers and vesting rights and so forth, and the fact that very little, if any, competition existed in the industry to keep prices down.

The report itself is really only mild deregulation at the best. Nevertheless, I make this clear: when talking about competition, we must understand that the main objective of any legislation in this Parliament, and the Public Bodies Review Committee was advocating only mild deregulation of the industry, must be the adequate supply of fresh eggs to consumers. If that is kept in our mind's focus we will get a better understanding of why the egg industry is there and what we should be doing to ensure that various aspects remain.

It is unhealthy to have a monopoly over marketing and no competition in the industry. Eventually, under those circumstances, the consumer pays a higher price. I shall prove that in a moment. It became obvious to the Public Bodies Review Committee that the board has used dictatorial powers to control the industry. I suggest that honourable members obtain a copy of that report and see how many times the Public Bodies Review Committee had to go behind closed doors to take evidence from people who were afraid to come out in public and criticise the board of the Victorian Egg Marketing Board. Numerous requests are documented in the report of people saying that they wanted to give evidence behind closed doors because they felt that they would be victimised if they went public. I strongly recommend the reading of that report by honourable members.

Further in regard to competition, in the retail sector there is a degree of concentration of the market. This occurs particularly in supermarkets. Various industries, including the egg industry, are starting to come under this type of control. The Victorian egg industry has been the most protected industry in this State; it is more protected than the milk industry. There has been almost total control over the industry. There has been a statutory marketing board and because of the legal situation that board has not been subject to the Federal Trade Practices Act. While statutory marketing operates

in this State, the Trade Practices Act will never be put into place, the competitive elements of that Act will never be able to be enforced and there will be a concentration of ownership. One has only to look at the broiler industry which is dominated by one producer. The reason is that it all happened behind closed statutory regulations and no trade practices provisions were operating to prevent it happening.

I refer to the report of the Public Bodies Review Committee of November 1987. We had enormous reservations about the setting up of a company called Good Food Products Australia Pty Ltd, which was a subsidiary of the Victorian Egg Marketing Board and the New South Wales Egg Corporation. They would have had monopoly power. The subsidiary intended to market egg products between the two major States in this country and, as I said, there would be no way that any Federal legislation could stop that monopoly from acting. The company was not to be subject to control directly by the Auditor-General or this Parliament, only indirectly. I strongly recommend that the House should examine the recommendations of the Public Bodies Review Committee on Good Food Products Australia Pty Ltd.

I turn now to the price of hen quotas, which is an important matter. The Public Bodies Review Committee report indicates that the cost of buying a hen quota for one hen was at its highest, $18.38 and it got down to a low point of $13.98. In his second-reading speech the Minister said that the present price of a hen quota is around $11.50 a hen. If the 1987 issued quota of 2·6 million hens is multiplied by $11.50, quotas cost the egg industry $30 million.

When egg farmers were having to buy in or get bigger, the purchase of hen quotas was costing them dearly. In many instances egg producers gave evidence to the committee that they had to borrow to buy hen quotas, that the loan had to be serviced and that the cost was put into the price of eggs. Yesterday I obtained information from the Department of Agriculture and Rural Affairs that the current commercial cost of a hen that has commenced laying is $5.20. Therefore, the value of the quota at $11.50 is more than double the cost of the hen itself. I doubt whether that is the case in any other industry. When the industry must borrow to buy these hen quotas, obviously the cost will be passed on in the price of eggs.

We must eliminate the hen quota system. I do not believe the consumers today will sit around and allow an industry to accumulate $30 million of costs which will not provide them with any better eggs than they have at present. It does not matter whether it costs $11.50 or $18.40, which is what they were costing at one stage, the fact is that simply to have a piece of paper for a hen in the industry is costing this sort of money.

The Public Bodies Review Committee got into an argument with the Prices Commissioner because the commissioner contended that eggs were 12 cents a dozen too dear and the Victorian Egg Marketing Board was trying to force the industry to drop the price of eggs. However, the Prices Commissioner, Professor Fels, did not take into account some of the costs of the industry in his calculations. In my view, he was trying to force down the price of hen quotas or extending the value of hen quotas from industry costs by sending a number of participants in the industry bankrupt.

I believe hen quotas should be eliminated and consumers should not allow a piece of paper to attract the value that it does at the moment. To do that the industry must be given time to adjust. The Opposition has suggested that by 1994 hen quotas should be abolished. That is reasonable and it would give the egg industry time to adjust and to eliminate from the industry costs that were not producing one additional egg for the benefit of the consumer.

I now refer to vesting. For those honourable members, like the honourable member for Bendigo West, who might not understand, I shall explain what vesting is. Vesting

means the minute an egg is laid by a hen it becomes the property of the State. From then on that egg is totally controlled by the State and by legislation that goes through Parliament. We do not need vesting. I do not believe we need monopoly control by the State; we need more competition. I should prefer to see vesting totally done away with, more competition and the free market forces allowed to play.

Again, for the Minister's sake, because he does not understand this, I shall explain that in a total monopoly situation, with vesting and all the costs involved, the consumer pays. I pay and the Minister pays. When we buy a dozen eggs in the supermarket the fact is that we pay for those costs.

I turn to three aspects of pricing. Firstly, retail pricing. The Bill has some aspects of retail pricing in it. I do not believe any sort of price controls are needed in this State for eggs or any other products. Honourable members need not take my word for it, they can look at the Public Bodies Review Committee report which indicated that over the period of six or seven years prior to 1987 egg prices in real terms had fallen. In other words, the consumer had got a cheaper product compared with inflation over that period. The industry was artificially squeezed by Professor Fels and his crazy methods of calculating prices. When giving evidence before the committee, he was devastated. He became so immersed in his own argument that in the end he had to send a letter later to the committee to explain the evidence he had given. We called Dr Neville Norman of the University of Melbourne who gave a contrary view and it became obvious to the committee that price controls would not work and that the Prices Commissioner's attempts to squeeze the industry also would not work.

I am opposed to price controls at the retail level, but the Bill allows wholesale prices to be fixed. This is one area with which the Public Bodies Review Committee found difficulty because it found a different wholesale price is needed for the shell eggs than with the egg product eggs because, if the market forces are not used to regulate the industry and an oversupply occurs, if cross-subsidies are allowed—we were able to identify where unprofitable cross-subsidies were allowed—between egg products, shell eggs will effectively subsidise the losses on other egg products.

I will go into this later when we talk about the annual report, but the Bill is a joke with regard to the proposed Egg Prices Review Panel. The idea of the Prices Commissioner reviewing the decisions of the board will not work. I very much believe we should be moving into free market forces which will keep prices down.

On free range eggs, it became obvious to me, as I went around the various egg farms with the committee, that there was an ability for the consumer to pay more for free range eggs. Some consumers prefer eggs from hens that are free and out in the air than from hens in a battery situation. I believe these consumers are prepared to pay a premium for those eggs and I believe again the free market forces will determine what the price may be.

I turn now to the question of the maximum farm size, which is mentioned in the Bill. It became obvious to me in the course of the investigations we held that a previous Minister of Agriculture, the Honourable Eric Kent, was an absolute disaster when he forced the maximum size of farms down.

I know what he was trying to do; he was trying to protect the small family farm, but it did not work. It created all kinds of distortions in the market. In 1976 the number of farms in Victoria was 1578. By 1987 that figure had decreased to 449—those figures are in the Public Bodies Review Committee report—and at the moment I understand there are only 371 egg producers in this State. The difference between the figures in 1976 and now means that today that there are fewer than 25 per cent of egg farmers than there were just thirteen years ago.

That move was done behind the walls of statutory marketing, of price controls, of vesting and of monopoly power, as a result of which massive concentration in farms has occurred. I happen to believe that figure will continue to reduce; there will be fewer and fewer individually owned egg farms in this State in future.

The Bill is absolutely crazy in trying to set a limit of 80 000 as the maximum number of hens for the largest farm. In New South Wales the maximum number is 100 000 hens. I know the honourable member for Ripon will move amendments to force up that number, so that at least in that respect Victoria and New South Wales will be on a level playing field.

Of course, that is supported by the Victorian Farmers Federation and most of the people in the industry. Eventually, I am convinced, the provision setting the maximum will be removed. As New South Wales deregulates and as competition frees up the industry and forces those changes, bigger farms will allow farmers to benefit from economies of scale and the taking up of new technologies. That is important for the industry, but it is also important for the consumer because part of the benefits from those efficiencies should be passed on to the consumer in lower prices. Unless we allow these limits to be increased, that will not happen.

I turn now to marketing. I have already said that we have monopoly marketing; one of the things the committee questioned strongly was its effectiveness. The per capita consumption of eggs in this State is falling. One must ask why it is that we are eating fewer eggs. I believe fashion trends are a factor. Some people regard eggs as unhealthy, and there has been a lot of publicity on that point. That may be part of the answer, but I strongly question the generic advertising that has occurred for the selling of eggs.

I cannot think of any generic product that is advertised in the way that eggs and milk are advertised. For example, does one see lemonade or beer advertised generically? Does one see petrol advertised that way? One does not. One sees branded products in different situations, and I strongly question the Victorian Egg Marketing Board's campaign. I do not believe one can sell a product generically. One may be able to sell some aspect of it such as the health benefit or some aspect of its price, but simply to say, "You should be eating more eggs" and leaving it at that will not work.

Eggs are eggs. They are all the same. The eggs produced by the chooks in New South Wales are exactly the same as the eggs produced by the chooks in Victoria. The committee strongly questions the effectiveness of that campaign. The consumer pays for that marketing and, as I have already suggested, the number of eggs consumed per person is reducing in this State.

I turn now to the question of the unlicensed limit. The Public Bodies Review Committee recommended that the minimum number of hens for licensing purposes should be increased to 500. At present the Bill will allow for an increase in the figure only from 20 hens to 50 hens, but I should have liked that limit to have been increased to 2000 hens.

I should like the market totally freed up at the bottom end to let all of the smaller farms out of the system, to give them a chance of not being restricted to the costs involved in regulation. Most of the farms with fewer than 2000 hens, or even 500 hens, are mixed farms, probably dealing in wheat or another commodity as well as eggs. They are really not straight fair dinkum egg farms and I suggest that we increase the bottom and top limits to achieve some economies of scale as this will give the smaller producers a chance to get out of the system and get into private sales.

I refer now to the code of practice. The Bill proposes that the code of practice under the Cruelty to Animals Act be put into regulations. That is a bad move. We are hearing an unreasonable argument from the animal liberationists who see battery hens as

being persecuted or as having some other psychological attack being made on them. I can only say that on all of the occasions when I went around the industry I saw no indication of stress among the hens. The implementation of the code of practice should remain voluntary and should not be prescribed by regulation.

In terms of quality, the committee believes the standards should be monitored by Health Department Victoria. Eggs were brought before the Public Bodies Review Committee which had been rejected by the board but, personally, I would have eaten them the next day; they merely had blemishes on the outside for which reason they were rejected in the quality control system of the industry.

I am not suggesting we eat eggs containing bloodspots and so on—obviously they have to be removed—but the true quality aspect of eggs is important. I am also concerned about the fact that chemicals are being fed to hens to make the egg yolks yellower. When that was disclosed to the public through the media, enormous damage was done to the egg industry. Consumers are not prepared to accept eggs containing chemicals and if the media had persisted with that story the per capita consumption of eggs would have dropped even further.

The Auditor-General has made clear his suspicion of the annual report produced by the Victorian Egg Marketing Board. Cross-subsidies of egg products were being netted off in the figures; there was distortion; and no market signals were being given to the industry. There is a great need for improvement in this area. I am strongly of the view that the board should be subject to the Annual Reporting Act, but unfortunately it is not. At all times farmers must be given market signals, and one of the ways this can be done is through a properly constructed annual report.

The market needs to be freed up. I am absolutely convinced that as New South Wales deregulates its industry it will force the pace here in Victoria. One can forget about 1994; it will happen before then. We should be using prices to regulate overproduction because there is no doubt that if there is one main price for shell eggs, and if anything overproduced is not profitable, overproduction eventually will disappear. If one removes all the other controls, the values of quota and the prices eventually will come down. In the long term we will deregulate, and it will certainly happen before 1994.

I refer to the Public Bodies Review Committee report of November 1987, and a comment made by the honourable member for Polwarth, which the honourable member for Bendigo East should heed. The honourable member stated:

> One of the quirks in the poultry industry was, and still is to a smaller extent, that the poultry industry had vocal participants in the Bendigo area and that was in one of the State's most marginal seats. That created a distortion, of which all political parties are guilty of assisting to create, in that if the poultry industry had not been significantly present around the Bendigo area, that would not have otherwise existed. I do not believe this Act would have remained in existence beyond its initial three year period had it not been for the successful lobbying by the poultry farmers on the three major political parties.

That says a lot about the amendments that the government will move in the Committee stage. The Minister presents himself as a dry regulator. In the *Weekly Times* of 17 May, an article described the Minister as a dry economic theorist who espouses that there should be less government intervention and regulation. I am sure that the Minister was rolled in Cabinet.

Mr STEGGALL (Swan Hill)—In a debate on a Bill such as this I believe it is necessary to put the case for the defence. It has been a dry debate and a dry argument. I sat on the Public Bodies Review Committee and went through the trials and tribulations with other politicians who were mostly from Melbourne, who all believed Victoria's egg industry belonged to them. Their attitude was, "As long as we do not have to pay we must regulate, control and cajole". Their attitude was, "We must

organise but for goodness sake, make the farmer pay". That is what it was all about throughout the inquiry.

When the inquiry commenced there were problems in the egg industry and there are still problems. I do not know of many industries in this State that do not have problems. When one hears about some of the great exposés that have occurred, one wonders whether the egg industry is so bad after all. The same situation that occurs in the egg industry occurs in many other primary production areas; it is the problem of marketing.

Farmers are not good at marketing. They are not good at organising the value of their own labour. In Victoria, as right across Australia, there is a big weakness in the marketing of primary products. To counter that, the farmers of Australia have joined forces in marketing boards or in price-setting organisations.

The Public Bodies Review Committee examined these boards. It has been a long four years for a lad from the bush. With every board the committee investigated, the members wanted to gut those boards and to get rid of them. They thought it was a joke and that farmers were ripping off the system. Nothing could be further from the truth.

Primary producers—in this case the egg industry—formed themselves into the Victorian Egg Marketing Board to sell their product. It has done that in a way to overcome the individual weaknesses. The industry has over that time become concentrated to just under 400 egg producers.

When egg producers came to the committee I tried to explain that they did not have a great deal of clout because there were only 400 members in their industry which fed 4 million consumers, who would give them a hiding every time they walked into the political field. That is what has happened today. That is what the majority report of the Public Bodies Review Committee was about.

The egg industry did have a lot of problems; it was not functioning well. I do not believe the egg board was staying with the industry. Egg producers throughout Victoria did not know what was happening, but that situation has quickly changed and there was a far better understanding of the board's role once the end of the inquiry was reached.

The egg board cleaned up its operation in many areas. That was a concern that the honourable member for Bulleen mentioned. I have a lot of respect for the honourable member. Accountants and lawyers are great! They give me a bad time! We fellows from the bush have trouble with lawyers and accountants but we do know how to count!

The board was concerned about the areas that the committee was examining and the committee was worried about the cross-subsidisation, the cost of advertising and the quality of advertising. The members went on at length about the quality of advertising because the consumers were paying for it. The consumers were not paying very much for it; it could not be hurting them because they are paying less today than they were paying last week. Every time we turned round the Prices Commissioner said that the producers were getting too much money—they were making a fortune—and the prices should be dropped. The 4 million consumers who eat eggs should be protected.

I do not have many egg producers in my electorate; there are only four producers; I am putting the view of my electorate and not my personal point of view. The battle of the egg industry is a fundamental one. It is a matter of orderly marketing.

In this House 30 per cent of honourable members come from the country and 70 per cent live in the city. The egg producers number 400 against 4 million consumers. Primary production experience throughout my electorate—which encompasses an enormous range of primary producers—believes the concentration of ownership, distribution and control of the range of industries, from finance through to marketing and distribution controls, are phenomenal. Every primary industry that the Public Bodies Review Committee investigated had only four buyers for those products. At one time there were dozens of buyers for primary products but, today, in every primary industry there are only four buyers.

The volume that a chain such as Coles–Myer puts through its supermarkets is phenomenal. If egg producers were travelling by themselves in marketing they would have been eaten up eventually by these big companies. They would not survive with those fellows who run the multinational food chains. They know how to screw every last cent out of a product and that is what they are doing.

The other side of egg production is the problem of costs and the control of those costs. It is all very well for honourable members to talk about deregulating the whole operation to let market forces sort out the problems but they will end up with only one or two companies supplying the industry. Suddenly the producers will find that they have only one or one and a half hatcheries from which to choose their starter chickens.

I listen to the remarks of the Premier when he carries on, time and again, like a two-bob watch—I was going to say like a pork chop, but he would probably want to regulate that—and talks about the fact that the government does not wish to go down the path of total deregulation. The Bill reflects that view, except that it has quite a few holes in it. The Minister for Agriculture and Rural Affairs knows that the Bill will lead to a freewheeling run.

I do not believe the Minister, who has been given his portfolio only recently, cares too much about the direction in which the industry is heading. I wonder what the Minister envisages the egg industry should be like in the future. The situation may be all right in Melbourne, where there may be 5, 6 or 7 large operations close by, but I shall be interested to hear the Minister's comments about the future of the industry.

Does the Minister believe that 300 egg producers spread throughout Victoria will be satisfactory? Will it be necessary to have 200 producers, 70, or even fewer? I know the Minister has expressed his thoughts on the matter in different places from time to time, and I shall be interested to hear his comments today.

I suppose honourable members have whipped through the purposes of the Bill rather quickly during the debate but, with legislation initiated by the Labor government, one must always refer back to the purposes. One of the purposes is to regulate egg production. That will occur, and there will still be quotas for a while. The second purpose of the Bill is to promote efficient egg marketing in the egg industry. I hope that exists now and that it will remain. The third purpose is to make provision for the setting of prices of eggs and to make other provisions relating to the egg industry. The Minister has agreed to go along with those purposes.

However, the most important purpose of the Bill is to set the price of eggs, and the Liberal Party will go along with the government in that regard. I do not know exactly why the Liberal Party will allow the government to provide for a price-setting mechanism, particularly when it was only a couple of weeks ago that honourable members were arguing about having a Prices Commissioner.

Mr Rowe—Tell us about the market forces.

Mr STEGGALL—The Victorian Egg Marketing Board was set up by the egg producers of Victoria to assist in marketing their eggs. One day, it may be possible to get through a few thick heads around this place that the object of setting up the board was to market eggs on behalf of those who produced them. The producers formed the board and funded its operations because they recognised their weakness in that area. They established it in exactly the same way as the workers of this country have formed unions to negotiate the terms and conditions for the marketing of their labour. This situation is no different.

Therefore, when the Minister talks about the market forces I assure him that the Victorian Egg Marketing Board is quite capable of setting its own prices. If the price becomes too high, the industry will have a product surplus on its hands that it will have to fund. No government money is involved in the process and there is no possibility, therefore, of the board saying to the government, "We have messed it up. Give us a handout so we can fix the situation". That is just not on. If, through the egg board, the price of eggs to the community becomes too high, the board knows that it had better get those prices down quick smart and do the same as anyone else in the free market would do: start quitting those stocks in a fair way.

Mr Evans interjected.

Mr STEGGALL—It is interesting that a surplus never seems to bring down the price of labour. I shall be interested to hear a contribution from one of the great union moguls on the other side of the House during the debate.

Mr Micallef interjected.

Mr STEGGALL—If one purchased half a dozen eggs, one would probably be able to eat only half and would leave the rest if one saw the honourable member for Springvale anywhere nearby.

Another argument contained in the minority report of the Public Bodies Review Committee, and I suggest honourable members should read it——

Mr Micallef—Can one buy half a dozen eggs according to that minority report?

Mr STEGGALL—It is a very good report. I shall even sign a copy for the honourable member for Springvale, if he so desires. The minority report mentions the need for a grower majority on the board. As I said, the body that ensures the orderly marketing of eggs has been set up, financed and controlled, supposedly, by the industry that it represents—in this case, it is the egg producers.

For some reason or another, the government and people in the metropolitan area have decided that marketing boards have been set up by these terrible country people who have come to exploit them to the hilt, in their minds, and that they must not have a majority of representatives on the boards. Those people are quite happy to take their money, tell them how to advertise, what research to do, and to have them fund the whole box and dice, but they say there is no way in which they should be allowed to have control. If that is the way the government wants to go, perhaps someone like me or my nominee from Swan Hill might be able to demand, by right, through this Parliament a position on the metal workers union, or two positions on the board of the Australian Council of Trade Unions.

Mr W. D. McGrath—Or on the Victorian Trades Hall Council.

Mr STEGGALL—I have not had trouble getting into the Trades Hall Council. That is the sort of concept that the government is talking about. It is going straight to a very weak minority—in this case, the primary producers—and saying "We know best". Once again, it is doing the old Spring Street job and saying, "No worries fellas,

we know best. We will fix you up. You do what we say, pay your bills, and you will all live happily ever after". That is not on.

Members of the Liberal Party will be interested to know that a crisis is developing in Canberra in regard to another orderly marketing situation. I refer to the debate about the wheat industry. I am sure a bit of brinkmanship will be played out in the next few days, and it will be interesting to see how the situation pans out. The opposition parties in Canberra are holding up the government over the issue of grower majority control of the Australian Wheat Board. This has been reported in today's newspapers, and I suggest all honourable members, especially members of the Liberal Party, should read about it.

I assure members of the Liberal Party who represent country areas of Victoria that they had better ensure that the Liberal Party moves to look after the interests of country people, because the debate in Canberra is specifically about whether there will be a grower majority on the Australian Wheat Board. That board, along with the Australian Wool Corporation, is one of the pinnacles of orderly marketing. Opposition members in this place should think about that.

The Australian Democrats, the National Party and the Liberal Party in Canberra are all ganging up against the Labor Party and insisting on grower control of the wheat board. In Victoria—thank goodness we do not have the Australian Democrats—the Liberal and Labor parties are saying that, no, we should keep the naughty farmers from gaining control of the Victorian Egg Marketing Board, that they cannot have control. All they want is to just make those egg producers pay and pay.

The Public Bodies Review Committee examined the broiler industry, a fascinating industry, and the results horrified each member of the committee. Big business literally controlled every segment of the industry. The farmer was a pawn. All he did was house the birds, feed them, look after them and take all the risk, the losses and the occasional profit. The broiler industry is controlled by two large companies and those companies control the lives of the people in the industry. The egg industry is heading in the same way.

The Public Bodies Review Committee recommended that it was not in the best interests of the egg industry for it to be controlled by conglomerates. The Acting Speaker, the honourable member for Geelong, was one of my strongest supporters on this point.

In the broiler industry, the large companies have control of the hatcheries and the feed companies. Some honourable members have said the industry should be deregulated. Unfortunately, some large companies do not always operate in the best interests of the community—and I do not mean just the consumer, I mean the State as a whole.

All the wealth resources and people are accumulating in the Port Phillip district. I have said it before and I suppose I shall say it again, one day a Port Phillip district may be formed and the people who live here will then understand how they obtain their food and their fuel. If they do not want to be part of Victoria, perhaps they should be by themselves. How will they get their food, fuel and water? What will they do with the effluent and the garbage? A change in direction and in the way business is operated must occur.

Honourable members referred to the maximum size of farms. The Public Bodies Review Committee found that the maximum size of farm for the most efficient operation was about 65 000 to 80 000 hens. The committee recommended a size of 80 000 hens. Having huge farms is not the way to go and is not in the best interests of

everyone. The committee was aware of problems relating to the concentration of genetic stock and other problems that may occur in the future.

The hatcheries and the feed companies are literally controlled by three companies, Amatil Ltd, the Goodman Fielder Wattie group and Inghams Enterprises Pty Ltd. I am not sure now long Inghams can survive against the two larger companies. The two large companies come together in the Steggles company, 50 per cent of which is owned by Goodman Fielder Wattie and 50 per cent of which is owned by Amatil Ltd. Honourable members should be alarmed at the concentration of control in the broiler industry.

I am waiting for a bright economist or a half bright politician to argue for the introduction of antitrust monopoly legislation—that may be required. Australia has a significant problem with the concentration of the production and supplying markets, particularly in the food processing area. The risks are carried only by the primary producers, who have not been good at organising themselves. They have to do more work politically and must encourage the Victorian Farmers Federation, the National Farmers Federation and the individual grower organisations to do more work in this area.

The food processing industries and marketing organisations are concentrated in the capital cities around Australia. Some people say that the regulation of industry is a terrible thing. The Public Bodies Review Committee found that when deregulation occurred in the egg industry in New Zealand what really happened was that the statutory regulation system was changed to a private regulatory system. The private regulatory system of the large companies is quite vicious.

Mr Perrin—It was a Labor government.

Mr STEGGALL—Yes. Rural industry is suffering badly. Political power, money and industry is concentrated in the capital cities of Australia. That makes it difficult for country people to obtain capital and strength in order to compete. The honourable member for Sunshine should know how difficult it is for country people because he represents an electorate in the western suburbs of Melbourne and is well aware that the western suburbs are the forgotten suburbs of Melbourne, particularly during the past seven years. Those suburbs have been ignored by the Labor government. The honourable member knows that the western suburbs of Melbourne have been neglected and the same thing is occurring in country Victoria.

It is not just political neglect but economic neglect. Egg producers have paid for the establishment of the Victorian Egg Marketing Board, they have funded it, but now the government wants to take control. Once again, the city must dominate country Victoria.

The government agrees with consumers that they are paying for the Victorian Egg Marketing Board, so they should have a majority on the board. The way the government is heading, that will occur, but it will make a mess of country industries and towns as the idea or concept passes from industry to industry.

The wheat debate is not being well handled by the conservative parties up in Canberra, yet that is also a vital battle. I suggest that when this Bill is introduced into the other place, the Liberal Party should consider the principle of grower control on ordinary marketing boards.

Mr JOHN (Bendigo East)—I support the comments made earlier today by the honourable member for Ripon, who made an excellent contribution on the macro view of the Victorian egg industry. The honourable member, as a former Minister of Agriculture and shadow Minister, has had considerable experience in the agricultural field. He is well aware of the difficulties in gaining consensus in the egg industry.

I shall contribute to the debate today as the local member for Bendigo East to explain to the House the needs of producers in the Bendigo East electorate and surrounding areas. The Bendigo East electorate has a number of small producers in the egg industry. The Bendigo region has a significant number of small producers. The Crystal Egg Co. grading floor in Bendigo is one of three grading floors in Victoria. This egg floor services some 120 producers in the Bendigo area and employs 25 people. It is a well run, efficient company. Its management is highly respected and it makes a considerable contribution to the Bendigo economy.

The egg industry is extremely important to families involved in the egg industry, but it is also important to the success of the Bendigo economy and the agricultural sector. I need not emphasise the flow-on effects which are extremely important to the region I represent.

The people who have made representations to me on behalf of the egg industry in the Bendigo region are concerned basically with three issues covered by the Bill. The first is the freedom for producer agents to market their eggs and the eggs of other producers. The second is the appointment of the Prices Commissioner as Chairman of the Egg Prices Review Panel. The third is the proposed removal of the 2000 hen exemption level when applied to quota cuts.

The Bill provides for the egg board to appoint producer agents. Following representations and discussions I am pleased that amendments will be moved in the Committee stage to take account of some of the concerns expressed by constituents of mine involved in the egg industry. Currently the Bendigo grading floor receives between 5 million and 5·5 million dozen eggs to grade annually. Half of these eggs come from the ten largest producers in the region. The remaining volume is received from more than 100 farms, many of which are mixed farms producing a wide range of primary produce. Currently Bendigo producers with producer agency licences grade their own eggs and sell them to a number of retail outlets. A large proportion of their graded eggs are sold to the egg board through the Crystal Egg Co. as they are surplus to their sale requirements. To enable these producers with small grading facilities to grade another producer's eggs would deny the grading floor the volume to guarantee its continued viability. If the original proposals had gone ahead, according to my constituents, the viability of the Bendigo grading floor would have been placed in jeopardy. Clearly it is not in the best interests of the region or of the large majority of producers in the region for that to occur.

There has been in place a voluntary moratorium on applications for further producer agency licences in the Bendigo region for some years. This agreement between local producers and the grading floor has recognised the interdependence of one group upon the other. I am told that it has worked well in the local industry as it has guaranteed all producers in the region access to an efficient grading floor, as well as access for their eggs to the Melbourne market.

The principal Act requires that all eggs sold in Victoria be graded by the egg board or its authorised agents to ensure proper quality control. This means that interstate eggs, as I understand it, must now be graded at either the board's Keysborough floor, by the Crystal Egg Co. floor in Bendigo or by the grading floor at Murrayville in north-western Victoria. I emphasise that the constituents who have made representations to me believe these three floors offer adequate choice for interstate eggs that may come into Victoria for sale.

Many of my local egg producers believe that to allow interstate eggs to be graded by any producer agent, as well as by the major floors, would offer an opportunity for a producer to capture, for example, the market of a supermarket chain. They are frightened of a monopoly controlling the retail outlets. They believe some control is

required, and that producer agents should not be given the right to grade interstate eggs. They believe there is a need not for deregulation but for some orderly marketing and a sensible approach in that regard.

My constituents have grave concerns about the appointment of Professor Fels as Chairman of the Egg Industry Review Panel. Previously they have expressed doubt about the need for such a review panel. Given that it is the government's wish to have one, they are concerned about the appointment of Professor Fels as a result of his previous involvement as Prices Commissioner. Clearly his views as Prices Commissioner are well known and controversial. Many local producers in the area I represent—and I hasten to add, in other areas of the State—believe Professor Fels is not a friend of the egg industry.

The third matter I raise involves the cut-off limit for the hen quota. Since the introduction of hen quotas in the early 1970s, there has been a cut-off limit for all farms when the hen quota has been adjusted on a seasonal basis. Currently this limit is at 2000 hens, which means that the first 2000 hens on all farms are exempt from hen quota alterations. My constituents involved in the egg industry believe it is vital for this cut-off concept to be retained. I understand that the government proposes to move some amendments in the Committee stage to achieve what my constituents believe is a satisfactory position.

As at 1 July 1988, Victorian flock sizes showed that of the 371 farms, 197 had fewer than 2000 hens. That means 52·8 per cent of all farms are not affected by hen quota cuts and quota restrictions. These are small farms, most of which are mixed and which are largely located in country regions, many of them in the Bendigo region, and their total production is only 3·88 per cent of the State's total production. To reduce the output of those farms by, say, 15 per cent in a hen quota cut would have very little effect on the State's total output as 15 per cent of 3·88 per cent is just over 0·5 per cent; yet most of those farms to which I am referring supply the Crystal Egg Co. grading floor in Bendigo. To reduce their output by 15 per cent would reduce the output of the grading floor significantly, thus jeopardising its viability.

I refer to honourable members the newsletter of the Egg Farmers of Victoria of April 1989, volume 7, No. 4 written by the chairman, Mr Don Foster. I shall quote a couple of paragraphs which emphasise some of the concerns of not only the egg industry in general but also of producers in my region. Mr Foster states:

> If the orderly market system is to survive then the board must have minimal control over producer agents, so as to organise on an orderly basis which supermarkets they should serve given the overall distribution of eggs.

Further, Mr Foster states:

> If a free-for-all occurs as a result of this legislation, then the only people to benefit will be the retailers, certainly not the producers or consumers as evidenced from recent report of Rowly Horn's study trip to USA.

The point is that, according to Californian retailers, eggs are the shelf item with the highest profit margin.

Once again, it is the producer who will be disadvantaged. The consumer will not receive the benefit. The danger is that monopolies in the retail area could benefit at the expense of the other two groups in our community. We need an efficient industry. I favour the removal of bureaucratic stupid controls and overregulation, but control must be exercised in a sensible way with full consultation. Peoples' concerns and views must be considered. We should listen to producers throughout Victoria.

I understand the government foreshadows amendments during the Committee stage of the Bill and the Liberal Party foreshadows a number of amendments. If the

Liberal Party's amendments are incorporated and meshed with the government's amendments, we shall end up with legislation which will be satisfactory to my constituents in Bendigo East and in the Bendigo region generally.

Dr NAPTHINE (Portland)—I support the comments made by the honourable member for Ripon, in his assessment of the history of the industry and, more particularly, the future of the Victorian egg industry.

Clause 1 of the Bill states:

> The purposes of this Act are to regulate egg production, to promote efficient marketing in the egg industry to make provision for the setting of prices of eggs and to make other provision relating to the egg industry.

It is important that Victoria is not considered an island. It is part of the Commonwealth of Australia and, part of the world scene. Any action taken in Victoria should be compatible with action in other States, particularly New South Wales which has a large egg industry.

It is inappropriate for Parliament to pass regulations and legislation that will effectively stifle the industry in Victoria. In future years we may have milk being carted from Victoria to New South Wales—Victoria is a more efficient milk producer than New South Wales—and those same trucks being backloaded with eggs from New South Wales to Victoria. That would stifle the development of the Victorian egg industry.

The honourable member for Bulleen spoke about the need to examine the question of deregulation, particularly in the hen quota area. If the Victorian industry is to grow and flourish, it should develop economies of scale with larger operations and introduce technologies that will be more efficient, thereby benefiting the consumer in terms of cheaper and more accessible eggs. That does not mean that small producers will be put out of business. There are market niches, and I assure the Minister for Agriculture and Rural Affairs, who is an economist, that smaller egg producers can produce premium eggs to satisfy the demand for eggs with very yellow and golden yolks. Consumers are prepared to pay more for specific items; they are prepared to pay a premium for brown-shelled eggs, free-range eggs and so on. Small local producers can concentrate on providing a quality service to local consumers. That will provide a consumer-driven industry that will be of benefit to the consumer.

The producers of any product, be it primary or secondary, must look after their market and the consumer, thus guaranteeing the strength of the industry. There is some merit in complete deregulation of production, marketing and pricing of eggs. Other aspects of the industry can be adequately dealt with in other areas of legislation, such as animal welfare being covered by the Prevention of Cruelty to Animals Act.

I agree with some of the comments made by the honourable member for Swan Hill about the need for suitable antitrust laws; the Trade Practices Act has failed in that respect. One must examine health and consumer protection. There is no need for a number of the measures in the Bill. Victoria will have the best non-existent regulated egg industry in Australia if we continue to ignore what is happening around us. Given that the government is determined to maintain the quota system, the industry should be allowed to compete on a level playing field with New South Wales. I wholeheartedly endorse the amendment to clause 53 (1) foreshadowed by the honourable member for Ripon. The amendment would allow producers to have up to 100 000 hens to match the New South Wales situation quota currently trades for about $11.50 per hen, which is a distortion of the market and is not of benefit to producers or consumers. The concept of a conflict between benefit to consumers and benefit to producers is not valid. Anybody who has studied economics knows that fairness and equity is of

mutual benefit to consumers and producers. Producers should be aware of consumer needs and should work to supply and service those needs. That is what the industry should be built on, not on a mass of regulations.

The Victorian Farmers Federation and other egg producer organisations play an important role in the industry. They represent 371 egg producers, 75 per cent of whom are represented by the VFF. The Bill should clearly recognise the role played by those producer groups. I support the comments made by the honourable member for Ripon about clause 28, which concerns the membership of the Victorian Egg Marketing Board. That clause should be amended to allow egg producer organisations to nominate a list of producers from which the Minister can choose producer members of the board.

Clause 111 concerns appointments to the Egg Prices Review Panel. Similarly, the Minister should appoint to the panel a representative of the egg producers from a list of names provided by the VFF and other egg producer organisations.

Division 2 of the Bill, concerning producer agents, will be emasculated by amendments. As it stands, clause 88 states in part:

88. (1) A producer agent may market eggs and egg products, whether produced by the agent or by another producer.

That would have been a significant change and would have added strength to a market-driven industry. Clause 87 (3) states:

(3) If an application is so made and the prescribed fee is paid, the Board must, by instrument, appoint the applicant unless it considers that he or she is not a fit and proper person to be a producer agent.

Unfortunately the Minister has done an "eggflip" and has scrambled that provision so that what should be a significant provision will be castrated. The Minister will make a mockery of the Bill by emasculating it of much of what is contained in it in its present form. I am concerned that amendments will ruin what would have been a significant step forward, not only for the egg industry but also for Victorian consumers.

Clause 137 deals with the making of regulations. Clause 137 (2) (*c*) (i) provides that the regulations may:

(*c*) apply, adopt or incorporate (with or without modification) any matter contained in—

(i) a Code of Practice under the *Prevention of Cruelty to Animals Act* 1986; or . . .

That is an important provision, but it will create a significant precedent and honourable members should be wary when such precedents are created.

There are two general types of codes of practice included in Victorian legislation—a regulatory-style of practice that is written specifically to prescribe regulations and automatically included in a Bill; and codes of practice which are in effect guidelines, which are not written in a regulatory form and which are not meant to be used as regulations. The latter style is the type of code of practice that is included in the Prevention of Cruelty to Animals Act. Prosecutions for offences under that Act are based on the Act itself and not on a breach of the code of practice, because that code of practice has not been written in the form of regulation. I emphasise that the code of practice included in the Prevention of Cruelty to Animals Act is meant to be regarded as a guideline. But if it is included in the Bill and enforced in a regulatory style, it will set an important precedent and will create many problems.

I direct to the attention of honourable members the code of accepted farming practice for the welfare of the domestic fowl. An examination of that code shows that it is not suitable for regulatory purposes:

This code is intended as a guide for people responsible for the welfare and husbandry of the domestic fowl . . .

This code is based on the knowledge and technology available at the time of publication and may need to be varied in the light of future knowledge. It does not replace the need for experience and commonsense in the husbandry of the domestic fowl.

Those guidelines are based on subjective judgments; and difficult problems arise if they are used as a regulatory tool, because subjective judgments must be made about whether such a code of practice is breached. I shall give honourable members a specific example. The code of practice cites guidelines for the maintenance of floors and other surfaces:

Floors and other surfaces should be designed, constructed and maintained so as to minimise the risk of injury and disease, and adequately support fowls so that they can stand and move freely.

An officer of the department who had to interpret such a guideline would be placed in an invidious position; and fowl producers would not know where they stood in respect of accepted standards. If the Minister wants to include regulations in the Bill and if he wishes to rely on what is contained in the code of practice included in the Preventation of Cruelty to Animals Act, that code should be written in regulatory form.

In a general sense the code of practice contained in that Act covers this area; but the Bill could provide, for example, that a producer who breaches that code should be prosecuted under the Prevention of Cruelty to Animals Act and should not be eligible for a licence—if that is what the Minister wants. But to give regulatory effect to a code of practice that is intended only as a guide is unacceptable and sets a dangerous precedent.

Although the Bill is a large one, because of the emasculation of the Bill by the deletion of important clauses, it only nibbles at the edges of the problem. I confidently predict that further amendments will be made to the Bill in the near future because the New South Wales egg industry is adopting a market-driven approach—and Victoria will soon be forced to follow.

Mr ROWE (Minister for Agriculture and Rural Affairs)—I thank those honourable members who have contributed to the debate. I make it clear that I reject any suggestion that the thrust of the Bill is anything other than to create a more efficient and dynamic egg industry. The government is not nibbling at the edges; in many areas substantial improvements will be made.

Honourable members appreciate that suggestions for change to the operation of the egg industry have been made over many years. As the honourable member for Ripon said, recommendations for change have been made since as far back as the establishment of the McArthur inquiry.

The Bill represents a dramatic change to the laws governing the industry. Little investment has occurred within the egg industry and, when the Bill is passed, the industry will be put on a sure footing, which will allow those people wishing to stay in the industry and remain competitive to invest in it and compete with industries in other States, especially New South Wales. I reject the arguments canvassed today by some honourable members that the Bill will not help the industry.

The restructuring of the industry does not mean that in ten years there will still be some 370 producers. Clearly, that will not be the case.

Mr Steggall—Try two years.

Mr ROWE—Whatever it is, the Bill refers to hen quotas for the next seven years, and that is seen by some people as too dramatic a change. It will be four years before the automatic review takes place and, following that, the provisions will phase out over three years.

Mr Austin interjected.

Mr ROWE—The honourable member for Ripon, by interjection, asked a hypothetical question about what the New South Wales government will do. The Victorian government is not waiting for New South Wales to act. This government is about protecting the industry in Victoria. The easiest thing for me to have done would have been to sit back and wait to see what happens in New South Wales. However, I decided that the best way for the Victorian industry to survive was for the government to act now and to ensure that Victoria is in a competitive position. That does not mean that the provisions in the Bill will not have to be changed in the future. I do not know what level of farm size the New South Wales legislation may prescribe.

Mr Austin interjected.

Mr ROWE—I do not believe that is the case; in fact, I believe the reverse is true. I have had consultations with a range of organisations and individuals involved in the industry, including the Victorian Farmers Federation. As late as this week I spoke with the president of the federation regarding the outcome of the changes.

The federation has written to me, as it has written to all members of Parliament, and its three-page letter suggests some sixteen amendments to the Bill. I have taken up some of the requests.

Mr Austin interjected.

Mr ROWE—The honourable member for Ripon said I am not acting in the interests of the industry and that I am being weak. The view of the Deputy Leader of the National Party is that any change is dangerous. He sees my job as being to represent the 370 producers in the industry and believes I should respond only to what they request. I have listened to the producers and I have met with some of the small producers in the Bendigo region. I understand the situation they are in, but I have not met all their demands. I make no apology for that.

As the Minister for Agriculture and Rural Affairs, it is my responsibility to ensure that a strong, competitive and viable egg producing industry exists in the future. I have made the hard decisions and come up with a balanced response, and the Bill will bring about fundamental changes in the operation of the egg industry.

A number of honourable members have referred to producer agents. Under the Bill, producer agents can now grade their own and other producers eggs and they can manufacture egg products.

Mr Steggall—Where do the egg products come from?

Mr ROWE—Mr Steggall should take note of the changes with respect to producer agents because they are fundamental. People are claiming that the government has emasculated the deregulatory aspects of the industry and I am putting the record straight. The Victorian Egg Marketing Board can no longer levy the industry to equalise losses, a matter highlighted by the Public Bodies Review Committee. I am sure honourable members have received strong representations on that. I have decided that it is inappropriate to continue along that line.

The Bill provides that producer agents can now market their own eggs. I take up the point of the honourable member for Bulleen, who directed attention to the generic advertising conducted by the egg board. It is inappropriate, and the Bill introduces fundamental changes in relation to the competitive advantage of producer agents. I stand by those changes; they are important and will result in a more efficient industry.

With respect to producer agents, it is not simply a matter of requiring that the board have minimal control over the appointment of producer agents because that

requirement must be read in conjunction with an amendment I shall propose during the Committee stage. I have provided the proposed amendment to clause 26, which deals with the board's functions, to the spokespersons from the other parties. The proposed amendment will insert a new function requiring the board to promote the efficient and effective marketing of eggs.

That gets back to the comments made by a member of the National Party about how the provision is to be interpreted. I have clear views about the need for the egg board to operate in an efficient and effective manner. I certainly do not believe it has operated in that way in the past, as was shown by the report of the all-party Public Bodies Review Committee.

Mr Steggall—It did very well afterwards; it smartened right up, which was good.

Mr ROWE—It does need smartening up, and the Bill takes it another step forward by clarifying the functions and powers of the board and giving it a clear direction.

There has been some criticism about the accountability of the egg board and reference to the requirements for an annual report. The Minister has the power to direct the board with regard to a certain direction it should take. The board is required to insert that direction in its annual report, which is tabled in Parliament, so that people can clearly see the directive that has been given on a certain matter.

Comments were made about an extension to a 2000-bird farm, and I have accepted the argument in that case because it is not unreasonable. Honourable members have directed attention to seasonal quotas and the 90-day notification being decreased to 21 days. That is not unreasonable. I have indicated to the Victorian Farmers Federation that, in order for the Bill to be passed, I am prepared to accept the omission of clause 137, which refers to animal welfare and farm sizes.

I believe it is an important change in that we are increasing quite dramatically the farm size limit to 80 000 hens as is contained in the proposed legislation. The Victorian Farmers Federation has said it should be 100 000. My view is that it is not necessary.

I thank honourable members opposite for the attempts to reach a compromise so that we do not delay the proposed legislation and to protect the industry and ensure that it remains viable and competitive. In the final analysis a compromise has been reached, but it is not fair to say that the major thrust of the Bill has been changed away from deregulation and a more competitive environment.

The other major factors to which I direct attention are the pricing mechanism and the size and representation of the board. In an industry like this with the Victorian Egg Marketing Board setting the price, it is inappropriate to have a producer-dominated board. If honourable members opposite say to me that they want a producer-dominated board and are prepared to have market forces set the price, as articulated by the honourable member for Bulleen, I shall accept that argument. However, one cannot have it both ways. One cannot have a producer-dominated board setting the price because exactly the problem existing at present in respect of overproduction—as was the case in the 1930s with the dumping of eggs in the sea—would occur. I realise overproduction is being encouraged and products are being exported at prices below the cost of production. However, it is important that the public interest be represented in terms of setting the price.

The mechanism that has been established is important. It is important that the board set the price, and the prices panel will include the Prices Commissioner as the chairman. That is not unreasonable. There should be a person with commercial expertise on the panel, as proposed by the honourable member for Ripon. He also

suggested that it would not be inappropriate to have an industry representative on the panel. In the final analysis, that is probably a sensible outcome.

All the argument about a producer-dominated board does not make any sense to me or the industry. It will be a body on which there will be representatives drawn from a panel of names submitted by the appropriate producer bodies. It is also important, as was identified by the Public Bodies Review Committee, that a body such as this should include representatives who have expertise and skills in financial management and marketing. That is what the Bill does in expanding the size of the board. The board will also have the capacity to include in its members an employee representative.

The motion was agreed to.

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

TRUSTEE (AMENDMENT) BILL

The debate (adjourned from May 4) on the motion of Mr Jolly (Treasurer) for the second reading of this Bill was resumed.

Mr ROSS-EDWARDS (Shepparton)—This is very much a machinery measure. Telecom has been a trustee investment in the State of Victoria. Obviously, with the status and strength Telecom has, it is a natural trustee investment. As from 1 July, Telecom will become incorporated and, therefore, this proposed legislation is required if people are to participate in trustee securities.

Telecom will continue to have trustee status, but technically it will not be a different organisation from what it is today. It will have at least the same and perhaps greater financial strength than it has at present, and people who want to invest in it will have the opportunity of doing so.

The National Party—and I am sure my conservative colleagues—will agree with me that it is appropriate we give the measure the support it warrants.

Mr AUSTIN (Ripon)—In the absence of the shadow Treasurer, I support the remarks of the honourable member for Shepparton. The Opposition supports the Bill and wishes it a speedy passage.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1

Mr JOLLY (Treasurer)—I move:

1. Clause 1, line 4, after "debentures" insert ", inscribed stock or promissory or other notes".

The concern of Telecom was that the term "debentures" may not be sufficiently broad to cover inscribed stock or promissory notes. Just in case there is any problem, the amendment has been moved. It has the support of the shadow Treasurer and, I understand, the National Party.

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 2 and 3.

Clause 4

Mr JOLLY (Treasurer)—I move:

2. Clause 4, line 12, after "debentures" insert ", inscribed stock or promissory or other notes".

3. Clause 4, page 2, line 1, after "debentures" insert ", inscribed stock or promissory or other notes".

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

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

CHILDREN AND YOUNG PERSONS BILL

The debate (adjourned from the previous day) on the motion of Mr Spyker (Minister for Community Services) for the second reading of this Bill was resumed.

Mr MAUGHAN (Rodney)—I support the general intent of the Bill and I commend the honourable members for Prahran and Swan Hill for the contributions they made to the debate. I endorse the remarks they made last night.

The Bill has been presented after extensive consultation. A review commenced in December 1982 with a committee of four chaired by Dr Terry Carney. In late 1983 some 9000 copies of an extensive discussion paper were widely distributed throughout the community. A further 12 000 copies of the response to that discussion paper were subsequently distributed and extensive coverage and wide publicity was given to it by the media.

The review committee then met with approximately 6000 individuals and interest groups across the State and considered some 400 written submissions as well as several hundred oral submissions. It is a fair comment to say that the Bill was presented after considerable consultation with the community.

In general terms the Bill seeks to implement the recommendations of that committee and to consolidate legislation dealing with children and young persons into one Act. The Bill consolidates the four Acts currently in existence: the Children's Court Act 1973, the Children's Court (Amendment) Act 1986, the Community Services Act 1986 and the Community Welfare Services Act 1970.

The Bill is broken up into three main areas. The first deals with the changes to the court structure and it seeks to strengthen the distinction between the two separate divisions of the Children's Court. It creates a Family Division on the one hand and a Criminal Division on the other. The establishment of a specialist Children's Court is a step in the right direction.

The second main portion of the Bill deals with the protection of children. I shall deal with that in more detail later, but I commend the emphasis on prevention and reconciliation and the fundamental principle that protective concerns should be placed ahead of criminal concerns.

The third main area of the Bill deals with children and the criminal law. Two of the major provisions are the raising of the age of criminal responsibility and the creation of a much wider range of sentencing orders.

The main objectives of the Bill are to provide child protection services, to strengthen the role of the Children's Court, and to provide a broader range of depositions in each division of the court. One of the important principles here is based on the premise that where possible children should be encouraged to remain within the home. I certainly support that premise.

The Children's Court is to be divided into the Family Division and the Criminal Division. That is based on the principles enunciated in the Carney report, which spells out those principles as follows: adjudication in offender matters is based on a

philosophy focusing on the individual responsibility of the young offenders whereas in protection matters responsibility for the acts or omissions of adults should not be attributed to the child. That is an important principle. Too often children are punished unnecessarily for the acts or omissions of the adults who have responsibility for their care.

In the area of protection, I move to mandatory reporting. In the debate on whether reporting should be voluntary or mandatory I argue strongly against mandatory reporting because I believe it gives the wrong signals to those seeking help and it has the effect of diverting resources away from helping those who are at risk and into areas of investigation, seeking out information and so on. I strongly support voluntary reporting; mandatory reporting does absolutely nothing to reduce the abuse and neglect of children.

A report from the Brotherhood of St Laurence concludes that mandatory reporting does not stop or reduce neglect. The number of reported cases increases without there necessarily being any increase in the number of substantiated cases.

The Fogarty report came down in favour of the dual track system:

> Views for and against mandatory reporting are held and expressed with great vigour.

That is certainly true. The report further states:

> It is not appropriate for us in this report to express any view about that issue as a generality. However, what is clear, in our opinion, is that the introduction of mandatory reporting, whether generally or related to specific classes of persons, should not be considered for Victoria at present.

I support that conclusion.

> To superimpose mandatory reporting on child protection notification at this stage would virtually be to ensure that the system would collapse.

In other words, the resources are simply not available to provide for mandatory reporting.

Mr Coleman—That is a good excuse not to have it.

Mr MAUGHAN—No, it is not a good excuse not to have it. It will not achieve the objective of helping the children, and essentially, that is what we want to do. Research around the world has shown that most people fail to be convinced that mandatory reporting leads to better care of children.

We need to encourage a community response directed to prevention rather than detection and punishment, because that is a waste of resources entirely. We should encourage the notion that children are the responsibility of us all. We should all help with neighbourly acts such as child minding and helping parents in times of stress and trouble.

We should support the concept of moving children out of institutions because child welfare systems do not make good parents. Therefore, if we can get children out of institutions and into alternative care, that is certainly to the benefit of the children concerned.

I make the observation that child abuse is very difficult to define and is often a matter of perception. We need to be careful that we are defining maltreatment and not a cultural or financial difference, or a difference in values. That is sometimes difficult to do when we observe people from different cultural backgrounds with different values from our own, and we make a cultural judgment that there is abuse or neglect.

I comment on the category from which the largest number of cases comes—the area of neglect. I have interesting figures on a typical profile of where abused children come

from, because there are important demographic features to be taken note of when considering child abuse and neglect. My figures are taken from the Community Services Victoria protective services database for 1986–87. It is stated that 53 per cent of the principal care-givers—usually the mothers—are aged 30 years or less; they are mainly Australian-born—in fact, 82·9 per cent are Australian-born; they are residentially stable—in other words, they have been at the same residence for five years or more; 49 per cent are single parents; only 29·8 per cent of families comprise two natural parents; financial and housing stresses feature largely in the lives of the families in that 61·5 per cent are dependent on social security benefits; 62·6 per cent are in rental accommodation; 81·6 per cent of the families have only three children or fewer.

Essentially, the scenario depicts families that are Australian-born, with young single mothers—only about one-third comprise two natural parents; approximately two-thirds are under financial or housing stress, on social security benefits, and in rental accommodation. That gives a clue to the cause of the problem.

Commendable though the features of the Bill may be, we are not really dealing with the root cause. We are dealing with the symptoms rather than the problem. Society at large has to come to grips with the actual problem. There is a far broader issue. I commend what is being done to cope with dealing with the symptoms, and I only wish more could be done to deal with the actual problems.

We need to be careful that we do not adopt a heavy-handed punitive approach which is clearly inappropriate when dealing with children who are abused or neglected. We need to adopt a caring, understanding, considerate and helpful approach. Unfortunately, in many cases the causes are far more deep-rooted social problems, namely unemployment, alcoholism, illness, stress brought about by social problems, lack of opportunities and a general feeling of helplessness.

In the area of proactive or protective intervention, the ideal undoubtedly is for Community Services Victoria to be responsible for all intervention but, as this is clearly impossible at this stage because of lack of resources, the Bill presumes the continuance of the dual track system.

At the moment, Community Services Victoria handles about two cases for every one that the police handle. While I consider it desirable for all the cases to be handled by trained social workers, it is simply impossible in country areas where there are no social workers available around the clock to deal with this problem; therefore, the police and particularly the Community Policing Squad play a very important role. I can do no more than commend the members of the Community Policing Squad for the vital role they play in the area of child protection.

I appreciate that many organisations, including the Victorian Council of Social Service, support the single track approach. In his report Mr Justice Fogarty suggested working towards this objective over a three or four-year period. That is a practical and a reasonable approach which can be evaluated as time passes. Unless the resources are available to employ sufficient people to deal with the problem and provide care, there is no point in having a single track approach. The Bill quite rightly acknowledges the situation in the real world and makes provision for the dual track system which is absolutely essential in country areas.

I shall comment briefly on clause 63, under the subheading "When is a child in need of protection?" It states that a child is in need of protection if, among other things:

(*c*) The child has suffered, or is likely to suffer, significant harm as a result of physical injury and the child's parents have not protected, or are unlikely to protect, the child from harm of that type;

(*d*) The child has suffered, or is likely to suffer, significant harm as a result of sexual abuse and the child's parents have not protected, or are unlikely to protect, the child from harm of that type;

(*e*) The child has suffered, or is likely to suffer, emotional or psychological harm of such a kind that the child's emotional or intellectual development is, or is likely to be, significantly damaged and the child's parents have not protected, or are unlikely to protect, the child from harm of that type;

(*f*) The child's physical development or health has been, or is likely to be, significantly harmed and the child's parents have not provided, arranged or allowed the provision of, or are unlikely to provide, arrange or allow the provision of, basic care or effective medical, surgical or other remedial care.

Clause 64 deals with notification to a protective intervener. Although I have concerns about the provisions, there is no alternative. There are dangers, but it must be acknowledged in dealing with a highly emotive problem that mistakes can easily be made; there is a need for sympathy, training and understanding, and for diplomacy and compassion. One hopes those qualities are present in people dealing with the problem but, unfortunately, there are cases where this is not so.

Clause 64 provides:

(1) Any person who believes on reasonable grounds that a child is in need of protection may notify a protective intervener of that belief.

(2) The following persons are protective interveners:

(*a*) The Director General; . . .

or anyone he chooses to delegate within the department, and:

(*b*) All members of the police force.

They are then required to intervene and investigate the situation.

It goes without saying that child welfare is a welfare rather than a legal function. That supports the argument put that we should have people from a welfare department rather than a police department primarily involved in this area.

Clause 82 of the Bill deals with the conduct of proceedings in the Family Division and provides in subclause (1) (*a*) that the Family Division:

. . . must conduct proceedings before it in an informal manner.

I commend the government on this provision as it frees up what can be a forbidding process. The subclause contains the further provisions that the Family Division:

(*b*) Must proceed without regard to legal forms; and

(*c*) Must consider evidence of the balance of probabilities; and

(*d*) May inform itself on a matter in such manner as it thinks fit, despite any rules of evidence to the contrary.

The subclause is another step in the right direction. It will allow the proceedings to be conducted in a less formal manner, and will allow people to try to arrive at a reasonable solution after putting the forms, legalities and other functions of the legal procedure aside for a moment while the basis of the case is dealt with.

Division 6 deals with protection orders. The expanded range of options available to the court when making protection orders is another step in the right direction. Those options range from the provision contained in clause 85 (1) (*a*) (i):

An order requiring a person to give an undertaking . . .

And they extend to further provisions:

(ii) A supervision order;

(iii) A custody to third party order;

(iv) A supervised custody order;

(v) A custody to Director-General order;

(vi) A guardianship to Director-General order.

Again, the expanded range of options provides a marked improvement on what is currently available.

I refer to Part 4, which deals with children and the criminal law and is the final section of the Bill. I express some concern about increasing the age of criminal responsibility from eight years to ten years. It is not worth debating this matter but I fail to be convinced that a child of ten years of age is more responsible than a child who is eight years old. Given the age at which children seem to be maturing, I am in no doubt that an eight-year-old child knows right from wrong as much as a child of ten. As I said, I shall not argue the matter because the age of criminal responsibility is supported in general terms by psychologists.

Part 4 of Division 7 provides for an increased range of sentencing orders. This is another step in the right direction as ten options will be available to courts when sentencing those who come before them.

Clause 137 provides:

(1) If the court finds a child guilty of an offence, whether indictable or summary, the Court may—

(*a*) without conviction, dismiss the charge; or

(*b*) without conviction, dismiss the charge and order the giving of an undertaking . . . or

(*c*) without conviction, dismiss the charge and order the giving of an accountable undertaking . . . or

(*d*) without conviction, place the child on a good behaviour bond . . . or

(*e*) with or without conviction, impose a fine . . . or

(*f*) with or without conviction, place the child on probation . . . or

(*g*) with or without conviction, release the child on a youth supervision order . . . or

(*h*) convict the child and make a youth attendance order . . .

A youth attendance order is dealt with in clause 170 (1) (*b*), which provides:

On the day of sentencing, the child is of or above the age of 15 years but under 18 years—

Magistrates are provided with a wide range of options when dealing with offenders brought before the courts.

I make some general comments about the provisions of the Bill. As I said in my opening remarks, the concept of the Bill is good. The specialist Children's Court is a step in the right direction. The object of protecting children from physical, psychological or sexual abuse is certainly commendable.

As I said also, the increased range of protection orders and sentencing options is commendable. In respect of the criminal law, the increased flexibility for sentencing orders represents a marked improvement on the present options.

However, I am concerned that the expectations built up by the provisions of the Bill will not be realised because of a lack of resources. I hope the Minister for Community Services and the government will be able to provide the necessary resources to implement the commendable provisions of the Bill so that the job can be done in the best possible way.

I seek some response from the Minister about the plans for the new facilities. Will he indicate where the youth residential centre will be located and what provision will be made for people in the country in respect of that centre?

I have already expressed concern about the provisions relating to protective intervention, and have indicated that an essential element of that will be appropriate and well-trained people for the job. I have commented on the need for the dual track

system to be retained—with both Community Services Victoria and the Police Force being involved—particularly in country areas.

The Bill takes no account of the wonderful work of the various voluntary agencies involved in the field, of which there are approximately 75, including among others the Salvation Army and the Mission of St James and St John. They all do an excellent job and I understand they care for more than half the children who are in protective care at present. I commend the work of those voluntary agencies. The Bill should acknowledge the wonderful work they do and take more account of the contribution they make because they provide a less bureaucratic approach to the needs of children than does Community Services Victoria. In saying that, I am not being critical; I am merely suggesting that, as Community Services Victoria is a government department, it suffers from some of the problems connected with a bureaucracy. The voluntary agencies are staffed by caring and compassionate people who are more committed to the task in hand.

It concerns me that the Bill deals only with the symptoms and not the causes of the problems relating to children in need of help. The causes must be dealt with through the pursuit of a true social justice policy which will provide a more equitable society, by reducing unemployment and poverty, and encouraging and fostering the traditional family unit. That unit is the key to the problem. Earlier I quoted statistics that demonstrate that the majority of children who are abused or neglected are not from traditional, loving, and caring families.

I regret the need to make the observation that the policies of both the State and Federal governments are having exactly the opposite effect from encouraging strong family units; many policies are leading to fragmentation of the traditional family.

I support the general thrust of the Bill. However, more effort should be put into alleviating the causes of the problems, strengthening the family unit, encouraging traditional family values, and generally working towards a more equitable society in which poverty and unemployment are reduced.

Dr WELLS (Dromana)—The Children and Young Persons Bill is, in my view, one of the most important Bills ever to come before this Parliament in the five years I have been here. I say that because of a number of things. There is nothing more important in our society than our young people. I know of nothing in our society which can give a greater return for effort, financial or otherwise—if we care to look at it in those terms—than loving and effective attention to our young children in their early lives.

I have said here and I say again: the professional educationalist suggest that something like 50 per cent of what a human being learns in life is learnt in the first five years of life.

I think it is impossible to overestimate the importance of effective loving care and provision for our children in those early years. They do not get a vote, and I am now sufficiently bruised by my experiences in public life as to think that when human beings and their causes do not get direct votes, they do not get enough consideration. It is remarkable in my thinking to realise that we say our young people are children when they are 15, 16 and 17 years old but when they are 18 they are adults and they vote and they may negotiate contracts and they may marry and they may be drafted by the Parliament of the land to go to war to defend the country. The transition is very sharp.

I want to continue in this vein for a moment because I really think that it is too easy for Parliamentarians to brush over the real needs both in quality and extent of assistance that young people have. There could hardly have ever been a time in history when

young people in the Western World, in the developed countries, are under more attack than at present. I know if you look at developing countries where young children are starving, where they are not properly vaccinated, where they die from infection, disease, that is a greater level of neglect. That, of course, is a process that has gone on down through history but in the Western World our young children and young people are under another form of great attack which, in a sense, is more difficult to do anything about in our society because it is a more insidious, more subtle and a more sophisticated attack on them.

When you look at television today you find that young children are probably more influenced by television than they are by school or than they are by many of their homes. In Australia, as in the United States of America, each young child on the average is exposed to about 4 to 6 hours of television a day and there is no way that that television can be, on balance in our society, in my estimation, a helpful influence. As Parliamentarians we are very limited in many ways in being able to respond quickly enough to societal needs, including those of children. One of the things we should look at first and foremost and with a sense of real urgency is television, more than radio, more than newspapers and more than magazines.

I continue on this line because this Bill deals with things like the Children's Court of Victoria and the sentencing of children. That may well be needed and I acknowledge it is in our society, but that must surely be an absolute indictment of our society and of this Parliament, that we have to pay so much attention to that sort of thing. It is almost certain that nothing positive—I must not say that! Let me say that so much of the work done through those channels will not be of positive help to the child, and the child being a minor, really cannot be held responsible in my view for the state of its life at that time. It is, of course, the responsibility of the parents in the first instance and beyond that we have foisted upon our schools a great responsibility to take on things far beyond teaching our children the basics of education.

Beyond that, I submit that it is very much a personal responsibility of each member of this place and of the other place. We have, I believe, the highest responsibility, apart from that of parents, for young people in our society and my experience in the five years in which I have been in this place, apart from my experience before coming here, my assessment of this Bill and my knowledge of what goes on in Victoria and, more particularly, in the area of Dandenong/Mornington Peninsula and specifically in my electorate, all lead me to feel that this is an inadequate response by this Parliament towards the real needs of young people. It is just not good enough to come into this place with a Bill that spends so much time on the sentencing of children and the procedures pertaining thereto and to then have a section on the care of children at risk and so forth but not to go beyond that.

I say with real regret and without any sense of a partisan attitude that it is my view that this Parliament is not providing anywhere near adequate real support for our children. I see in this Bill no evidence that that is likely to be the case. It is all very well for a government, which it can do, to organise things pretty easily by rearranging the laws but that is just the beginning. There is no evidence from this government that in the year ahead, for example, it will try to change its ways and do more to meet the needs of young children by providing adequate money for the jobs to be done.

I know, if I look at my own electorate, this question of courts, sentencing, and so on is the absolute thin end of the wedge. It is not good enough for the Minister at the table to talk about providing shelter and other human services for children in need, because I can tell him that in point of fact and reality, when you really get down to it, it does not happen adequately in my electorate, for a number of reasons. One is, I believe, the state of Community Services Victoria at this time. Another is the amount of money provided, and not just that which has been suggested in the past six months.

Another is the number and the training of the staff and I emphasise the stress upon the staff. There is a real problem in that department. There are probably very few more difficult jobs in Victoria than working in Community Services Victoria at the coalface with real social personal needs which at times verge upon destruction of the human being involved.

Those overt, obvious needs—I think this Parliament should have done more about them by now—I would have expected a greater commitment by the government when it brings in a Bill in which it says it intends to amalgamate children's services in one Act of Parliament. There are other needs. I can tell honourable members of my daily struggles over the past twelve months with cases of children in need when the services have not been there for the child. When one thinks of the mess we had with things being cast off onto the police away from CSV and when one thinks of what goes on in the dark hours of the day, through the rest of the 24 hours of the day when the services are not adequate for the children concerned, there are other things I am also very conscious of.

It is of great regret to me to say that I have come upon cases where I cannot dismiss from my mind the thought that there has been bias against one parent or the other through the judicial system and that is not good enough because the child suffers in the process, apart from the suffering that the parent experiences also. These are long acting processes. If you influence an adult and they are 30 years old, they may live for another 30 years, and it affects them throughout that time because there is nothing more precious than their children, but if a child is damaged at the age of five, they live for another 60 or 80 years perhaps and it affects the next generation too, as we know.

I talk in these terms because I hope the Minister at the table, who makes quite eloquent defence in this place at times of the actions of his department, might consider much more seriously the sorts of comments I make because, after all, they are the comments of a professional practitioner in the field as a Parliamentarian who, above all other things, I believe has of necessity become a specialist observer of human life.

We are at the coalface, too, and I do not believe the Minister really does pay sufficient attention to the sorts of comments being made in the speeches. I hope he might yet read them in the *Hansard* report and take more note because there cannot be, I believe, people of more useful authority to advise him in this way than his fellow colleagues in this place.

Without any reflection on the staff of CSV, because I have worked with them and I know of their commitment and I know of their frustrations and their exhaustion and the suffering they experience in trying to handle the sorts of cases, a small fraction of which hit the headlines from time to time, I think, briefly in passing, I can say there are some stupidities in our policies and I do not hold CSV responsible for them.

There was the recent case in which this community went through agony over a young child adopted by a family in which the mother then became pregnant, which surely should have been a matter of great joy. We find instead that the stupidity of the policy required the staff to remove the adopted child from that family. Have honourable members ever heard of anything less defensible? I certainly have not.

If I go on from there, too, I want at this time to contrast, as a former speaker did, the efforts of the many voluntary services we have in Victoria working with children. I fail to understand why the government does not more effectively gear the taxpayers dollars for which it is the custodian to voluntary effort in the community because there can be no other way of getting a greater multiplication of effort, value and result, than from doing that.

Never have I found more commitment, more effective commitment and more lasting results than I have found through the voluntary services that operate in the finest of tradition in the most self-sacrificial manner in my electorate and on the Mornington Peninsula at large. They have been in the very finest sense trailblazers and pioneers in their field, many of them, of course, through Christian belief and membership of Christian societies and churches of one name or another. I really think it is dereliction of our responsibility in this place for us to continue to permit the sorts of money-squeezing attitudes that are forced upon those societies in the most ridiculous ways, of squeezing them down for absolutely small sums of money.

It is not adequate for us to be talking about young people in our society in terms of how wonderful we are by providing another $6·5 million for some major program with children when in fact the Victorian Budget annually is at least $12 000 million and, in my submission, at least 25 per cent of that is wasted. In my view, some $3000 million is wasted annually in this State. Worse still, $2500 million in today's terms is committed to long-term commitments that must be met again and again each year in the years ahead. Against that scenario, to propose that we are doing something wonderful by providing $5 million here and $185 000 there for children's services is nonsense in the extreme. That is where our voluntary societies are getting squeezed so badly.

It makes sense in electoral terms, if the government wishes to look at it in that way, for it to say, "We will gear the taxpayers dollars to voluntary effort throughout our society to get the maximum benefit for the people" and, of course, in the process obtain the maximum electoral benefit for the government of the day. Yet it has not done it. The Minister has a prize opportunity to multiply this effort greatly by doing more with the voluntary societies before he continues to try to take more and more upon himself through government services. We need the government services, too, but in this society there is no room to start talking of them and us in education, or in health, or in children's services. We are all in this boat together. If we do not watch it will sink and we will all go down together, too.

There is the greatest capacity to do much more through the voluntary services in Victoria. I really do not see that we can do the job unless we utilise those services. The combination of home, school and child is at the moment the only routine way or major way in which we can influence the life of a young human being. We should not be forcing upon our primary school teachers the pressures that we do because we do not provide them with extra services to assist, as it will be found in my electorate, with the very real problems. Yet it is from the home with the deficiencies of television, and other things, that we then come to hope that our primary schools may do something to help. When they cannot handle all the trouble, the children are at risk outside, and the voluntary agencies or the government agencies must try to pick up what is a really dangerous mess and do something about it.

It is quite obvious that we have somehow to act earlier in the process, and an earlier speaker mentioned this. This Bill, in my view, is deficient in this regard. It does not pay enough attention to helping families, even protect the families, to get back down the road to stop the problems being created. There is no doubt that social welfare needs become entrenched and they pass down the generations unless something can be done to break the vicious cycle.

I do not think, apart from some very good research work which has been going on in the State for fifteen years now into family life and so forth, that we have produced any really major new ideas of how to do something about this, and yet society, in my view, daily grows worse. The crime rates worsen. We have, I believe, more children at risk. We have greater and greater need in that situation and in this time of high technology when people must be qualified for life-long employment. We are creating

very severe problems by allowing young children to be damaged early in the process and not to acquire that essential amount of education for life that they must obtain.

I make a plea to the government that, although its Ministers have mouthed words, and one will dignify them by saying philosophies, in this place even on these subjects, I really have not found much real effort being made to help these families through committing money and staff to these services. There is a great need to do something, I suppose, through the schooling system to begin with but also through television and perhaps other avenues, too, to get more done so that adulthood does not mean, for example, automatically the right to go on and produce any number of children, no matter what our skills. We must try to help our people so that they have skills for life and for rearing and lovingly rearing their children when in due course the children come along.

It is back at that level I believe we must work to try to resolve these problems. By the time we get the child to primary school, that child is in trouble and there is a high degree of likelihood that the child will not get out of the difficulties that he or she faces in the very few years from birth to about eighteen years of age. In many instances, by fifteen or sixteen years of age the child is pushed outside or wanders off, having been abused, and so forth, to find his or her way and usually quite unsuccessfully.

Against this background I could raise a number of things that have disturbed me so much about this society. In earlier years we have even closed down government establishments in the city where students coming to study might be able to board. One could go on. There is inadequate accommodation, for example, for young people who leave home because they have been abused.

I know it is an expensive problem, but the government chooses to be the government for all Victorians and therefore it has to consider social equity at that level. I really am sick and tired of hearing about social equity in this place because my electorate, which is one of the fastest growing in Victoria, has the lowest average income per electorate in Victoria, has the second largest secondary college in Victoria, has a high percentage of single-parent families and of itinerant families, and about 25 per cent more children per family than the average in Victoria. Against this background I have real problems for which, despite whatever the Minister says, I have not seen really significant progress made to overcome in the past five years.

Five years is a long time in the life of a child. I have listened with great interest to what the Minister has said in this place in recent times in defending his department on various matters, but I invite the Minister, any time he wishes, to come down to the electorate of Dromana and to the peninsula area and see the problems in the field, because I am quite unbelieving that the Bill will, in the next five years, do anything significant about the problems I face on behalf of the electorate I represent. It may do something about the sentencing of children through the courts because that is not terribly difficult, but let us get down to the hard things that have to be done.

So often in recent times I have seen Bills go through this House, and, thereafter, not have the effect they were supposed to have. In terms of social equity the government is found sadly wanting and no area is more capable of illustrating that in the most sensitive fashion than with regard to our children.

I say to the Minister for Community Services that I welcome his commitment. I wish his Bill well. There may be some fine print to be changed in it but I have chosen tonight, as one of, I imagine, many voices, to try to speak in general to say to the Minister that the problems are far greater than he and his government realise, and I am quite frustrated by their apparent inability, despite the hyperbole, to really respond to those problems.

Let this be just a start, but we need urgent action. We need the Minister fighting much harder in the Cabinet for a bigger share of the economic resources of Victoria so that our children might have a better life and, let me say that it would be a profitable exercise, because every young human being we rescue as a youngster will not be a cost on the State thereafter in the ensuing 50 or 60 years.

I am not getting it out of perspective. I know we are talking about a minority of our children—perhaps 5, 10 or 20 per cent, but it is a sufficiently significant number to affect the whole economic and social structure of Victoria. But beyond that, even one child is justification for us making a greater effort.

I hope the proposed Act of Parliament will be the beginning of that course.

Mr SPYKER (Minister for Community Services)—I thank all honourable members for their contributions. There are a couple of matters to which I need to respond. The honourable member for Dromana summed it up at the end when he spoke about the Bill as being another stage in the development of children's services, but we need to come to terms with our responsibilities as a community, first of all, in relation to the type of service we provide.

If one examines the growth of the government's commitment in this area, when the Cain government came to office the Children's Protection Society, which was a voluntary organisation, tried to grapple with the serious problem of funding, and at that time an amount of about $900 000 was involved. Of course, the service covered mainly the metropolitan area only, and while the society involved dedicated people, it just could not cope with the volume of demand on the services. The current budget of Community Services Victoria for child protection services is $16 million.

The Children's Protection Society needed to come to grips with the problem of what it was about as a society. I find dealing with cases of sexual abuse absolutely horrific. I cannot understand how an adult can sexually abuse a child when, most of the time, it is a member of the family— a close relative or a friend or somebody the family knows or respects—rather than somebody who has climbed through the window in the middle of the night.

Basically, I feel there is something wrong with a society that allows these things to happen. In the case of some of the reports that land on my desk, I have to leave them until the end of the day because it upsets me too much to read them early in the morning. It ruins my day, hearing what adults do to children in a society, and those adults then expect those children to be well adjusted members of society.

So again, apart from the government's responsibility of providing a service on which people can rely, which is efficient, and which it is my responsibility to deliver, society also needs to closely examine itself and how it can interact with the children in the community.

One of my views is that the family network is breaking down. Years ago there may have been a grandparent—an uncle or an aunt—living in an area nearby, in which case members of the whole family can be supportive of one another. The honourable member for Dromana would be aware that in the growth areas of his electorate there would be young families with vast transport difficulties and cases of women left alone with young children who are isolated and lonely who, in a time of difficulty, would have no-one to turn to. Those sorts of things concern me.

In terms of the way Community Services Victoria uses its funds compared with other States, the department has an excellent record in funding a whole range of organisations in Victoria. It funds about 800 groups which, over many years, have built up expertise in a wide range of areas. It spends millions of dollars in family and

support services and although the emphasis of the Bill is on protecting the child, my emphasis is on what the department does to support the family. How do we stop the child being abused? What tensions are present in the family?

The difficulty we have in a democratic society is at what stage we intervene in the family and say, "We believe you have a crisis". The department relies very much on ministers of religion or friends or people like that to actually give it some indication of the families in trauma and how it can assist.

Dr Wells—What is the total funding in that area?

Mr SPYKER—In the total family and support services area, not only in the area of child protection, I think it is about $90 million a year out of our budget. One could argue that maybe that figure ought to be double, but that is the reality of it.

The other difficult area concerns workers at the coalface. They could easily say at every stage of the problem, "Remove that child from the family situation". Those workers are in the different situation of knowing that if they give the family a bit of support, maybe the child is not at risk in one sense. But the evidence shows that the longer the period for which one removes a child from the family, the harder it is to get that child back into the family situation, and the trauma comes about, then, that if the family is given some support and things seem to be going quite well, a crisis may suddenly happen the following week and the child is physically or sexually abused. That worker is then in the traumatic situation of having people in the community say that Community Services Victoria has failed because it should have removed the child, and of course a number of organisations say that one should not give the family support, that one should simply remove the child from the risk situation and ask questions later.

The department does not hold that view. It balances it up. If a child is at risk it removes the child, but first it examines closely the issue of support for the family, given that there is an element of risk in that move and given that the only way to provide some guarantee of the child being looked after properly is virtually by removing the child at every stage of risk—whether that be a category 1, 2 or 3 report.

In the long term the community will reject the situation of a child being left in family circumstances where it is at risk. Honourable members should not abuse their privileges when Community Services Victoria failed in one particular instance. The honourable member for Prahran has used this place to deal in a derogatory way with the department.

Hundreds of excellent child protection workers are employed by Community Services Victoria. They do an enormous job and it reflects on them when things go wrong. The honourable member for Prahran referred to deaths in custody, but two of them were cot deaths. I am sure if someone were to find the cure for cot deaths that person would win the Nobel prize. The other death occurred when a child was walking to school and was run down by a motor car.

The coroner was critical about some of the newspaper reports and what the honourable member for Prahran had to say in a wild and ill informed way. He tended to be hysterical and he was wrong. The coroner said it was his responsibility to deal with situations of death in custody and it was not a matter for public hysteria. The coroner made clear that no blame should be laid upon the Royal Children's Hospital or Community Services Victoria. The particular case to which the honourable member referred occurred two years ago. The coroner made recommendations about improving the department's procedures and those have been put in place.

I am delighted to think that not everyone has the same view as the honourable member for Prahran. Mr Neil Bennett, the Chairperson of the South Regional Consultative Council, a prominent Liberal Party member who has stood for preselection on a number of occasions, wrote a letter with the heading, "Good news on child protection services for the southern region". In part Mr Bennett said:

> At each meeting of the SRCC a progress report on protective services is given.
>
> The problems of the past are not now evident. The protective unit with CSV has accepted all appropriate referrals and the team of protective workers is doing a wonderful job for our community.
>
> The SRCC will continue to play its role in ensuring that needed services are maintained and developed throughout the region.

Obviously there is a split in the Liberal Party because a prominent Liberal Party member, Mr Neil Bennett, actually backed the government in what it is doing. I assure the House that there has been a large injection of funds in this area; 100 additional trained staff have been employed. Much of the case load in many regions is no longer in place. The National Party raised the matter of cooperation with the Police Force, particularly in country areas. It is essential that there be that assistance in those areas, particularly in small country towns. The department does have a mobile unit which operates 24 hours a day in country areas.

It is not easy to work for Community Services Victoria. If one were looking for an easy job one would definitely not come to the department. I challenge any honourable member to consider how it would be to knock on a person's door and say, "I am taking your child away". Unfortunately, that must happen on occasions for the protection of the child, no matter what family support services are available. Of course, there must be some assistance from the Police Force on those occasions.

I appeal to all honourable members to understand that it is easy to pick one of the hundreds of cases with which the department deals and say that that case should have been handled differently. It is easy to be smart in hindsight. I am a St Kilda Football Club supporter. When I stand on the outside, I assure honourable members if I were a member of the team it would never lose.

It is easy to run a public campaign saying this or that is wrong. A case must be investigated and handled in the best way possible, sometimes in difficult circumstances. I assure honourable members that following the establishment of the central register in December last year, which Community Services Victoria and the Police Force use, case loads have been able to be increased enormously. Although twelve months ago the department was dealing with only 56 per cent of cases referred to it, now it deals with 90 per cent plus of all cases. In many categories there is no waiting time. Those matters that the department is not able to deal with are referred to the Police Force.

Mr Justice Fogarty's report shows that the history of child protection in Victoria during the past two decades has not been what it ought to be; most honourable members will agree that that was the case. I assure the House that the area of child protection is the best it has ever been and it will be better again next year and the year after because now we have a mechanism in place with a dedicated team of workers. As long as honourable members do not abuse their privileges, that will allow those workers to settle down rather than causing upset which makes life difficult for them.

I do not suggest that the honourable member for Dromana is an irresponsible member of Parliament but there are other honourable members who have abused their privileges.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1

Mr COLEMAN (Syndal)—I am inspired by the Minister's recent comment made to the Chamber when he asked people to put themselves in the place of a departmental person who knocks on someone's door and says, "I am from the department; I have come to take your child". My perception of the department is that it has worked for an extremely long time to get rid of that image.

However, the Minister was prepared to come into this Chamber tonight and use the very statement that that department has tried to shed for almost as long as it has been in existence. I do not know whether the Minister ever speaks to people who actually deal with the department, but if he did so, he would find that the very issue they are concerned about is that the department will come and take away their children. Yet, the Minister came in here tonight and actually said it. That is a disgrace.

Is it any wonder that the Cain government has had four Ministers in charge of Community Services Victoria in six years? That is not a bad record. I suggest that the present Minister will be the fifth and he will go very quickly, too. He has had the portfolio for only six months, and he has already buried himself as deep as he could go. For him to come into the Chamber and use that statement is incredible.

I shall deal particularly with clause 1 (*c*), which relates to children and young persons who have been charged with or have been found guilty of offences. I had the privilege of being awarded a Commonwealth Parliamentary Association trip overseas, and I visited Egypt and Kenya, which are two countries with which I suppose Australia has little contact. One of them is on the Mediterranean Sea in northern Africa and the other, in southern Africa, has its coastline on the Indian Ocean. In many ways, the conditions in Australia do not really correlate with the conditions in those countries. Australia has child protection laws, which actually avoid the dilemma about children working. There are laws that determine whether children should be allowed to beg. However, in Cairo, Egypt, and in Nairobi, Kenya, there are areas where children are exposed to considerable risks.

I am grateful that Australia takes the position that it does on the welfare of young children and that our children do not have to sink to the depths to which I saw children in those two cities being exposed. However, that does not mean that we should be complacent. Honourable members do not have to go far from this place to learn that there are children exposed to considerable risk even today.

The economic situation is such that families are under extreme duress and there is continual tension. Of course, part of that is a result of the Victorian and the Hawke Federal governments economic policies. Interest rates are running at extraordinarily high levels. The plastic card debt is incredible. I am told that every family in Victoria has at least an equivalent of a $2000 plastic card debt. Home interest rates have now gone through the roof, as have rents.

Every family on an average income or below it is under stress. It is little wonder that every daily newspaper that one picks up contains at least one report of a case of child abuse. To a certain extent, this is a result of financial difficulties and it must be corrected by the government. Mr John Halfpenny of the Amalgamated Metal Workers Union is closely involved with the financial counselling arrangements in this city. I believe Mr Halfpenny has actually forced the government into recognising the value of financial counselling.

Mr Ernst—Get your information right!

Mr COLEMAN—Perhaps the honourable member might like to stand up later and correct me.

The CHAIRMAN (Mr Norris)—Order!

Mr COLEMAN—Certainly Mr Halfpenny's union was very much driving the government towards the financial counselling aspect, which the government is now prepared to embrace, and I believe it has credit for doing so. At least now the government recognises the value of financial counselling in enabling families to cope with the situations in which they find themselves. There are many cases of good financial counselling.

The economic stresses placed on families in this country at present are wholly and solely related to a fountain of economic expertise which is driven by the Labor governments. The sooner that people in Victoria and Australia realise and see through the charade described in the newspapers every day, the sooner it will be possible to put in place policies to address the problems that families face.

They are not being addressed by this government, which treats those people as its traditional supporters. However, there will come a day when those people will no longer support the Labor Party. In recent years, there has been a growth in the number of minority, single-issue parties. In the end, such a single-issue party will be formed that will take those people away from the Labor Party.

I shall not dwell on this clause. I shall make some comment on clause 3, because it is with that clause that the Committee will have a real problem.

The clause was agreed to, as was clause 2.

Clause 3

Mr COLEMAN (Syndal)—This is the definitions clause. The provisions of this Bill have been aired twice already, and this is the third attempt by the government to get the Bill under way.

I refer to the Committee a previous Committee debate that occurred on 10 August 1988, when a former Minister for Community Services, the honourable member for Oakleigh, had charge of the Bill. At that stage the Committee determined not to proceed with the Bill because it contained a reference to the Magistrates' Court Bill, which contains the definition of a bail justice.

As reported in *Hansard* of 10 August 1988, the Opposition took the matter to a division. The Committee divided on the motion that progress be reported. The government's numbers overwhelmed the Opposition and the debate was continued. At the time, it was pointed out that the Magistrates' Court Bill may not proceed. In fact, that is what occurred. The election was called and the decision not to proceed with the Children and Young Persons Bill at that stage was wholly supported by the events. If the Bill was proceeded with, legislation would have been in place that would have had no definition in law of a bail justice.

The government is out of step again tonight. This is incredible. The Chamber is actually dealing with the Children and Young Persons Bill ahead of dealing with the Magistrates' Court Bill, because the government cannot reach an agreement on it.

Mr Spyker—It is the Liberal Party's fault, not ours!

Mr COLEMAN—It is what? Who controls the flow of proposed legislation in this House? It is unbelievable—the Minister says it is the Liberal Party's fault!

The CHAIRMAN (Mr Norris)—Order! The Minister will cease interjecting and the honourable member will cease being provocative.

Mr COLEMAN—The fact is that clause 3 of the Bill contains a definition of a bail justice:

"Bail justice" means bail justice appointed under section 120 of the Magistrates' Court Act 1989.

The Magistrates' Court Bill has not yet been passed through this Chamber and it is in the same situation in which it found itself on 10 August last year. I do not know whether the Minister has sought advice as to why this Bill must be handled for the third time. The previous Bill debated in this place had 99 amendments, as I recall, and the original Bill had 100 amendments. At least all those amendments have now been incorporated in this Bill.

Has the Minister for Community Services ever asked himself why this is the third attempt to pass the Bill in this Chamber? The Minister should know the answer. The Minister wants the Committee to insert a definition of "bail justice" on the basis that the government cannot come to an agreement about how to handle another clause.

Mr Delzoppo—"Trust me".

Mr COLEMAN—Honourable members have heard plenty of "trust mes" from the government. The Minister must address this issue. How does the Minister intend to overcome the problem of having a reference in the Bill to a person appointed as a bail justice in yet another Bill that has not been passed by the House?

Mr SPYKER (Minister for Community Services)—I thank the Opposition for enabling the government to proceed with the Bill. It is true that unless the Magistrates' Court Bill is passed by Parliament there will be difficulties with the definition of "bail justice". The government has given an undertaking that it will not proceed in another place with this Bill until the provision contained in the Magistrates' Court Bill is finalised. The issues involved in the provision being debated by the Opposition and the government are not directly related to the Children and Young Persons Bill.

I assure the Committee that I see no problem in proceeding with the Bill at this stage, but I acknowledge that the definition interconnects with a provision in the Magistrates' Court Bill.

The clause was agreed to, as were clauses 4 to 11.

Clause 12

Mr HAYWARD (Prahran)—Clause 12 pertains to the Children's Court Senior Magistrate. I raise the whole issue of the status of the Children's Court. It is clear that the Bill, and this provision in particular, makes the Children's Court a subsidiary to the Magistrates Court. Clause 12 (3) states:

The Children's Court Senior Magistrate may, with the approval of the Chief Magistrate, issue directions relating to the practice and procedure of the court.

There is a strong case for the establishment of a State Children's Court that is not a subsidiary to the Magistrates Court system, which would then develop its own autonomy. It would not be subject to the direction or approval of the Chief Magistrate.

Children's Court work is very specialised and requires a special type of experience and understanding. Recently two magistrates in the Children's Court were transferred to general magistrate duties. I do not wish to canvass that issue, because it was essentially an administrative matter dealt with by the Chief Magistrate. No doubt there are merits both ways in that case. When I talked to people in the field, social workers and other people associated with the Children's Court, the importance of having experience, background and an understanding in this area was brought home to me, and it will become more important in the future. Making the Children's Court a subsidiary of the Magistrates Court and making the Children's Court Senior

Magistrate subsidiary to the Chief Magistrate will worsen the problem. It places the Children's Court at the bottom of the totem pole. It may be an indication of the low priority accorded to the Children's Court.

Children's Court work is tremendously important and may represent some of the most important work in the legal system. It requires a particular type of expertise, experience and background. It is not satisfactory for it to be a subsidiary of the Magistrates Court system and to have the Senior Magistrate of that court a subsidiary of the Chief Magistrate. As I said, the establishment of a State Children's Court should be considered with its own chief magistrate appointed by the government, not appointed, in effect, on the recommendation of or nomination by the Chief Magistrate.

I understand there is the point of view that magistrates should move around through the general system and go in and out of the Children's Court area, but it is not a view with which I agree. It is not a view that stands up to the experience here and in other places and is not the view of people who work in the field.

I raise this issue with the objective of having it considered and studied over a period. Perhaps in the future the government will reconsider the status of the Children's Court and make it a court in its own right and not just part of the overall magistrate system.

Mr Ross-Edwards—Who would conduct the court in the bush?

Mr HAYWARD—I understand the difficulties there, but there is a case for magistrates of the Children's Court to do circuit work.

The clause was agreed to, as were clauses 13 to 20.

Clause 21

Mr STEGGALL (Swan Hill)—I referred to the provisions of clause 21, which ties in with clause 20, during the second-reading debate and the Minister failed to respond to the query I raised on that occasion. Children must be legally represented in cases set out in the clause. Clause 20 refers to other requirements regarding legal representation. Will the cost of children being represented in these cases be borne by the Legal Aid Commission or through a Budget allocation?

Mr SPYKER (Minister for Community Services)—I had intended to raise this matter in Committee. Where the child is represented the Legal Aid Commission will represent the child and bear the cost.

The clause was agreed to, as were clauses 22 to 46.

Clause 47

Mr HAYWARD (Prahran)—I raise the question of access to protection reports. It is an issue that should be considered in the future. It has been put to me that the clause allows access to the protection report by the child and the child's parents and many other people.

It has been suggested to me that in some circumstances this procedure may be counterproductive. A lot of information may be withheld from the protection report because those writing the report may consider that some information could cause concern and distress to the child and the child's parents. It is important that information on a family should be stated clearly and frankly in the protection report so that proper management arrangements can be made for the child.

This is not a matter that can be assessed now. People have different points of view about this issue, but it is a matter that should be carefully monitored over a period. If experience shows that it is counterproductive, the method should be reviewed.

I understand that the child and the child's parents may have a right to see what is in the protection report—that is why it is included in the Bill—but by the same token the aim of the report is to achieve the best result for the child. The protection report is critical in the planning of the child's future.

If protection reports are not written as frankly as they should be, and if much important information is withheld, it is important that this clause be reviewed in the future.

The clause was agreed to, as were clauses 48 to 57.

Clause 58

Mr HAYWARD (Prahran)—This clause provides for the approval of community services and covers a wide range of services such as foster care, family group homes and so on. This is the direction Victoria should proceed in the future. Experience to date in the child protection field shows that a large centralised bureaucracy is incapable of providing the necessary individual service to a child. The behavioural patterns inherent in a bureaucracy make it an unsatisfactory mechanism for providing that type of individual care. There is no question in my mind that we should move more and more towards providing this type of care on a community-based model.

Models exist in the Canadian provinces where government agencies are basically concerned with establishing standards, ensuring that those standards are met and also ensuring accountability, which is a vital feature. Some excellent work has recently been undertaken in Britain on the use of community-based organisations in the child protection field. I am not saying that we should turn back the clock to the previous model where everything was handled by the Children's Protection Society. It is essential that governments should set standards and ensure that they are adhered to. It is also important and essential that the government should be accountable.

I am concerned that the current system involves little accountability on the part of government. Governments can never opt out of their responsibility for child protection, but the services and protection can best be provided through community organisations. There is much evidence and information about how such a mechanism can be established. Computer software programs are available which would assist in achieving this accountability for specific families and children.That is the direction in which the thrust of the policy on child protection in Victoria should proceed.

The clause was agreed to, as were clauses 59 to 62.

Clause 63

Mr STEGGALL (Swan Hill)—Clause 63 is headed "When is a child in need of protection?" It is the first of the subjective judgments provided for by the Bill, and is the aspect that signals the line of action to be taken by people when seeking to intervene in a family situation.

Yesterday honourable members referred to this provision and raised some concerns about its ramifications. It is this provision that provides for the test or judgment to be made by a protective intervener seeking intervention in a family situation where it is necessary to identify children who require protection.

I hope Community Services Victoria will provide suitable guidelines for practitioners within the department and agencies. Recently a good deal has been made about the intercountry adoption procedures and guidelines used in a Victorian case. These guidelines must be clearly spelt out to cover the provisions in the Bill because, if they are not, the same problems will arise as with the intercountry adoption case.

This provision is where the first judgment has to be made. I ask the Minister to explain to the Committee what procedures he intends to put in place as guidelines for his staff and for the interveners who will include police officers as well as staff of Community Services Victoria. Sooner or later this clause will be put to the test. This is the provision where a person, according to the Minister, will knock on the door and say, "G'day, guess what, I am from Community Services Victoria and I have come to take away your child". That is not a nice summary of the provision in the Minister's second-reading speech, but it is a vital area in the Bill. It is important to set down stringent guidelines for the margin and when the judgment has to be made. Honourable members may recall that an intervener can be notified by any person about a child.

Mr Coleman—They are anonymous.

Mr STEGGALL—The intervener does not have to disclose the person who has made the notification. This clause is extremely important to many interested parties. The question is asked: when is a child in need of protection? The judgment is made as a result of this clause.

The guidelines and the training required must be carefully laid down and followed because Victorians do not want any further fiascos. Perhaps other honourable members would also like to speak to the clause. I hope the Minister will respond to my request because this provision is crucial to the identification of the need for protection.

Mr SPYKER (Minister for Community Services)—The honourable member for Swan Hill is correct in claiming that clause 63 is most important. I assure him that an extensive training program is under way. The Bill provides some clear guidelines, and I am happy to make available officers of the department to give him a briefing on what sort of training programs will be provided to ensure that staff appreciate the sensitivity required in this important area.

When I made the comment about knocking on the door, I was referring to the last step an officer of Community Services Victoria might have to take. I ask the Committee not to distort my comment. I said that, ultimately, that position may occur on odd occasions. The bulk of the department's work is towards counselling and supporting and doing everything possible for the family. It is in the context of a number of difficult situations with which workers are faced and the lonely decisions they have to make from time to time.

The clause was agreed to.

The sitting was suspended at 6.31 *p.m. until* 8.3 *p.m.*

Clause 64

Mr HAYWARD (Prahran)—I move:

1. Clause 64, lines 35 to 37, omit sub-clause (1) and insert—

"(1) Any person who believes on reasonable grounds that a child is in need of protection—

(*a*) in the case of a person who is a legally qualified medical practitioner or a member of a prescribed profession, must; and

(*b*) in any other case, may—

notify a protective intervener of that belief.

Penalty: 5 penalty units.".

Perhaps the major issue in the debate on the Bill today is the critical issue of mandatory reporting. I did not understand much about mandatory reporting some months ago when I became involved in the area of child protection; I found that there were strong views on both sides. I respected those views. As I moved around the community,

among community organisations and spoke with workers in the field and those who study community matters academically and research these issues, I found that people often had difficulty in making up their minds; often people were in two minds—but not all of them. Some had strong views one way or the other. It was an issue that was troubling people.

Having spoken to a number of them and having studied the matter, I have no doubt in my mind that mandatory reporting is essential and is morally right. I shall go through some of the arguments for and against mandatory reporting to get a balance and to try to convince the Committee that my amendment is the correct one and should be supported.

I begin with the statement that children have a right to be protected from abuse and neglect. I repeat: children have a right to be protected from abuse and neglect. Where there is a right there is also a duty, and that duty means that people have a duty to report abuse and neglect. That is effectively the case for those who are paid to help children; in other words, the professionals and those who, in their professional activities and conduct, come into contact with children.

My amendment states that:

> Any person who believes on reasonable grounds that a child is in need of protection—
>
> (*a*) in the case of a person who is a legally qualified medical practitioner or a member of a prescribed profession . . .

Such professions would be prescribed later, but the expression covers those who have a professional duty involving them with children and who are paid to look after children or who will be in contact with children. Children have a right to be protected from abuse and neglect. Associated with those rights is a duty, and it is a duty on those who are involved with children to report abuse and neglect.

My second argument is that mandatory reporting is a public commitment; it is a public commitment to protect children. It stresses to the public that we think children are important and that we have a commitment to protecting children. It is a statement which makes it abundantly clear that, in our opinion, all children have the right to protection, and the Liberal Party will ensure that they are protected.

My third argument in favour of mandatory reporting pertains to workers. There are often claims that mandatory reporting will make the job of the professional worker in the field more difficult. I do not believe that! Despite those claims, mandatory reporting provides a safeguard to workers involved in child abuse cases and preserves their relationships with families. To state that in a simple way, the worker can say to the family that he or she has no choice but to report the matter; that the law requires it. It does not put that worker in the situation where his or her relationship with the family is prejudiced or harmed if he or she reports child abuse. That person can truthfully say, "I have a duty to report it; the law requires it".

My fourth argument in favour of mandatory reporting is twofold: on the one hand, it assists in determining the true nature of the incidence of child abuse—in other words, the size of the problem. Many cases of child abuse and neglect go unreported and undetected at the present time and no action is taken. Therefore, children continue in the situation where they are abused and neglected. On the other hand, the current incidence of child abuse and neglect which is reported and attended to is only the tip of the iceberg; there are many more cases below the surface. For example, it is the view of the police that only 10 per cent of child sexual assault cases are currently reported to the authorities.

We should get our priorities right. What are we on about in this area of child protection? We are on about protecting children. As I said at the beginning of my

remarks, children have a right to be protected. Under those circumstances, it is absolutely essential that children should not suffer. Abuse and neglect go unnoticed and unattended to because mandatory reporting is not a requirement.

Child abuse often involves serious assaults, such as a sexual assault or attempted murder. If an attempt were made to murder an adult, anyone knowing of such a case would have a legal responsibility to report it. Would anyone claim that, because a child is the victim of such an assault, the incident should not be reported? It would be an extraordinary claim to make. How could anyone morally justify not reporting an instance of abuse or neglect of a child?

No doubt during the debate reference will be made to the report of Mr Justice Fogarty on protective services for children in Victoria. In particular, I am sure reference will be made to Mr Justice Fogarty's recommendation that mandatory reporting should not be considered for three years. That recommendation is made because he says, in effect, that the system would collapse if mandatory reporting were introduced immediately. What an extraordinary thing to say!

Mr Justice Fogarty is suggesting that the system is so inadequate that it cannot cope. I hope it is not the case that the system can cope only with reported cases of child abuse and I hope there are not hundreds of other cases that are not being dealt with because the government does not know about them; one wonders whether that is the assessment the government has made of its responsibility. Is the government saying, "We can deal only with the tip of the iceberg; if there are other cases of child abuse and child neglect that we do not know about, too bad?" That would be a totally unacceptable assessment.

The government has a responsibility to provide a proper system of child protection. If the present system is inadequate it should be fixed up immediately. Would the government persevere with either an ambulance service or a fire service that could not cope with the demands made on it? Would the government say to a person whose house was burning down, "We are sorry; your house is on fire but we cannot do anything about it because the system cannot cope?" That is analogous to what is occurring in the area of child protection services. The level of child abuse is being overlooked because the system cannot cope.

Mr Cooper—They don't want to know about it.

Mr HAYWARD—The government does not want to know about it. I do not understand how the government can morally justify such an attitude.

I shall deal with some of the arguments advanced against the introduction of mandatory reporting. Firstly, it is claimed that if mandatory reporting were introduced families would be driven underground—in other words, the problem of child abuse would be hidden. I have spoken to professionals in this area, to experts from overseas and to officers involved in the New South Wales service where mandatory reporting has been introduced. I have spoken to Dr Terry Grundsett, the Chairman of the New South Wales Child Protection Council, who recently came to Melbourne to address a meeting that was organised to consider the question of mandatory reporting and other child protection matters.

At that meeting, arguments for and against were reviewed and the experience of experts in New South Wales and overseas was outlined. Their experience is that there is no evidence to suggest that mandatory reporting drives families underground.

Another argument against mandatory reporting is that the law is rarely used to deal with people who do not report instances of child abuse. It is claimed that in New South Wales, for instance, action is rarely taken against non-reporters. That is a

specious argument because I am sure the reason why action is rarely taken is that the law is effective—in other words, people do report cases of child abuse. If one accepted the logic of such an argument, one could say that laws against breaking speed limits should be done away with because most drivers obey the law.

Another argument against mandatory reporting is that it removes the discretion of workers in the field. Why should social workers in the field be given a discretion in the reporting of serious crime? Again, if an adult is assaulted no discretion exists because there is a legal responsibility to report such an offence. Why then should social workers be given discretion in the reporting of the serious abuse of children?

It is claimed that mandatory reporting is a cheap substitute for the provision of an adequate service. That is an extraordinary claim. In Victoria the government provides neither an adequate child protection service nor a cheap substitute. I endorse the remarks made by other Opposition speakers and I reiterate what I said earlier today: emphasis must be placed on providing assistance to families in need.

Many organisations provide such assistance, organisations such as St Anthony's Family Services in Footscray, which identifies families in need and provides support and assistance for them. Recently I visited that organisation and was told about a family being helped by it, a family that consisted of an unmarried mother and her ten children. That organisation is providing significant support to that woman as well as to other families in the area; and support and assistance are provided in a most constructive way.

Not only are the problems of these families dealt with by social workers, but also there is a network of people in the community who provide assistance. For example, retired people visit the homes of such families and help the children with their homework. Other members of that network often take in the children of those families for a couple of days to help.

The introduction of mandatory reporting should not be seen as a substitute for adequate family support. I return to the point I made at the outset: children have the right to be protected from abuse and neglect, and such a right involves the duty of others to report cases of abuse and neglect.

Another argument against mandatory reporting is that it results in a larger percentage of unsubstantiated referrals. No data exists to substantiate that claim; in fact, the reverse is true. In its report the Law Reform Commission of Victoria examined the situation in New South Wales, where mandatory reporting exists. The commission came to the conclusion that there was no difference between the percentage of unsubstantiated cases before mandatory reporting was introduced and after it was introduced. The commission considered various case studies; for example, it looked at the reporting by teachers of sexual abuse both before and after mandatory reporting was introduced. That is the only substantive study that has been done on this issue in Australia.

The study found that there was no significant difference between the percentage of unsubstantiated cases reported before and after mandatory reporting was introduced in New South Wales. In the early stages after mandatory reporting is introduced there will be an increase in referrals, but that will level out as people become used to the system.

I commend the amendment to the Committee because it deals with a key matter in child protection. I understand that it is a matter on which there is a wide spectrum of views, and I respect those who hold views different from mine. However, I am totally convinced, based upon the discussions I have had and the experience in New South Wales and other places, that this is the proper way to go.

Mr COOPER (Mornington)—Clause 64 continues the current system of voluntary reporting. The clause states that any person who believes on reasonable grounds that a child is in need of protection may—and I stress that word—notify a protective intervener of that belief. The clause, therefore, does not make a person criminally liable if no action is taken.

The amendment moved by my colleague, the honourable member for Prahran, seeks to make reporting by medical practitioners and prescribed professionals mandatory. I hope my contribution to the debate will persuade the Committee that the amendment should be supported.

The Bill absorbs much of the 1984 Carney report. That committee believed the present system of voluntary reporting works adequately. It recommended:

> A voluntary reporting system which facilitates reporting by anyone in the community where they reasonably suspect abuse or neglect of a child should be maintained. The introduction of mandatory reporting is rejected.

In his report on the matter, Mr Justice Fogarty agrees with the Carney report and says:

> Mandatory reporting of child abuse should not be considered for Victoria for the next three years until the administration of child protection is placed on a proper footing and there is wider professional and public education.

Although he agreed with Carney, Mr Justice Fogarty equivocated on the subject and left the door open for the future introduction of mandatory reporting. I am sure the government is relying upon the Carney and Fogarty reports to defend its support of voluntary reporting.

Although the Bill picks up recommendations of the Carney report, the government is ignoring many other qualified opinions to the effect that children would be better protected by a system including mandatory reporting. The 1986 discussion paper on child sexual assault, chaired by Ms Leslie Hewitt, expresses one such opinion and it differs markedly from the Carney report:

> This report recommends that the government adopts an approach which will ensure child sexual assault is clearly perceived to be a criminal offence. There is professional accountability for action taken in response to a complaint, there are clear sets of procedures, that is protocols, for responding to child sexual assault that will operate across all agencies. Reporting of child sexual assault is regarded as essential and should be part of the established procedures, responsibility is established for adequate investigation of child sexual assault reports, and professional and community education programs be developed which emphasise the desirability of reporting child sexual assault and which publicise the established protocols.

The Carney report, to which I referred earlier, also received much criticism from Christopher Goddard, the author of *Victoria's Protective Services—Dual Tracks and Double Standards.* As I said last night, it is an excellent title. He describes the position of the Carney report as extraordinary and says:

> It provided for a defective protective service with no clear accountability and without adequate resources.

Mr Goddard went on to say:

> It is impossible to morally justify a position whereby serious abuse of children is not reported. There is no evidence that families are driven underground by mandatory reporting. In fact, in Victoria, many abusive families in my experience have to repeatedly ask for help before being heard.

It appears that all the defence mechanisms mounted against mandatory reporting are refuted by professionals in the field. Mr Goddard summarised the main arguments in favour of mandatory reporting as: firstly, that children have a right to be protected from abuse and neglect—that point was made clear by the honourable member for Prahran; secondly, mandatory reporting stresses a public commitment to child protection; thirdly, it provides a safeguard for workers involved in child abuse cases and preserves relationships with families because they have no choice but to report;

and, fourthly, it assists in ascertaining the true nature and incidence of child abuse and neglect.

Mr Goddard's final point in support of the Hewitt report is:

There is evidence both in Australia and overseas that the introduction of mandatory reporting increases the number of notifications of child abuse cases. Clearly, the introduction of mandatory reporting has resource implications as staff must be available to investigate the increased number of cases reported.

It is clear that the government believes the present voluntary reporting system is adequately coping with the incidence of child abuse and that a mandatory system will necessarily create an increase in the number of cases reported. That appears to be the argument the government is mounting.

That proposition has been rejected by the Law Reform Commission of Victoria. At page 55 of the commission's report into sexual offences against children, a table compares the reporting patterns of doctors in Victoria and those in States where mandatory reporting exists. I seek leave to have that table incorporated in *Hansard.* I have shown it to the Speaker and have followed the guidelines set by him. The Speaker has approved the table for incorporation.

Mr Spyker—Has the table been checked by the Speaker?

The CHAIRMAN (Mr Norris)—Order! Yes, it has.

Leave was granted, and the table was as follows:

Table 3

DOCTORS REPORTS OF CHILD ABUSE IN 1987

State[1]	No. of All Children aged 0–16	No. of reports by doctors	No. of reports by doctors per 100 000 children aged 0–16
Victoria	1 067 672	96[2]	9
New South Wales	1 428 039	1074[3]	75
South Australia	342 959	150[4]	44
Queensland	714 172	600[5]	84
Tasmania	122 677	77[6]	63

Notes:

1. No data was available from Western Australia and the Northern Territory.
2. Source: (*a*) Victoria Police Child Maltreatment Statistics 1987—on police advice these were assumed to be based on a 60 per cent sample and have been adjusted accordingly.
   (*b*) Community Services Victoria statistics for cases closed May 1986–February 1987—these were adjusted to cover a twelve month period and inflated by 15 per cent, the rate at which reports are increasing annually.
3. Source: Department of Family and Community Services.
4. Source: Department for Community Welfare Annual Report 1986–87, page 21—the figure is only for children not previously notified to the department.
5. Source: Department of Health.
6. Source: Child Protection Assessment Board.

Mr COOPER—If the Minister for Community Services had been listening to me, he would have heard me say that the table had been checked by the Speaker. It is an

extraordinary question from an ignorant Minister. If he had been listening to me he would have known that I have been quoting authorities on this matter, yet he has the gall, hypocrisy and gross ignorance to turn around and say that the quotes to which I have referred are not making any sense.

I suggest to the Minister that he should think very carefully before shooting off his mouth in this Chamber, and it would be an idea if he listened before making such ignorant and stupid comments. The case studies clearly show that the children have remained at risk for some considerable time because proper action was not taken or a person was unwilling to take action.

It is clear that the mandatory system of reporting child abuse will be highly effective in dealing with cases that are at present obscured from the appropriate authorities. If Victoria follows the pattern set in other places after introducing mandatory reporting, it is also obvious that we will see a rapid increase in the number of cases. Why is the government resisting the introduction of a mandatory reporting system.

It is not unreasonable to suggest that the government appears to be placing costs above the welfare and safety of the children in this State. I suggest it is very important that that particular allegation is answered by the government in regard to its continuing support for voluntary reporting.

I refer to some case studies I have. Four in particular show the sort of thing that is going on and why mandatory reporting is absolutely necessary. The first three case studies that I intend to direct to the attention of the Committee are mentioned in the Goddard report.

The first case study relates to a baby admitted to hospital with serious injuries that seemed to be indicative of child abuse. The injuries were sufficiently major to cause concern about future disability. The consulting physician agreed that the case should be referred to the appropriate protective services unit but, when he was told that they might be unable to take the case, he declared that he would forbid police involvement.

The second case involved a child who was referred to a protective services unit by a social worker in the community. The child appeared to be becoming increasingly neglected and was left alone in the house for long periods. Several agencies had provided services to the family, but to no avail. When told that case load limits were in force, the social worker said she would re-refer the case the following week rather than inform the police.

The third case involves a protective services unit that received a telephone call from a schoolteacher who was concerned that a ten-year-old student in his class had been sexually abused by her father. The student had described to the teacher what her father had done to her over a period of some two years. The teacher refused to disclose the name or address of the child and family and the principal of the school also refused to do so. The child was asked to discuss the situation with her father and ask him to stop. Great advice!

The last case I refer to comes from private research conducted by the Liberal Party and involves a woman who took her three-year-old daughter to a clinic for medical treatment for a badly festering burn. The mother told the doctor the burn was caused by a dripping hot-water tap, but the doctor considered that that was inconsistent with the injury. The child also had two black eyes and bruises to the nose, and an older sister had bad scratches on the arms. A pharmacist who is attached to the clinic reported the injuries to the police because the doctor was unwilling to notify the authorities.

I advise the Committee that, if I had time and honourable members were willing to listen—I know I have not the time and that many honourable members would not be willing to listen—I could provide literally dozens of similar cases that I have heard about through private research conducted by child-care organisations.

There are, I would suggest, without exaggerating the case, hundreds and perhaps even thousands of these occurrences going on in Victoria and they are not being reported to the police or Community Services Victoria—but particularly to the police—because reporting is not mandatory. Many professionals in the field simply will not become involved, and I find that disgraceful. However, it is particularly horrific for the unfortunate victims of the crimes.

Honourable members must remember that the victims about whom we are speaking are defenceless children. They are usually, although not always, children under the age of ten years who are being either sexually or physically abused by people to whose care they have been entrusted—parents, guardians, or teachers. It is simply indefensible in my opinion for these cases not to be forcibly brought before the authorities. I do not believe a decent case can be mounted against mandatory reporting. I support the views of the Goddard and Hewitt reports, as well as the reports of the Law Reform Commission and so many other professionals in the field who are urging that every ounce of effort should be made to adopt the amendment moved by my colleague, the honourable member for Prahran.

As I said before, it is clear that a mandatory system of reporting child abuse would be highly effective in dealing with cases that are at present obscured from the proper authorities. There is overwhelming evidence to suggest that many cases are being obscured from the proper authorities.

If Victoria follows the pattern set in other places after the introduction of mandatory reporting, it is obvious we will see a rapid increase in the number of cases. It is essential that we provide the resources and that we get our priorities right to deal with the increase in the number of cases. I do not shy away from that, and I do not believe any honourable member would do so. If the cases are there and are reported, they have to be dealt with, It would have to be regarded by every person in this community as a matter of high priority.

Child abuse certainly exists, and the incidence of it is growing. It is important to deal with it. How on earth can we deal with the problem unless cases are directed to the attention of the authorities? How will cases be directed to the attention of the authorities unless reporting of offences is mandatory upon professionals dealing with the problem in the field.

This is not an argument being mounted by the Labor Party versus the Liberal Party, the National Party versus the Labor Party, or the National Party versus the Liberal Party; this is a subject that surely must cross over political boundaries in this place and all political bias outside this place. It is simply a matter of addressing what is going on in the community and how best to deal with it.

We know what is going on in the community. We know the abuse is occurring and, in so many cases, it is horrific and results in permanent scarring for the young victims of the crime. Victims are being created and we have to be able to deal with the problem. The Opposition makes a plea to Parliament tonight to adopt the amendment. In doing so it fully understands that the commitment by the government in supporting an amendment like this will mean the government will have to make a far greater expenditure allowance in the Budget for child-care—particularly the investigation of child abuse.

As a party, the Liberal Party would be willingly prepared to take on that burden in government. The Liberal Party expects the government to take upon itself the financial burden as well. I can do no more than strongly urge the Committee to adopt the worthwhile amendment moved by the honourable member for Prahran.

Mr E. R. SMITH (Glen Waverley)—I have more than a mere passing interest in the amendment and the Bill. I am a member of PACE—People Against Child Exploitation—which is a fairly militant group that operates in the eastern suburbs. The group is actively involved in assisting the victims of child physical and sexual abuse. The group has fairly strong opinions on most subjects concerning child sexual and physical abuse.

The organisation has as its patron Dr Elizabeth MacMahon, an Australian and perhaps international expert in the study of child abuse, who not only talks about the subject but also assists children in need. Dr MacMahon, a medical practitioner, is frequently available at night and at weekends when Community Services Victoria staff are unavailable. Although she expects her own privacy to be maintained she has never yet, to my knowledge, been unable to assist one of these victims.

The People Against Child Exploitation group—known as PACE—is actively engaged in promoting the concept of mandatory reporting and supports the Liberal Party's amendment in this regard. The honourable member for Prahran has carried out a considerable amount of research into this aspect and accepts that there are arguments against mandatory reporting and that those arguments should be mentioned in debate.

One of the arguments against is the case in England of Dr Marietta Higgs and the publicity that ensued after every case of sexual abuse that she and her associate became involved in. The authorities made accusations that were frequently unable to be substantiated but a great deal of distress was caused to the families of those children, especially in cases where the children were taken away. That example should be foremost in the minds of legislators because it shows the abuse of this type of power.

In America, where mandatory reporting was brought in, some hundreds of thousands of reports were made but very few charges were substantiated. In some States of Australia, even though mandatory reporting is not in force, it is almost incumbent on public officials to make reports. In fact, I believe they do make reports.

After balancing the arguments for and against, the Liberal Party has decided to come down on the side of mandatory reporting. However, the amendment gives two categories. The first is the medical practitioner and I have no hesitation in suggesting that reporting should be mandatory for medical practitioners. The second category is prescribed officers. This is where we need to be extremely careful in delineating what is meant by prescribed officers. I should be reluctant to give reporting power to some of the groups that come in contact with children. I should be reluctant to give that power to people who may have malevolent attitudes to persons of the opposite sex. For instance, a person involved in a divorce settlement may wish to speed up the divorce process and make a malicious report against his or her partner. If such a report were proved to be malicious or vexatious, a penalty should apply to the person making that report.

As I said, I should have no hesitation in making mandatory reporting compulsory for medical practitioners but I can see the dangers in giving it to other groups or individuals. The category of prescribed officer must be carefully monitored because of vested interests that may well act maliciously against a person who may be innocent but who may be victimised for some reason best known to the prescribed officer.

The subject of mandatory reporting has been widely canvassed by PACE, which organisation has come down on the side of mandatory reporting. As I am involved

with PACE, I was motivated to make a contribution to the debate tonight. PACE has pursued many cases that have resulted in convictions. Probably the main reason why that group is in favour of mandatory reporting is because it provides reliable statistical information which is otherwise unavailable in Victoria—although it is available in some other States—and which is a useful tool in assisting in the care of victims of physical and sexual abuse.

Mr Micallef—It doesn't solve the problem.

Mr E. R. SMITH—I take the point. However, in weighing up the arguments for and against mandatory reporting, although I recognise the dangers inherent in it I have chosen to lend my support to the Liberal Party's amendment. I believe there will probably be a better chance of reducing the level of child sexual and physical abuse if mandatory reporting is brought in rather than the system provided for by the Bill.

Mr STEGGALL (Swan Hill)—I should be most unhappy if the honourable member for Springvale were not in the Chamber when I rose to my feet. He will be amazed to find that tonight I am arguing the case that he is supporting. Mandatory reporting is an important issue. I listened to the honourable member for Glen Waverley, as I have listened to him on many occasions in this place, but tonight I felt that he did not have his heart in it. The government is not travelling too well with community services at the moment.

An Honourable Member—It's strapped for dough!

Mr STEGGALL—No, I don't think it is strapped for dough in this respect. I think the government has put some money into it. However, I do not think the government is in a good position to impose a mandatory reporting function in the child welfare area. Neither do I think the Bill lends itself too well to a mandatory reporting provision.

The honourable member for Prahran's amendment reads:

(1) Any person who believes on reasonable grounds that a child is in need of protection—

(*a*) in the case of a person who is a legally qualified medical practitioner or a member of a prescribed profession, must; and

(*b*) in any other case, may—

notify a protective intervener of that belief.

We must consider clause 63 of the Bill to put that amendment in context. Clause 63 asks the question, "When is a child in need of protection?" Obviously the judgment on the reporting of a child being abused comes back to this point.

That is the judgment made by the courts and individual professionals if the amendment is passed. I enjoyed the contribution from the honourable member for Dromana when he said that as a member of Parliament he fulfilled a very important role in the community services portfolio.

Mrs Hirsh interjected.

Mr STEGGALL—That is true. Members of the Labor Party may not become very involved in their communities but many members on this side of the Chamber do become involved in community issues, including social welfare matters that are the subject of debate before the Committee. If honourable members had been here last night, they would have heard me refer to my being a country member; I said that I enjoy the dual-track system because most community services people finish work daily at 5 p.m. Those problems usually end up with the local member over the weekend.

Clause 63 refers to specific areas under the heading, "When is a child in need of protection?" That is the judgment that must be made by the professional if the amendment is passed. It applies when a child has suffered or is likely to suffer significant harm. That enters a judgment area.

The honourable members for Prahran and Mornington debated the argument about mandatory reporting, referring to the vile and nasty abuse cases. It is hard to argue against that except that parents and friends of children who have suffered abuse will be reluctant to seek medical or other help in any way because of the power of the law that could be imposed upon a person.

The Bill contains a mandatory provision that the judgment will have to be made by the doctor, schoolteacher or child welfare officer. A person may think that significant harm has been caused by way of physical or sexual abuse, or that the child has suffered or is likely to suffer emotional or psychological harm. That is difficult to decide in situations involving poverty. Most honourable members would deal with cases of poverty in their electorates. Clause 63 (*f*) states that a child is in need of protection if its physical development is or is likely to be:

> . . . significantly harmed and the child's parents have not provided, arranged or allowed the provision of, or are unlikely to provide, arrange or allow the provision of, basic care or effective medical, surgical or other remedial care.

The arguments put tonight would be satisfactory in a perfect world, but if one is to use a sledge-hammer to crack this particular nut in the real world—a sensitive and difficult problem in all communities—one will end up on the down side by making the reporting of offences mandatory. It would be better to work with the community education programs and to involve the community services and welfare agencies—particularly private welfare agencies—in becoming geared up so that communities understand about child abuse and how best to handle the problem.

When I was a councillor of the Shire of Swan Hill another councillor had an interesting method of solving most problems—he erected a sign. If he had his way, he would have erected signs all over the place alerting people to various problems. The sign that needs to be erected about child abuse would read "Education", so that the courts and punitive measures as suggested in the Bill would not be used.

I ask those who want mandatory reporting: what happens to the medical officer, the infant welfare nurse, the kindergarten teacher or whoever the prescribed person happens to be who has not reported what they and the court eventually consider to be a case where significant harm or abuse, or significant malnutrition—as detailed in clause 63—has been perpetrated? Will honourable members want to put them in gaol?

That is not the way to tackle a very difficult problem. That amounts to walking around with a large stick to crack a few nuts, and see whether people can be shocked and frightened. My experience in dealing with people involved in welfare work has been that it is far better to take a compassionate approach than one of force or threatening punitive action.

In many of those cases, one would be dealing with parents or close friends of families when assistance for the family unit is needed. The problem areas need to be tackled by establishing protection and encouraging the family unit. Many Labor Party members would find that against the grain, while other Labor members—depending on their faction and their ideological stance—maintain that the family is a very strong and important element. A strengthening of the family unit by offering assistance would provide a far better chance of doing that and it is only a chance when dealing with child abuse; it is not an easy or comfortable subject to debate. Most honourable members would have had to deal with parents of a child subject to abuse who,

following the incident, may have seen the error of their ways and sought assistance. They do not want to be forced into a fight through the courts by being reported to the police and the community services authorities.

The Bill allows intrusions into families and lives. Last night I said that good measures are included in the Bill. It is hard to argue that the powers contained in the Bill should not be there. The success will depend on how the Minister and his departmental staff handle the powers. The Bill gives a protective intervener extensive powers, under the powers of the clause, to intervene in a family situation.

The Bill gives powers and responsibilities to the State which rightfully belong to the family with respect to children. The Bill denies to the accused a fundamental and historic common-law right, namely the right to face his accuser. That power is contained in clause 67.

The Bill by clauses 63 and 64 paves the way for an unfounded allegation of child abuse but offers no safeguards or protection where such allegation is unfounded, or even malicious.

The Bill provides for the removal of children from the family home without a warrant. In other words, the offending party—which is in most cases the family—is considered guilty until proven innocent, which is a reversal of a fundamental tenet of our system of justice.

I suggest there are enough nasty bits in the proposed legislation and that those who carry out child protection duties with Community Services Victoria and other organisations in this State have enough powers now to do whatever they wish.

Mandatory reporting will not help in any way. I acknowledge what was said by the honourable member for Prahran, that Victoria and Western Australia are the only two States which do not require mandatory reporting. I have evidence relating to that requirement but I shall not go through it because there is not time.

A number of States require mandatory reporting of sexual abuse only. I refer to the reports of Mr Justice Fogarty, the Western Australian Child Sexual Abuse Task Force, the Children's Welfare Association of Victoria, and the Mission of St James and St John.

I urge the Committee not to impose mandatory reporting on the government. The government is ill equipped to fund—and the staff of Community Services Victoria cannot deal with—mandatory reporting. It is not in the best interests of those concerned with its application to have mandatory reporting in child abuse cases.

This is one of the nasty areas that Parliament must deal with. Most honourable members work as ombudsmen and social welfare workers in their electorates and come across child abuse situations.

The National Party will not support the amendment. I hope the Committee will pass the Bill in its present form and allow judgment to be made later on the appropriateness of introducing provisions which require mandatory reporting. I do not know that anything will change my opinion, but the initial passage of the Bill is not the appropriate time to impose mandatory reporting on a department which is ill equipped to handle it and a government which does not want it and probably is not capable of giving it what might be termed a fair trial.

Honourable members have learnt from the passage of other Bills—particularly the Firearms Bill—that when the government has legislation imposed on something, it messes it up completely in the implementation stage. Nothing good will come for those at risk in our society by imposing the amendment on the government.

Mr COLEMAN (Syndal)—It is regrettable that the National Party is not prepared to support the amendment. The derivation of the amendment must be put in context. In February 1989, Mr Justice Fogarty delivered his report entitled *Protective Services for Children in Victoria*, which contained a number of recommendations. The National Party's position in part relies on Community Services Victoria being ill equipped to handle mandatory reporting and on the government not having the necessary funds to finance such a system.

Honourable members should be clear on what is mandatory reporting: it provides a mechanism by which people engaged in professions or activities which expose them to cases of child abuse have an opportunity of reporting those cases with anonymity to a protective intervener.

In his summary of the main recommendations and conclusions, Mr Justice Fogarty said:

> CSV must accept all notifications made to it.

That is the situation now. He continues:

> The way staff time is allocated to deal with these notifications needs to be realistic, professional and based on criteria which relate to highly responsible and efficient case management. There must be an end to the current case load control approach to the notifications of abuse.

All honourable members will have come across situations where Community Services Victoria has not been able to deal with a notification because it has not had the staff to accept that case. That is one step in the process.

Further, Mr Justice Fogarty said:

> The maintenance of a central register for all notifications. The operation of the register, and the associated CSV consultancy service, should be maintained and reported upon within twelve months.

That is another part of the mandatory reporting process.

He also said:

> Mandatory reporting of child abuse should not be considered for Victoria for the next three years until the administration of child protection is placed on a proper footing and there is a wider professional and public education.

Mr Steggall interjected.

Mr COLEMAN—This relates to the crux of the argument put by the honourable member for Swan Hill! He said that the funds and professional staff are not available and, therefore, mandatory reporting should not be introduced. The honourable member for Swan Hill implied that the risks can continue but, because there are insufficent funds, mandatory reporting should not be introduced. The community does not expect to have to tolerate such a situation.

Mr Justice Fogarty further recommends:

> Substantial improvement is required in CSV administration procedures, especially in the recording and retrieval of data, if child protection is to be effectively managed as a Statewide and responsive service.

He does not rule out mandatory reporting but indicates that it should be introduced in three years when Community Services Victoria is in order and can manage the system. His report was issued in February 1989 after being commissioned by the government in response to what the government perceived to be a community problem. Mr Justice Fogarty issued his report with the full knowledge of the government's intentions on the matter.

As I said, he is quite clear on the issue: he does not rule out mandatory reporting but indicates that it should be introduced in three years time, providing that the systems are put in place. That is the first step.

I refer to a publication entitled *Caring for America's children.* It is not directly pertinent to the debate but it is worthy of note. The book was produced by the Academy of Political Science in New York and is dated this year. From the chapter under the heading of "Health of America's Children" and the subchapter dealing with child abuse, I quote:

> Whether the rising figures on child abuse reflect a worsening problem or improved data collection, the statistics are appalling.

That observation is made by the Academy of Political Science in America. Is that what the government is frightened of? The government does not want to be exposed to the real problem. If there is mandatory reporting there will be, as was found in New South Wales, certainly in the initial period, a flood of reports. In the same chapter the following appears:

> In 1987, 2·3 million cases were reported to child-protective-services agencies in the United States, and this figure was thought to represent only half of the actual incidences.

Even with mandatory reporting all the cases are not reported. The comment in the subchapter which is the most pertinent to this debate is:

> The willingness or ability to eliminate poverty conditions and the social crimes that plague the United States are major issues. No civilised society can tolerate "acceptable" levels of child abuse.

That goes to the heart of the amendment, that one cannot tolerate acceptable levels; there are no acceptable levels. If there ever was a chapter and verse case played out in this State over the last fortnight, it was the case at the Royal Children's Hospital where all the professionals involved in the case were aware of the exposure but they did nothing about it. They let it go along. That is a situation that people of this State do not want to tolerate.

When talking about mandatory reporting, we always concentrate on the victim but one result would be to provide a databank of the type of offenders. A pattern of the type of offenders might emerge. There may well be repetitious offenders and that would come out under mandatory reporting. It should be possible to trace where the cases are derived from and ascertain whether there is a body of people out there in the community who are continuing offenders. For those reasons I believe this amendment needs support. A considerable section of the community expects some tightening up to occur.

Professional people who are in constant contact with children support this proposition. It does not matter whether it is a teacher who notes that a child comes to school every day without a lunch or whether it is a nurse in a doctor's surgery who notes that a child is there on a continual basis. The anonymity of those persons can be protected, but at the very least some action can be taken in the interest of the child who is exposed to danger. That is what mandatory reporting is about, and it should receive the support of this Committee.

Mr MAUGHAN (Rodney)—I support voluntary as opposed to mandatory reporting and, as the honourable member for Mornington pointed out in his address this evening, the Carney committee recommended voluntary reporting, as did the Brotherhood of St Laurence. Although he quoted from the Lesley Hewitt report, I point out that that report related to sexual assault only and there are a whole range of other abuses and neglects. Lesley Hewitt in her report gave only some qualified approval for mandatory reporting.

The arguments that have been put forward in favour of mandatory reporting are that it identifies the true nature of child abuse and neglect, it quantifies it and leads to increased notification. However, does it lead to greater identification of actual cases of child abuse and neglect? From what I have read, I have grave doubts that it does. I fail to be convinced that it does lead to greater identification and greater action to protect children who have been abused and neglected.

I quote from the Western Australian Child Sexual Abuse Task Force in putting some of the arguments against mandatory reporting. Some of these have been canvassed this evening. As the honourable member for Swan Hill pointed out, mandatory reporting does have the effect of discouraging people from seeking help because of fear of subsequent prosecution and/or family problems. It may lead to parents blaming the child for the report. Without question, it does generate a high level of demand for the services, particularly investigative ones. As I pointed out in my second-reading contribution, when resources are limited—and I am not using that as an argument for not supporting voluntary reporting because it does not matter how many resources we have; we will never have enough to cope with all of the things we would like to do—we should use our resources economically and resources can be used to better effect in other areas to help these children rather than being spent on investigating and compiling reports.

Mandatory reporting has the effect of making possibly innocent people feel guilty until they can prove their innocence. If they are investigated they feel the need to justify themselves. In many cases they do not need to do that. The problem has arisen because of poverty, lack of education or a whole range of factors. It is not that they are guilty of an offence of deliberately ill-treating children.

An honourable member interjected.

Mr MAUGHAN—I am not for a moment suggesting that there is any excuse for ill-treating a child but in the general area of abuse and neglect sometimes there are extenuating circumstances and families can be excused for ill-treating children to some degree—reasons rather than excuses. I do not think we will help the children one iota by making the parents feel more guilty about something about which they probably do not feel completely comfortable anyway.

The next point is that it rests on necessarily imprecise definitions of what constitutes abuse and neglect. Again there are a whole range of definitions as to what actually constitutes abuse and neglect. Next, a very important point that I should have thought the Liberal Party would have picked up: it unnecessarily intrudes into family privacy and integrity. Although not a great civil libertarian I believe in this case we do unnecessarily intrude into family privacy and I am not convinced that doing so in any way assists the children in need of help.

The next point is that mandatory reporting does not in itself increase the number of genuine reports of child abuse. The literature shows that when there is mandatory reporting, a greater number of cases are reported but it is arguable whether there is any increase in the number of cases of genuine abuse identified.

Mandatory reporting requires practitioners, and in this case medical practitioners, to breach professional confidentiality. The next point is that it is virtually unenforceable since it is very difficult to detect an omission, a failure to report. How does one detect that? It is virtually impossible to enforce the amendment that has been moved by the honourable member for Prahran.

The most important point is that mandatory reporting does not in itself guarantee an improvement in the protection and treatment of child victims but may provide legislators with the opportunity to appear to be on the side of the angels without

needing to spend any money. Although it may give us a warm inner glow that we are doing something to help children, the evidence suggests that it is doing nothing. It is creating work for public servants. It is making politicians feel good but it is not doing much to help the children. It may result in a tendency to make scapegoats of minority groups and the poor.

As I said, there is little evidence that mandatory reporting leads to better care and protection of children who are subjected to ill-treatment. We should not overlook the fact that 60 per cent of the child protection case load comes from poor, impoverished and socially disadvantaged families that are under stress of one sort of another. They are finding it very difficult to cope. The last thing we want to do is to add further to that stress and harassment by intruding into their privacy and investigating what it is they are on about. That will only increase the stresses and strains within that family and could well lead to further abuse and neglect of the children whom we are trying to protect. I do not believe these children for whom we are trying to do something are necessarily lost or not identified. I believe the majority of them are known to social workers who do act when they deem the situation to be appropriate. Appropriate action can and usually is taken at the proper time. I know there are exceptions, and there always will be. It will never be a perfect world but, generally speaking, social workers are well aware of the problem cases.

The law is a very blunt instrument in dealing with any cases where doubt exists. Voluntary reporting steers away from State intervention in these doubtful cases. It protects the family's right to privacy and from unnecessary intrusion by State authorities.

Although I believe the rights of children are paramount, there is also a right for those children to remain in the family and, as the debate has shown so far, the children who remain in the family have a better chance of being successful, well adjusted adults, than if they are institutionalised. So there is a good argument, even when there is some level of ill-treatment, for the children to remain within the family and for the necessary support, help and encouragement to be provided to the family.

As the honourable member for Swan Hill pointed out in his remarks, mandatory reporting is likely to make families reluctant to seek support because of the fear of being reported. There is no doubt that mandatory reporting leads to increases in unsubstantiated claims. As I have already said, it diverts resources away from dealing with the real problem, helping the children.

In his contribution tonight, the honourable member for Glen Waverley said the Liberal Party, after considering the evidence, has come down on the side of mandatory reporting. I would much rather rely on the professionals' judgment of the pros and cons, because they are working with this problem day in and day out, week in and week out. Therefore, although I respect the Liberal Party for considering the evidence and coming down on the side of mandatory reporting, I am more persuaded by the professionals, who work in this field day in and day out. They have also considered all the available evidence and have come down in their best professional judgment on the side of voluntary reporting.

I should like to refer to a few of those tonight. The first one, of course, is the Carney committee's *Child Welfare Legislation Practices and Review* which recommended voluntary reporting. The Brotherhood of St Laurence, in its report *Mandatory Reporting and Child Sexual Abuse*, also recommended voluntary reporting.

I refer also to the Children's Welfare Association of Victoria, which has 75 agencies under its umbrella and includes organisations such as the Children's Protection Society, the Institute of Early Childhood Development, St Vincent de Paul's Children's Home,

the Salvation Army, the Melbourne City Mission, the Mission of St James and St John, and many other like organisations. It is a group of organisations that are working at the coalface. They are dealing with this problem every day of the week. I respect their judgment when having considered all of the evidence, they conclude as follows:

> In putting forward voluntary reporting as the preferred form of reporting, the C.W.A.V. recognises that the interests of the children are of paramount concern. We envisage that protective services should aim to minimise harm to children and maximise the ability of families to protect and care for their own children. Such service would be based on the principle that the best child welfare is good family welfare.

I believe we have already come to the conclusion in the debate that good family welfare is far better than any institutionalised care. The paper on voluntary and mandatory reporting continues:

> In this sense, protective services of children are child centred and family focused. They are designed to ensure that reasonable efforts are made to maintain children safely in their own home . . .

This is important, "reasonable efforts are made to maintain children safely in their own home". The paper continues:

> so reunite the family as soon and safely as possible if children have to be placed and to assure permanent care if parents are unable or unwilling to care for their children in the longer term.

I agree with the honourable member for Swan Hill when he says resources can be better utilised in supporting and assisting to maintain the family unit. Like him, I am a very strong believer in the family unit. The breakdown of the family unit is the root cause of many of our problems and we really need to deal with that.

We are dealing with the symptoms rather than the root cause. We need to spend far more time and effort in dealing with the root cause and I believe this is the strengthening of the family. I am not convinced that mandatory reporting leads to more effective identification of ill-treated children and, therefore, I support voluntary reporting.

Mr KENNETT (Burwood)—I speak in support of the amendment moved by the honourable member for Prahran, and in so doing I reject the argument put forward today by the National Party while accepting that some of the points it made on the administration of resources, and particularly the interest and control of professionalism of the Minister in this particular area, can only be improved.

We have heard a lot tonight about symptoms and root causes, and I accept that. The real problem is that since the second world war, now some decades ago, the values and standards in our society have dramatically declined, and that affects very much families and governments of all political persuasions, Liberal and Labor, Federal and State, have been responsible for that. Wherever the community demands more, governments have weakly given in. Therefore, governments have regrettably made it easier for young people to walk away from marriages, and in many cases unfortunately, where there is abuse, although the values have been broken down society, and particularly Parliaments themselves, cannot take unto themselves the strength to try to break the circle of abuse that is occurring.

The honourable member for Rodney spoke about priorities. Many priorities concern members of this Parliament. There is no more paramount priority to all of us than the welfare of our own children and the welfare even of people like the honourable member for Springvale, who is a child to me, because there is no difference.

The honourable member for Box Hill, as Chairman of the Social Development Committee, introduced a very good report on her concern and the committee's concern with the impact of violence. It may not have been as strong as the honourable member interjecting would like, but at least it was a move in the right direction. It expressed a

genuine concern about the impact of violence and that impact then again on families. You, Mr Chairman, have stood up many times from your illustrious position, and expressed concern about alcohol, particularly as it is now freely available to young people.

If there is so much concern for the effects of violence and alcohol then why does not the Parliament have the nous and the strength to admit that values in society have broken down and that we should do something about it?

We can always argue that on a voluntary basis things could be better, but we all know that unless Parliament gives a clear direction, a voluntary system of reporting in this sort of case is not good enough. That is certainly the impression the Liberal Party has gained.

Whether we like it or not, whether it be violence, crime, or abuse of children, all the indicators show that the incidence of those activities is growing. At what stage will Parliament do something about it? I accept that more resources have to be made available, and the Fogarty report stated "three years time per se" but what is wrong with now, if there is any way Parliament can do something to assist young people?

Mr Micallef—What's wrong with education?

Mr KENNETT—That is fine; I do not argue with that and I do not believe the Bill and the clause in itself will solve the problem but what about personal responsibility? That goes back to what the honourable member for Rodney was talking about—family responsibility, individual responsibility and education, but we cannot wait that long to ensure that we put in place some measures to arrest what is a creeping disease in our society.

Therefore, that is why it is worth trying the amendment, particularly if sufficient resources are put in place. I do not believe for a moment that the amendment provides all the answers, and I do not believe mandatory reporting, as occurs in other States, is necessarily perfect, but Victoria is in the unique position of being able to learn from the experiences of other Parliaments and other States.

Mr Maughan—Are the other States better than we are in Victoria?

Mr KENNETT—No, but at least they are trying. Their systems may not be perfect but because they have implemented a system, we can learn from it. We can continue to argue against it and express our concerns for the family, but every time a child is abused, as is unfortunately happening at an increasing rate, we do not have the system in this State to at least address the problem. We will never pick up all the instances of child abuse, but by agreeing to this amendment, we are taking a step forward.

It is then up to the resolve of the government of the day, whether it be Liberal or Labor, to give that mandatory reporting system the resources to ensure that it can back up the legislation of Parliament.

Victoria is in a special situation because other States have introduced mandatory reporting, and all honourable members have heard concerns about various aspects of the policing or implementation of that program, but if it saves one child in any way then it has to be a move in the right direction.

As the honourable member for Swan Hill says, if it identifies an offender and prevents the offender from reabusing then it has to be a step in the right direction, and I do not for a moment suggest that the clause is the be-all and end-all. I should like to believe in our society that there is a system of education and an acceptance of greater responsibility. I support the honourable member for Box Hill and her report presented today on violence and crime. It is something we have discussed with television

stations for years now. Their refusal to accept responsibility for the continual expression of violence through news services is a worry.

How many times do we sit in front of the television and watch on the news item after item about violence? The television stations tell me that that is what lifts the ratings, but where is their acceptance of responsibility?

Where is the acceptance of responsibility in the continual easy access to alcohol of people under age? It is happening all the time—including the production by young people of fraudulent identification cards. Where is the acceptance of responsibility for looking after our children? In a society such as ours—which is unfortunately selfish and greedy and involves a unique environment in which we all have so-called wealth—there will be cases of child abuse, and that is why this particular amendment should not only be supported but also implemented.

Mr Chairman, I have, as I am sure you have, great concern for the way Community Services Victoria is currently running. I recognise that the Minister for Community Services is not the best person available from the government benches to be running that department. I am equally concerned that many aspects of the department are not being adequately looked after and, therefore, as the honourable member for Swan Hill said, why accept another impost?

I should hope that at some stage, and maybe in the not too distant future, the Premier might take it upon himself to put in charge of that sensitive and important Ministry a Minister who is prepared to accept responsibility and ensure that the children covered in the Bill are under the direction of a department run by a person whose priority is pro childrens welfare, and someone who is ultimately prepared to make the tough decisions from time to time in their interests.

There is no doubt that much of what Parliament is a matter of resources and the priorities of the government of the day that means commitment. We can pass as many Bills as we like but it is all for nought if the government of the day does not back up the legislation with resources and commitment.

Again, too often on an apolitical basis, legislation is passed but the follow-up does not occur. There is no more important resource than our children.

Mr Micallef—That means increasing taxes and charges to do it!

Mr KENNETT—No, it does not. It simply means avoiding a lot of waste in other areas and ensuring that we do not lose money irresponsibly by backing projects such as the Victorian Economic Development Corporation where the government gives money to its mates.

If the government wants to use responsibly the money that the community pays through its taxes and charges, it should accept the amendment, which would then be accepted by the National Party because its arguments for rejecting the amendment were not based on reasons greater than the need for the resources to back up such a particular amendment.

We can argue as much as we like about whether the idea will work but I say that we have a responsibility to try to back the amendment and the legislation with resources. If the Minister does not want to do it—that is fine, but he should not come into this Chamber in future and bleat at the table about compassion and concern. If one accepts that community values have broken down over the past twenty years, and that that is a fact according to statistics that are available, then one has to accept also that the abuse of children is on the increase, and the relevant Minister must be prepared to act as a circuit-breaker.

The amendment moved by the honourable member for Prahran offers a circuit-breaker. It does not offer the total solution. It would be nice to think, as the honourable member for Springvale said, that we are in a totally responsible society but the fact is that we are not and, therefore, Parliament is here to protect those who are weak or those who cannot protect themselves through their own actions.

One of two things has to happen: we accept the amendment or we accept responsibility for children who are abused and who then, having been abused, later go on to abuse other children. We cannot have it both ways. I am happy to believe the Minister's love of his children is no different from mine or any other honourable member in this place, and that love has to extend to every other child in this State. Either the Minister decides there is something we can do or he simply washes his hands of the matter and says, "We do not have the resources to do it".

I believe the level of violence, crime, child abuse and major crime, particularly against children, is on the increase and the Minister owes it to Parliament to accept the amendment.

Mrs RAY (Box Hill)—I direct to the attention of the Committee the second report of the Social Development Committee's inquiry into strategies to deal with the issue of community violence, which dealt in particular, with children, young people and families.

The appropriate section on the reporting of child abuse, which was fully debated in that committee on two occasions with different members in both the 50th Parliament and the current Parliament, is on pages 69 to 75 of the report.

The committee at first thought that the issue of mandatory reporting of child abuse was not within the scope of the inquiry, but it became obvious that there were important divisions in the community on the matter. The groups quoted in the report who were in favour of mandatory reporting were the Children's Bureau of Australia, the Victoria Police Force, the Director of Child and Family Psychiatry at the Royal Children's Hospital and the Law Reform Commission of Victoria.

Those groups quoted who opposed mandatory reporting were the Victorian Council of Social Services, the Women's Refuge Referral Service and the Brotherhood of St Laurence. The committee having heard these and other submissions on mandatory reporting a compromise recommendation which was modified from the original position taken prior to the 51st Parliament.The committee concluded:

> That consideration be given to the introduction of mandatory reporting of child abuse after appropriate educational programs have been undertaken.

The background to the comment stated:

> The committee considers that it is crucial that appropriate education of the public and professionals takes place. Professionals, in particular, need to develop an understanding of the issues and an understanding of whether they should take action and how. The committee considers that such education should be first priority.

Since the education has not yet been made available, either to the professionals or to the public, I believe the responsible position for this Parliament in Committee to adopt at this time is the position contained in the Bill. I oppose the amendment.

Dr NAPTHINE (Portland)—I thank the honourable member for Box Hill for referring to the second report of the Social Development Committee inquiry into strategies to deal with the issue of community violence. I refer particularly to similar pages to those to which the honourable member for Bix Hill referred but I do so in

support of the amendment moved by the honourable member for Prahran. In support of mandatory reporting, Inspector Brown of the Victoria Police Force stated:

The Victoria police is calling for mandatory reporting of abuse . . .

The Victoria Police Force is a sound logical organisation, which has a great deal to do with child abuse cases in Victoria. Inspector Brown's comments are well-founded. He continues further:

Currently, Victoria has a voluntary code, which is a nonsense term because it simply means that one may report or one may not. If one does not report, there is no accountability.

Inspector Brown's comments go to the heart of what people have said. If there is mandatory reporting there may be a number of false reports but Inspector Brown said:

I would prefer to get all reports of suspicions that people have and follow them up to find that some of them are not founded rather than the present situation where the police are not getting the reports at all.

I agree with Inspector Brown.

Mrs Hirsh—That will not help you get anywhere.

Dr NAPTHINE—I use the analogy of the fire brigade services. I believe the community would rather the fire brigade attend a number of false calls rather than to miss one true call. In the case of child abuse—we are talking about children—it is important that a child who may be sexually, emotionally or psychologically abused will have that suspicion reported and followed up. If the report is found to be false it is better than to have a case not reported and the child continue to suffer abuse. Professor Peter Boss of the Children's Bureau of Australia stated:

There must be an effective system of notification of cases. At the present time, Victoria's system is not effective. We are losing out on cases, looking at the figures in Victoria compared with those States that have mandatory reporting. For instance, serious sexual abuse and serious physical abuse should be the subject of mandatory reporting.

Professor Adler, Director of Child and Family Psychiatry, Royal Children's Hospital also favours mandatory reporting. He stated:

I had the opportunity of seeing the introduction of mandatory reporting . . .

in New South Wales:

. . . on balance my bias is that mandatory reporting is still a desirable outcome . . .

The Committee should note what these eminent people have said. The Law Reform Commission of Victoria supported mandatory reporting for sex offences against children in its discussion paper, "Sexual Offences Against Children, March 1988". Proposal 20 states:

There should be a statutory duty on doctors, maternal and child health nurses, professional child care workers and school teachers to notify Community Services or the police if they have grounds to suspect on a reasonable basis that a child under sixteen years of age who is in their care or under their supervision has been sexually abused.

The Victoria Police Force, Professor Peter Boss, Professor Adler and the Law Reform Commission supported mandatory reporting. The committee also received evidence from the New South Wales Child Protection Council and from Mr L. Carpenter of the South Australian Crisis Care Unit who stated in answer to the question, "Has mandatory reporting been successful?":

That is probably a long argument. I think it works. There are problems with it; it is not clear-cut but for us it is far better than the alternative.

It is better that there be mandatory reporting and that a suspicion is reported and investigated than the alternative of the current situation in Victoria.

There were also some comments made which were opposed to mandatory reporting. Who were opposed to mandatory reporting? The Victorian Council of Social Services, the Women's Refuge Referral Service and the Brotherhood of St Laurence were opposed to mandatory reporting. Honourable members should match those comments against those of the Victoria Police Force, Professor Boss, Professor Adler and the Law Reform Commission and those from made by the South Australian and New South Wales departments in which States mandatory reporting is required.

On balance, the evidence suggests that mandatory reporting should be introduced. We should have a system that provides access to information in this area. I understand the position of the National Party when it says that if there are not the resources then why have the law.

Mr Steggall—I don't think that was the argument that we put.

Dr NAPTHINE—In New South Wales and South Australia mandatory reporting is notification to the department and the community; the resources then become available to deal with those cases. Until mandatory reporting is in place only the tip of the iceberg will be seen and if only the tip is seen the resources will not be provided.

The amendment moved by the honourable member for Prahran is worthy of support by all honourable members who are concerned about child abuse. I understand the underlying problems of families and the fact that they are suffering under greater stress in our modern community. I also understand that during the past seven years of the Federal Labor government there has been no change in the spouse rebate and little or no increase in family allowances, which means that families are in a more difficult dollar situation, which increases the stress on them, but that does not excuse child abuse. We must deal with the child abuse problem. The first thing that we must do is to be able to identify cases so that the situation can be remedied.

Mr Perrin—The child comes first.

Dr NAPTHINE—The child must come first, and that must be paramount in the minds of all honourable members when voting on this amendment. To ensure that the child comes first, we must first ensure there is mandatory reporting.

I wholeheartedly endorse the amendment moved by the honourable member for Prahran.

Mr SPYKER (Minister for Community Services)—The government does not accept the Opposition's amendment.

Mr Kennett—Shame! You just do not care for anyone, do you?

Mr SPYKER—I have listened very carefully since about 6 o'clock this evening to honourable members' contributions to the debate.

Mr Kennett interjected.

Mr SPYKER—It is no wonder that the honourable member for Burwood is on the backbench!

The CHAIRMAN (Mr Norris)—Order! The Committee will come to order.

Mr SPYKER—I listened very carefully to all the comments.

Honourable members interjecting.

Mr SPYKER—Honourable members opposite may regard this as funny, but I do not. I believe this is a most important Bill.

Honourable members interjecting.

The CHAIRMAN—Order! The honourable member for Prahran will control his emotions.

Mr SPYKER—I know that the Opposition has had a bad week, but I should like to outline some points, having listened very carefully to every speaker. I did not interrupt any honourable member, because I felt that although we may come from a different position, we are all concerned about children, whether we belong to the Labor Party, the Liberal Party or the National Party.

Honourable members should examine the government's record in this area, particularly in regard to the resources that it has allocated. I point out that before this government came to office the previous Liberal government allocated $900 000 to a voluntary organisation for child protection in this State. To show its commitment to children, the Labor government has allocated a budget of $16 million this year. It has made available vast additional resources. There are now more than 400 child protection workers in Victoria. Also, a 24-hour service has been established. There is also a central register. There have been tremendous improvements, particularly since the release of the Fogarty report.

It is very easy to use a throwaway line and say there should be mandatory reporting. It sounds good, and the community may accept it, but it does not produce results. The government has examined very carefully what the other States of Australia and other countries have done in this regard. I had an open mind about mandatory reporting. I wanted to listen to everybody's views first to ensure that a Bill was properly formulated that would protect children in this State.

I have listened to the comments of organisations like the Victorian Council of Social Service, the Children's Welfare Association of Victoria, and the Brotherhood of St Laurence. They are all organisations that have enormous expertise and care for kids in this State. That is the basic position, and those organisations have made it quite clear that mandatory reporting will not protect children. The Liberal Party does not have a proper understanding of the issue. That is why its members are making these sorts of comments.

It is also quite clear that it is important to run an education program and to ensure that professional people on whom we would depend to report these cases have some understanding of child sexual abuse. My concern is that if one makes reporting compulsory, many of the professional people will not be in a position to deal with it and cases will not be reported. In many cases I am sure doctors and other professionals would frown upon any encroachment on their area of confidentiality with their clients and patients.

It is most important to keep in mind that the government believes it is much better to provide additional resources, as the government has done and will continue to do, and to run an educational campaign, particularly among the professional workers who are most likely to report these sorts of cases.

Last week the New Zealand Parliament also passed a children and young persons Bill and it also opted for voluntary reporting. More and more countries in the world are walking away from mandatory reporting because they know it does not work; it has not given additional protection for children around the world.

I am confident that the passage of this Bill and the additional resources that the government has already provided will ensure that the children in this State are better protected. They are already protected better today than at any time in the past, and that will continue to be the case.

The government rejects the amendment moved by the honourable member for Prahran.

Mr KENNETT (Burwood)—What a load of rubbish! The Minister has had a record of failure in the past few years. Since he has taken on this new responsibility everything he has touched that has anything to do with children turns into a minefield. All that the Opposition is asking at this stage, recognising that there is a growing incidence of attacks on young people, is that children receive some extra protection through the Bill. The Minister is saying the government is doing enough. He argues that the government will spend $16 million. It does not matter how much you spend, it is not the measure of the quality of the service. Everything that the honourable member for Prahran has raised in the past six months to do with your administration has identified that you have failed. Every time it has been raised, what have you done? You have pushed it off onto an inquiry.

The CHAIRMAN (Mr Norris)—Order! The honourable member for Burwood will address the Chair.

Mr KENNETT—I am sorry, Mr Chairman. If the Minister genuinely cared about the people for whom he is responsible, he would investigate the matter, call in a file, and make a decision there and then. What he does is duckshove it onto a committee and accepts no responsibility for his own administration.

As I said earlier, Mr Chairman, in the almost ten years that you have been in this place, since 1982, the honourable member for Box Hill and other honourable members on all sides of Parliament have raised different aspects of their care and concern for the provision of a society for our children. There are no simple solutions. There are no complete solutions, and the Opposition accepts that. But what the Minister is doing here is blindly ruling out another option. He is not even prepared to give it a go.

I say to the Minister that if he rules this out, for as long as he holds his job he will have to accept responsibility, because he is not prepared to give something a try that is working in other States. It may not be perfect, but we can learn from the administration and the experiences of the other States to ensure that our system works better in the interests of the children who are abused.

As all honourable members know, again, just through watching television programs, night after night, week after week, and month after month, there is horrific footage on television of children who have been abused. Yet, the Minister says the State is doing enough!

I say to the Minister that he ought to think about his position. I have thought about mine—and I am quite happy where I am, as a matter of fact—but he ought to think about his because he has the responsibility as the Minister for Community Services to act as custodian. He does not care. He says, "The government will spend $16 million this year. Aren't we doing a good thing?"

This government is spending more money in 1989 than the former Liberal government spent in 1982 because the incidence of crime against children has increased rapidly.

Mr Cole interjected.

Mr KENNETT—The honourable member who is interjecting used to work at the Flemington Legal Service, so he would be well aware, as I am through my experience as the Minister of Housing in the former Liberal government, of the abuse unfortunately directed at children.

Mr Cole—The incidence of reporting has increased.

Mr KENNETT—Yes, the reporting of these crimes has increased because the crime has increased. There has been a breakdown of values, partly attributed to the values themselves and the changing economy. There is not only more abuse, but more reporting of the incidence of abuse.

I say again to the Minister: exercise your responsibility and do not push this issue on to a committee. The Minister has the opportunity of doing something that will at least help some children, not all children, but some. Is it not worth giving it a go?

The honourable member for Box Hill meekly supported the measure because she is a member of the government. The honourable member has been concerned for a long time with abuse of women and children in our society. I am sure that in her own heart she knows that what she said tonight, based on the report that she tabled, was not her personal view but the party line.

Mr Micallef—That is a lie!

Mr KENNETT—I beg your pardon. The honourable member for Box Hill does care. If there is something the Committee can do that will help one child then it is worth trying. It may not be one child that is helped by the Committee passing the amendment, but many children.

Not only has the Opposition raised this issue in a responsible way, but it is based on the report into community violence that was tabled today and also on commonsense. The Minister may continue to ignore this problem, but every time it is ignored the problem is compounded. If the community cannot be responsible for its own actions, in certain cases Parliament must protect the weak. Unfortunately, our children in their formative years are the weak members of our society and need the protection of Parliament. The Minister is not prepared to protect these children or try something that all other States except Victoria and Western Australia have in place. The Minister must be held responsible for not caring.

The Minister is not prepared to care for these children because he is basically incompetent and lazy.

Mr DICKINSON (South Barwon)—I direct to the attention of the Committee a petition presented to the House on Thursday, 20 April that was signed by approximately 4500 petitioners in the Geelong region of western Victoria. They expressed their concern at the lack of initiative on mandatory reporting of these types of offences.

It typifies what is happening in our society when the government is not prepared to take on board an amendment to the Bill that will provide for mandatory reporting of these incidents of crime. There are no names, no pack drill, but people want to believe that action is being taken. Over a number of years I have listened to Dr Birrell, the recently retired police surgeon who now lives in the Geelong region, complain about the lack of action and response by the government in this vital area.

The Minister should listen to the people, especially the more than 4500 people from the Geelong region who petitioned the government on this issue. Many people are concerned about the government's lack of commitment as illustrated by the commuting of prison sentences. Some people advocate the introduction of the death sentence for violent people who commit the most heinous and premeditated crimes but who are often released from prison after comparatively light sentences.

I urge the Minister to examine the petition to which I have referred and respond to those petitioners.

Mr COOPER (Mornington)—Earlier in the debate I had incorporated in *Hansard* a table from the report of the Law Reform Commission of Victoria concerning doctors

reports of child abuse in 1987. The table detailed doctors reports of child abuse in Victoria and four other States where mandatory reporting applies and was based on the number of reports by doctors per 1000 children. Children were defined as persons aged between zero and sixteen years. In Victoria, where there is voluntary reporting, 9 reports of child abuse per 100 000 children were received. In New South Wales, where there is mandatory reporting, 75 reports per 100 000 children where received; in South Australia, 44 reports per 100 000 children; in Queensland, 84 reports per 100 000 children; and in Tasmania, 63 reports per 100 000 children were received.

Mr Steggall—Is there a prize for the most?

Mr COOPER—There is no prize for the highest number, except perhaps a booby prize. The table demonstrates that with mandatory reporting the incidence of child abuse is far higher in other States than in Victoria, where there is no mandatory reporting. The Committee should recognise the incidence of child abuse in society and provide the resources to deal with it.

It is clear from the table—I suggest the incidence has probably increased—that in Victoria there is a considerable amount of child abuse that is not reported to the authorities. Victoria could not possibly have ten times fewer children being abused than other States of Australia. It is clear that the abuse occurs in society and that all society is doing at present is turning a blind eye to it and not reporting these cases to the authorities.

The government has double standards. The government argues strongly in favour of voluntary reporting. It says there is no need to introduce mandatory reporting. However, in the March edition of *Victorian Update*, a government publication, the government proudly boasts in a heading "Mandatory waterfowl identification test will help curb mistakes by duck shooters". The publication goes on to say that the mandatory waterfowl identification test will prevent mistakes that could lead to the killing of protected species of birds. The government is interested and concerned about protecting species of birds, and good on them for it, but it is not prepared to introduce mandatory reporting of child abuse. That is a double standard if ever I have heard of one. It is the height of hypocrisy.

I am saddened that the National Party has decided to vote with the government on this issue. The National Party is not right on this occasion and I regret what their representatives have said tonight. I congratulate all honourable members who have participated in the debate from both sides of the House. On the evidence produced, the clear evidence that a high incidence of child abuse exists in Victoria, as in all other States, mandatory reporting is warranted and accordingly I ask the Committee to support the honourable member for Prahran's amendment.

If the government does not adopt that course and support the amendment proposed by the honourable member for Prahran, I hope that at least the National Party will reconsider its position and support the amendment.

Mr HAYWARD (Prahran)—I offer one final word of caution to the Minister on this important Bill. It was totally inexcusable that perhaps the most important Bill of the autumn sessional period was brought on for debate of the second reading at 12.30 a.m. today. After years of discussion on this important measure, it is an absolute disgrace for the Bill to be dealt with in this manner.

Child abuse often includes serious assault, whether it be sexual or physical assault, and sometimes even attempted murder. If the people with whom the Bill is concerned were adults and not children, would the government be saying that it is not necessary to report any crime committed against them to the police? Just because these children do not have a vote or a voice, is that sufficient justification for honourable members

not to take action on these issues? How can we morally justify a position where we do not make the reporting of abuse or neglect mandatory?

It is clear from all evidence received that the reported cases of child abuse and neglect are just the tip of the iceberg. Police officers say that only 10 per cent of all cases of sexual abuse of children are reported. Obviously that means that vast numbers of other cases involving sexual or physical assaults are not reported and those children may be abused many times.

The Minister for Community Services and the government are taking on a heavy responsibility when they decide not to accept mandatory reporting. In effect, they are saying that the children who are being abused and will continue to be abused will be forgotten. How can a government live with that immoral situation? How can a government rest content when literally hundreds, perhaps thousands, of cases of sexual or other abuse are not reported, and when the reabuse of those children will be even higher if their cases remain unreported. That is a heavy responsibility the government and the Minister are taking on by not accepting mandatory reporting.

Mr PERRIN (Bulleen)—In speaking on the amendment to introduce mandatory reporting, I make an admission that before being elected to Parliament I would probably have opposed mandatory reporting. My stance would have been reinforced by the dreadful situation in the United Kingdom where Dr Marietta Higgs went overboard in her bureaucratic way and reported a number of cases of child abuse that were later proven not to be be child abuse cases. In those circumstances children had been taken away from their parents.

As a parent, I have no hesitation in saying that if some bureaucrat took away my children I would take every possible legal course to get them back. From that point of view, I am concerned about the ramifications of mandatory reporting.

My attitude is different when I examine the child abuse cases in the records of Community Services Victoria. Over the past two years children under supervision orders of the Children's Court have died. The performance of the department is absolutely appalling. I become angry when I learn that more than 300 cases referred to the department by the Children's Court are continuing to be unsupervised, with nothing being done about them. Although doctors and welfare workers may claim they have a right to privacy and should not have to divulge information about their patients or clients, society has a much wider responsibility to ensure these children are protected in every possible way.

I remind the Committee of the case outlined by the honourable member for Prahran where a child was beaten by a de facto husband and died. That case received some publicity when it was before the Coroner's Court. Honourable members should not be prepared to accept even one abuse case in Victoria where a child dies. That is an indictment on Parliament. I am staggered that a government is prepared to accept one child being put at risk in the community. Parliament has the power to change the processes of our society.

Given the Minister's appalling record in allowing paedophiles and sexual offenders to be employed by his department, it is about time the government started to clean up its act. When children are put under the protection of the State, they must be protected at all costs. They should not be put at further risk by being placed under the protection of officers of Community Services Victoria.

I compliment the honourable member for Portland on the evidence that he presented to the Social Development Committee on community violence. Many members of the community, including police officers, believe in mandatory reporting. I now support them. There will be times when vexatious people will notify the supposed abuse of a

child to the authorities. After investigations, the police will discover that the claim was vexatious and that the child was not abused. In those circumstances penalties should be applied to the people reporting such cases because that is not in the best interests of children.

Parliament must be prepared to protect the child. The child must always come first. I am the last person who wants to see families broken up, but if mothers of young children enter de facto relationships and those men sexually, physically or mentally abuse children, Parliament must make all efforts to protect those children. The child should always be paramount.

I cannot believe the government, for philosophical reasons, will not accept mandatory reporting. The experience of other States and countries should encourage the government to put mandatory reporting to the test. If it is not successful, we can pull it out. The leaders of this State should attempt everything possible to ensure that no child is put at risk, especially when Parliament can do something about ensuring that such abuse will not happen again.

Mr ROPER (Minister for Planning and Environment)—I move:

That the question be now put.

The Committee divided on Mr Roper's motion (Mr Norris in the chair).

Ayes	43
Noes	35
Majority for the motion	8

AYES	NOES
Mr Andrianopoulos	Mr Austin
Mr Baker	Mr Bildstien
Mrs Barker	Mr Coleman
Mr Cain	Mr Cooper
Mr Cole	Mr Delzoppo
Mr Crabb	Mr Dickinson
Mr Cunningham	Mr Evans
Mr Dollis	Mr Gude
Mr Ernst	Mr Hayward
Mr Fordham	Mr Heffernan
Mrs Garbutt	Mr Honeywood
Mr Gavin	Mr John
Mrs Gleeson	Mr Kennett
Mr Hamilton	Mr Lea
Mrs Hill	Mr Leigh
Mrs Hirsh	Mr Lieberman
Mr Jolly	Mr McGrath (*Lowan*)
Mr Kennan	Mr Maclellan
Mr Kennedy	Mr Maughan
Ms Kirner	Dr Napthine
Mr Leighton	Mr Perrin
Mr McCutcheon	Mr Perton
Mr McDonald	Mr Pescott
Mr Micallef	Mr Plowman
Mr Pope	Mr Reynolds
Mrs Ray	Mr Richardson
Mr Roper	Mr Ross-Edwards
Mr Rowe	Mr Smith (*Glen Waverley*)
Mr Sandon	Mr Steggall
Mr Seitz	Mr Tanner
Mr Sercombe	Mrs Wade
Mrs Setches	Mr Wallace
Mr Sheehan (*Ballarat South*)	

AYES	NOES
Mr Sheehan (*Northcote*)	Mr Weideman
Mr Shell	*Tellers:*
Mr Simmonds	Mr Clark
Mr Spyker	Dr Wells
Mr Trezise	
Dr Vaughan	
Mr Walsh	
Mrs Wilson	
Tellers:	
Mr Harrowfield	
Mr Thomson	
PAIR	
Mr Mathews	Mr McGrath (*Warrnambool*)

The Committee divided on the question that the words and expressions proposed by Mr Hayward to be omitted stand part of the clause (Mr Norris in the chair).

Ayes	48
Noes	29
Majority against the amendment	19

AYES	NOES
Mr Andrianopoulos	Mr Austin
Mrs Barker	Mr Clark
Mr Cain	Mr Coleman
Mr Cole	Mr Cooper
Mr Crabb	Mr Delzoppo
Mr Cunningham	Mr Dickinson
Mr Dollis	Mr Gude
Mr Ernst	Mr Hayward
Mr Evans	Mr Heffernan
Mr Fordham	Mr Honeywood
Mrs Garbutt	Mr John
Mr Gavin	Mr Kennett
Mrs Gleeson	Mr Lea
Mr Hamilton	Mr Leigh
Mr Harrowfield	Mr Lieberman
Mrs Hill	Mr Maclellan
Mrs Hirsh	Dr Napthine
Mr Jolly	Mr Perrin
Mr Kennan	Mr Pescott
Mr Kennedy	Mr Plowman
Ms Kirner	Mr Reynolds
Mr McCutcheon	Mr Richardson
Mr McDonald	Mr Smith (*Glen Waverley*)
Mr McGrath (*Lowan*)	Mr Tanner
Mr Maughan	Mrs Wade
Mr Micallef	Mr Weideman
Mr Pope	Dr Wells
Mrs Ray	
Mr Roper	*Tellers:*
Mr Ross-Edwards	Mr Bildstien
Mr Rowe	Mr Perton
Mr Sandon	
Mr Seitz	
Mr Sercombe	
Mrs Setches	
Mr Sheehan (*Ballarat South*)	

AYES	NOES
Mr Sheehan (*Northcote*)	
Mr Shell	
Mr Simmonds	
Mr Spyker	
Mr Steggall	
Mr Thomson	
Dr Vaughan	
Mr Wallace	
Mr Walsh	
Mrs Wilson	
Tellers:	
Mr Baker	
Mr Leighton	
PAIR	
Mr Mathews	Mr Brown

The clause was agreed to, as were clauses 65 to 126.

Clause 127

Mr COOPER (Mornington)—Clause 127 states:

> It is conclusively presumed that a child under the age of 10 years cannot commit an offence.

The definition of a child is contained in clause 3. This clause contains provisions to change the minimum age of criminal responsibility from eight to ten years.

In proposing that change, the government accepted recommendations made by the 1984 Carney report, which sets out a number or reasons for the change. Although the recommendations contained in the Carney report have a certain validity, I do not believe they are realistic because of the concessions that are already made in the area of juvenile crime.

The research and development department of the Victoria Police carried out a statistical review of child offending and children in need of care in 1986. The report shows that in statistics on juvenile crime provided by the police only the principal offence is reported. That means only:

> The single most serious offence that a child committed within the group of matters that are being dealt with at the time.

Therefore, if a child illegally enters premises, steals, assaults the proprietor and sets fire to the premises, only the most serious offence will be recorded in police statistics. The report states that:

> This tends to underenumerate the impact of the child's actions on the community.

Police officers estimate that between 75 per cent and 85 per cent of juvenile offenders between the ages of eight and fourteen years are not charged or recorded in the Victoria Police caution program. Therefore, the statistics that exist do not represent an accurate picture of juvenile offences but give an indication of only the most serious cases.

Many police officers who work in the area of juvenile crime have expressed grave concern about the proposal to raise the age of criminal responsibility from eight to ten years. They believe it is a move that does not reflect the trends in juvenile criminal activity, trends with which they have constant daily contact. Because the prosecution of young offenders is often considered only when other approaches or avenues are ineffective or have failed, police claim that the statistics cannot reveal the true nature and incidence of juvenile crime.

I shall refer to a statistical review by the Victoria Police on child offenders and children in need of care. It provides the only official age breakdown of juvenile criminal statistics. Although incomplete, statistics for subsequent years have been provided to me by the Coordinator's Office of the Community Policing Squad. The statistics show that in 1984–85, there were 11 266 juvenile offenders, 193—or 1·7 per cent—of whom were 8 or 9 years of age. In 1986 there were 10 976 juvenile offenders, 167—or 1· 6 per cent—of whom were 8 or 9 years of age. In 1987 there were 9737 juvenile offenders, 130—or 1·3 per cent—of whom were 8 or 9 years of age. In 1988 there were 7079 juvenile offenders, 158—or 2·2 per cent—of whom were 8 or 9 years of age.

It should be noted that the above statistics are classified according to the calendar year, whereas the statistical review of the Victoria Police has since 1985–86 recorded crime statistics for the financial year. If inconsistencies are noted, it could well be attributed to that fact, remembering that the statistics are the only available figures that provide an age breakdown of total offences. For example, the statistical review records that in 1987–88, there were 9141 juvenile offenders. The statistics provided by the Coordinator's Office of the Community Policing Squad reveal that there were 9737 juvenile offenders in 1987 and 7079 offenders in 1988.

The statistics are offender rather than offence based. Therefore, if an offender commits and is charged with multiple offences, only the primary offence is recorded for statistical purposes. That point needs to be stressed. Even if the statistics were victim based, they would still grossly underenumerate the impact of an offender's actions on the community.

That is reinforced by the statement in the 1987–88 statistical review of crime, which states:

> With the adoption of ANCO, Australian National Classification of Offences, . . . the force applied consistently the principle of counting only one offence category for each victim. Thus, if a victim is robbed and raped by a group of four offenders there would be one count of rape and one count of robbery recorded for statistical purposes, whereas in the past four counts of rape and one count of robbery would have been recorded.

The incidence of juvenile offences in the eight and nine-year-old brackets may appear minimal, and at face value appear to be steadily decreasing, but the statistics do not reflect the realities faced by the community and the police, and they most certainly do not support Carney's contention that police statistics show that fewer than a dozen young people between the ages of eight and ten years are prosecuted each year for their involvement in crime. It is clear from police statistics on juvenile crime that the statement made by Carney is not supportable.

Juvenile offenders, particularly those under the age of fourteen years, are charged and thus recorded only when it appears that there is no other option. That includes those who have offended and not been convicted in the past but who subsequently reoffend. Police consider their role in the area of juvenile crime to be proactive rather than reactive. Nevertheless, the power to charge a young offender is sometimes the last remaining option and police believe this power must be retained, however regrettable that is, as a valid tool.

The proactive orientation of the juvenile offending and children in need of care database has required the development and definition of many concepts new to police statistics. These developments have arisen because of the desire to look to the positive and productive rather than the negative and alarmist.

The Opposition suggests this has resulted in an apparent but artificial decrease in the levels of juvenile crime. For instance, the concept of recording only the principal offence means that up to four subordinate—not alternative—charges may be recorded

for each child but will not appear on the tables of statistics. Therefore, in most cases, juvenile offences appear to be on the decline or at least are not showing any alarming patterns or movements.

An example of declining juvenile crime rates can be found in the statistics for the offence of arson. In 1984–85, 4 charges were laid against children 8 years of age, 4 carges were laid against children 9 years of age and 2 charges were laid against children 10 years of age. In 1986 1 charge was laid against a child 8 years of age, 6 charges were laid against children 9 years of age and 3 charges were laid against children 10 years of age. In 1987 no charges were laid against children 8 years of age or children 9 years of age, and 3 charges were laid against children 10 years of age. In 1988, 1 charge was laid against a child 8 years of age and no charges were laid against children 9 or 10 years of age.

Similarly, burglary offences have initially declined and then levelled out without displaying any overall alarming fluctuations. The statistics relating to burglary, however, do show a 56 per cent increase from 1987 to 1988 in offences committed by eight-year-olds. That is of concern because the government is proposing that those offenders be deemed not criminally responsible for their increasing criminal activity.

Of grave concern is the increase in sexual offence statistics, especially given the apparent overall decline in the juvenile crime rate. In 1984–85, no sexual offence charges were laid against children 8 or 9 years of age and 1 charge was laid against a 10-year-old child. In 1986 no charges were laid against children aged 8 or 10 years of age and 1 charge was laid against a 9-year-old child. In 1987 the figures changed dramatically: 2 charges were laid against children 8 years of age, 1 charge was laid against a child 9 years of age and 3 charges were laid against children 10 years of age. In 1988 the figures increased alarmingly when 21 charges were laid against children 8 years of age, 10 charges were laid against children 9 years of age and 16 charges were laid against children 10 years of age.

From 1987 to 1988 the increase in sexual offences committed by children in certain age groups increased by the following: 91 per cent for 8-year-olds; 90 per cent for 9-year-olds; and 81 per cent for 10-year-olds. When one considers those alarming increases one must ask why the government is proposing to deem these young offenders immune from prosecution.

The government's proposal to increase the age of criminal responsibility from eight to ten years does not adequately or reasonably address the reality of juvenile criminal activity in the community. Juvenile crime consistently accounts for at least 30 per cent of total major crime and it often accounts for more than 40 per cent. Those figures are borne out by statistics contained in the Victoria Police statistical review. In 1980 juvenile crime comprised 39·2 per cent of total major crime. In 1981 the figure was 43·3 per cent; in 1982, 40·4 per cent; in 1983, 36·3 per cent; in 1984, 36·2 per cent; and going on to 1987 it decreased to 29·5 per cent.

Juvenile crime simply cannot be ignored by the government. It is obviously a situation of crucial importance not only for the government but also for the community as a whole. Despite that, the government proposes to address this situation not with a meaningful solution but simply by distorting the statistics. The only effective result of the government's proposal seems to be the artificial decrease of juvenile crime statistics which, in turn, encompasses the overall lowering of the total crime rate.

I say that the government's proposal is at odds with community feeling on this proposal, which will tackle nothing but the government's appalling record and low image in the areas of law and order in this State.

I direct attention to the matter because it is of concern not only to me individually but also, I suggest, to all my colleagues on this side of the Chamber. The Probation Officers Association of Victoria has stated that it cannot understand how it can be conclusively presumed that a child under the age of ten years cannot commit an offence when there are numerous examples of children under ten knowingly engaging in criminal activity.

The association is concerned that the current practice of adults using children under the age of prosecution to commit offences on their behalf will not be addressed under the proposed legislation. The association queries whether the parents of the child will be liable for prosecution or will be forced to make restitution for offences committed. This is an important matter and, although the Opposition is not proposing to move any amendment in this regard, at this time, I direct these matters to the attention of the Minister and hope he will consider what I am saying while the Bill is between here and another place.

I hope the Minister will take on board the concerns of the Opposition and the Probation Officers Association of Victoria in the interests of the overall community, which is suffering from crimes committed by people that the government now proposes to conclusively deem inappropriate to be proceeded against on the sole basis of their age.

The clause was agreed to.

Progress was reported.

ADJOURNMENT

Government subsidisation of spectacles—1989 International Mathematical Olympiad—Ministry of Housing and Construction tenant—Industrial Supplies Office (Victoria) Ltd—Registration of Grey Power as a political party—Licensing of drivers of B-double road trains—Responsibilities of Churchill Jeeralang Rural Fire Brigade

Mr ROPER (Minister for Planning and Environment)—I move:

That the House, at its rising, adjourn until tomorrow, at half past ten o'clock.

The motion was agreed to.

Mr ROPER (Minister for Planning and Environment)—I move:

That the House do now adjourn.

Dr WELLS (Dromana)—I refer my comments to the Minister representing the Minister for Health. They concern the government's subsidisation scheme for the cost of spectacles. This is a small Victorian government scheme which is essentially to reduce the cost of spectacle manufacture from about $50 a set of spectacles to about $12 for the elderly and disadvantaged.

The overall cost of the scheme is, as I understand it, of the order of several hundred thousand dollars a year, so it is really a small scheme but one that is of the utmost value to the people concerned; and, as you can well imagine, Mr Speaker, it is of great importance in my electorate where I have more than 10 000 retired people, apart from other disadvantaged people. I am absolutely unable to understand the government's attitude, because of the importance of spectacles. One of many people in my electorate, one of my constituents, Mr Joseph Laczko, has been told for some time now that he must wait until after July this year before he may anticipate the possibility of some assistance in having glasses manufactured.

When one investigates the scheme, one finds the most ridiculous things. The College of Optometry has not had application forms to issue to applicants because money had run out from the government to print the form. Just unbelievable! Can one imagine a person, particularly one getting on in years, who cannot see to move around, who might trip and get into accidents inside the home or outside, who might be burnt, or else lose his way through not being able to get glasses?

Just as an insurance policy alone it seems to me to be a very short-sighted policy that, for a small amount of money, the waiting list should go out to six months or longer on this very vital scheme. It is, although I restrict my comments to this scheme, illustrative of what is happening in my electorate with aged care. The government talks about social equity and all the rest; in fact, after five years we are still seeking a dental service for our aged people. Now we are seeking optical services for our people.

Really one wonders what the government means when it talks about social equity. When one gets to the nitty-gritty the cost of the scheme in the total State Budget is virtually nothing, but it is a scheme which, in terms of reward for investment, is of immense importance. Yet, the government hides behind the bureaucratic maze and lets the system deteriorate further and leaves individuals to suffer.

The government knows as well as I do that these people do not know how to defend themselves and prosecute their causes. One should know that old folk in particular suffer great agonies of insecurity and other problems when the continually contracting world around them becomes further affected by some extraneous and unnecessary factor.

I put it to the government in all sincerity that this is something the Minister for Health should examine with real urgency. There are adequate resources within the government coffers. We all know that there is capacity to deal unexpectedly with matters of far greater financial cost than this one. For the sake of a very small amount of money we could do a great deal to help a significant number of Victorians who have in their day and age made their contributions to maintaining society, and I believe it is not just a matter of equity but a matter of commonsense and certainly one of great sensitivity. The government should respond to this matter without delay.

Mr E. R. SMITH (Glen Waverley)—Since the Minister for Education is not in the Chamber, I direct a matter to the attention of the Minister for Planning and Environment. It concerns funding for Australian students selected to go to the 1989 International Mathematical Olympiad in Braunchweig, West Germany, in July.

A child of a constituent of mine is one of the six Australians selected to represent Australia as one of the 50 teams taking part in this important academic Olympiad. My constituent, Mr Robert Weatherson of 40 Chapman Boulevard, Glen Waverley, is seeking government assistance for members of the team or, in the event of State government assistance not being available, he seeks assistance from the Victorian government in seeking Federal government assistance to help fund the students who are attending the Olympiad and representing Australia. Honourable members will be interested to know that, of the 50 teams being represented, all are being sponsored by government, with the exception of the Australian team. This, to me, seems to be typical in some ways of our attitude to the pursuit of academic excellence.

Had this been a request for Australia to be represented in a sporting Olympiad, I am sure it would have attracted considerable interest and financial support. Although the government makes a lot of noise about the importance of scientific training, it does not appear to be interested in backing it financially.

The six gifted children in the Australian team include four Victorians. Brian Weatherson, who is sixteen years of age is in year 11 at Mazenod College adjacent to

the electorate I represent. Two of the other students are from Melbourne Grammar and one is from St Kevin's College. By having four out of the Australian team of six, Victoria is contributing more than its fair share.

Government support for the pursuit of academic excellence would be sensible given the falling enrolments in both maths and science subjects. Such sponsorship would create considerable publicity and would show young people that the government does care about the pursuit of academic excellence. It would assist in the recruitment of young people into areas of maths and science.

Mr Weatherson said in his letter:

> Here is yet another opportunity to try to do something significant in the development of the best young mathematical brains in Australia. I am certain that encouragement of high academic achievers will have a multiplier effect throughout the community. Some of these gifted, and enthusiastic, people will become teachers, or lecturers both in academic institutions and industry, and pass on their knowledge and enthusiasm to future students in mathematics and science.

Government assistance of $3000 a student would go a long way towards promoting the International Mathematical Olympiad and is a worthy project to promote in trying to make Australia competitive internationally.

Mr W. D. McGRATH (Lowan)—I raise a matter for the attention of the Attorney-General, as the representative in this place of the Minister for Housing and Construction. I received a letter from a Mr Ian Dawson, who is a tenant in a Ministry of Housing and Construction house in Horsham. His rent is $73 a week. He has recently had his rent increased by $8 a week, or 12·3 per cent. That increase will take his rent to 20 per cent of his weekly gross income. I understand that the applicable rent rate for Ministry houses is one-fifth of a person's gross income.

Mr Dawson makes some critical comments about the house he is renting. The house is approximately 40 years old and the interior has been relined with new plaster sheet, repainted and had aluminium windows installed. That is the only major work that has been done on the house in 40 years. The roof tiles are in poor condition and a new roof is needed because the old tiles are of a cement type that are no longer available. However, Mr Dawson has been told that no finance is available for this.

Five years ago the Ministry made a commitment to have an external washhouse removed and the back verandah rebuilt. That was a good idea but nothing eventuated. Mr Dawson has contacted Mr Tim Fletcher of the Ministry in Ballarat and was told that no money was available for these major works. His comment was, "So much for their cost rent structure".

Mr Dawson is critical that the rent increase of $8 a week will take his rent to well above the government's commitment that government charges would not increase by more than 6 per cent annually. That is a relevant criticism. I bring the matter to the attention of the Minister and hope that some solution can be found.

Mr SIMMONDS (Reservoir)—I raise a matter for the attention of the Treasurer as the representative in this place of the Minister for Industry, Technology and Resources. Recently I went to a conference attended by 90 people representing some 700 manufacturing industry premises operating in the north-western suburbs. That conference was told by a Mr Lilley, the Executive Director of Industrial Supplies Office (Victoria) Ltd of his company's success in what I regard as a most important initiative in the manufacturing industry in Victoria.

Since 1984 Industrial Supplies Office has placed orders totalling $112·5 million in import replacement and export. A firm of consultants evaluated the company in 1986

and estimated that the impact of this type of activity in the metal trades industry may have created some 1900 jobs at a cost of approximately $1500 a job.

More significantly the orders were achieved on a competitive basis because the firm simply identified the opportunities and allowed local manufacturers to tender for work. It is an important initiative that has been followed in other States. Currently the Industrial Supplies Office is operating throughout Australia.

In a letter to me, Mr Lilley said that following his experience at the industry forum and the papers he received, and from the remarks made by Mr John Halfpenny of the Trades Hall Council and the Minister for Industry, Technology and Resources, he was concerned to make industry aware of the benefits of furthering the activities of the Industrial Supply Office. The figures Mr Lilley made available give a clear indication of the firm's capabilities.

To take the illustration a step further, the orders placed as a result of the firm's activities show that 73·3 per cent of the orders were placed in Victoria and 30·2 per cent in New South Wales. Obviously all Australia has benefited from the activities of the Industrial Supplies Office. The fact that it is now operating in other States and has been supported universally is an indication of the worth of its approach to the industry and its responsibility in assessing and determining the best methods of achieving increases in production in the metal trades.

I also pay tribute to the work of the Amalgamated Metal Workers Union and its cooperation with the Metal Trades Industry Association of Australia in furthering the activities of the Industrial Supplies Office. I hope the development of a skills centre in this industry will make more use of the services of the Industrial Supplies Office in placing machine tool orders through Australian manufacturers and that the increasing awareness of opportunities in the industry will continue.

I am also alerted to the fact that the Shell project in Geelong is now becoming more involved with local suppliers because of the awareness by the Shell company of the opportunities that exist in Victorian and Australian manufacturing industries.

I commend the work of the Industrial Supplies Office to the Minister. It is an initiative commenced in 1984 and has extended its activities to other States. I hope it will prosper and thrive in Victoria, with the assistance of the Minister.

Mr SERCOMBE (Niddrie)—I direct to the attention of the Minister for Property and Services the application at present before the Electoral Commissioner to register Grey Power as a political party in Victoria. I believe this organisation, based as it is on one of the warring groups of Grey Power in other States, is a most unwelcome addition to the Victorian political landscape.

In particular, I ask the Minister to ensure that the provision in the Act that requires a registered party to have 500 members is adhered to. I direct to the attention of the Minister the regulation about this membership level because of a dispute reported in the *Herald* newspaper of 25 April concerning membership levels of the warring camps within this divisive movement.

The unwelcome nature of Grey Power is reflected by the comments of many respected and genuine spokespersons for the ageing community. Mr Cliff Picton of the Australian Council on the Ageing has described them as dangerous and counterproductive. The President of the Combined Pensioners Association of Victoria, Mr George Perry, has described Grey Power members as opportunists and has questioned their motives. Australian Democrats Senator Janine Haines has described Grey Power as geriatric fascists.

My immediate interest in Grey Power arises because the address of its registered officer as presented to the Electoral Commissioner is 35–39 McIntosh Street, Airport West, in my electorate. Presumably, this address is given rather than 6 Burnside Avenue, Canterbury, the address of the registered officer, Mr Ronald Letten, because Grey Power tries to disguise their greedy and wealthy people wanting to get their noses into the public trough at the expense of those pensioners who really do require support at an increasing level from government. Presumably Mr Letten believes he can con people more easily as someone battling for the ordinary person by giving the address of premises in Airport West rather than the address of his substantial home in leafy Canterbury.

I do not know Mr Letten; however, I do know that the leader of Grey Power in New South Wales, Mr Robert Clarke, who is presumably Mr Letten's mentor, is well known for his extremist views on racial and related issues through the organisation called National Action. The connections between the greedy people associated with Grey Power and the Liberal and National parties are well established.

Mr LEIGH (Malvern)—On a point of order, Mr Speaker, I take personal offence because the honourable member has accused the Liberal and National parties——

The SPEAKER—Order! The honourable member for Malvern should wait for the call before he starts.

Mr LEIGH—I was trying to hurry things. I simply make the point that the honourable member has accused the Liberal and National parties of being racist. I find that offensive and I seek that he withdraw it.

Mr SERCOMBE (Niddrie)—As I develop my remarks, the point will be reinforced.

The SPEAKER—Order! I ask the honourable member to withdraw the comment.

Mr SERCOMBE—I withdraw it.

The connections of the greedy people associated with Grey Power and with the Liberal and National parties are well established. Well-known Liberals——

Mr E. R. SMITH (Glen Waverley)—On a point of order, Mr Speaker, you ruled that the comment about the Liberal and National parties had implied them to be held in disrepute. I take objection and ask the honourable member to withdraw.

The SPEAKER—Order! I did not hear any similar terms used.

Mr SERCOMBE (Niddrie)—I was trying to develop——

The SPEAKER—Order! I was listening to the honourable member for Niddrie in view of the previous point of order. I do not believe he used the term to which the honourable member for Malvern took exception, and accordingly I do not uphold the point of order.

Mr SERCOMBE—Well-known Liberals like Billy Wentworth in New South Wales, Don Jessop in South Australia, and no less a luminary than Sir Joh Bjelke-Petersen in Queensland have been associated with Grey Power. I have no reason to doubt that there are similar connections in Victoria.

Although I do not know whether Mr Letten has been or is at present a member of the Liberal Party, he bears all the hallmarks. He has been a prominent person within employer organisations and is not exactly a struggling pensioner, but a wealthy investor. I am told that the premises in Airport West may have been used——

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

Mr BILDSTIEN (Mildura)—I raise a matter for the attention of the Minister for Transport concerning the government's position on the licensing of truck drivers for B-double road trains. The Minister would be aware that the Leader of the Opposition in his capacity as Opposition transport spokesman has placed on record the Liberal Party's support for the carefully staged introduction of B–doubles in Victoria but, much to the frustration of the road transport industry, no-one at this point knows where the government stands.

The Minister received a report on 30 June 1988 about B-doubles; at this point he has not had the courtesy to reply to the Victorian Road Freight Transport Industry Council. There has not been one word from the Minister; there has been no discussion and no report has been made. One wonders whether the Minister has anything to hide or whether he is trying to protect his mates in the Australian Railways Union.

The matter concerns me because Victoria so far has refused to grant permits for B-doubles—except in some special circumstances—and truck drivers, particularly in border areas like Mildura, are being seriously disadvantaged. Most truck drivers who operate from my electorate are resident in Victoria and hold the heavy articulated licence in Victoria, but would conduct up to 90 per cent of their business in New South Wales, Western Australia, Queensland and South Australia where, as the Minister would be aware, B-double road trains are permitted.

There are approximately 100 different operators in my electorate who are extremely anxious for this industry to be kept alive and vibrant. They tell me that will not happen so long as they cannot obtain endorsement on their licences to drive the B-doubles interstate. The matter is a sore point with them.

I understand that some truck drivers have gone in frustration to the Urban Transit Authority of New South Wales at Deniliquin. They have been told to falsify their addresses and to tell the police that they actually live in New South Wales in order to circumvent the border anomaly.

Quite correctly, the New South Wales police have told them that they face a $500 fine under New South Wales legislation if they are detected. It seems there is a simple solution: the Minister for Transport should allow the Road Traffic Authority in Victoria to test Victorian-based drivers who are resident in Victoria but driving in other States for B-doubles and to endorse their licences so they can actually drive those road trains in other States where B-doubles are allowed. I ask the Minister to respond accordingly.

Mr HAMILTON (Morwell)—I raise a matter for the attention of the Minister for Police and Emergency Services in relation to a letter I have received from the Churchill Jeeralang Rural Fire Brigade.

Recently, the Churchill Jeeralang Rural Fire Brigade discussed the recommended amendments of the Chief Officer of the Country Fire Authority relating to the Fire Authorities Bill. While the brigade supports a number of the proposed amendments, it expresses serious concerns about other proposed amendments to the Bill. The chief officer's recommendations for the work of brigades include:

2. the provision of a rescue service for persons involved in road, rail, aircraft and building accidents not connected with fire in areas as designated.

The chief officer further recommended that brigades should be involved in:

3. the control of explosions, industrial accidents and hazardous materials incidents outside the metropolitan fire district.

Although the brigade considers its role in DISPLAN, which is operating in country Victoria, to be important, it is concerned that it may be required, as proposed by the chief officer, to be involved in accidents, especially in the Latrobe Valley, where there

is a large heavy industry. The brigade is concerned that it may be required to be involved in accidents that will occur with boilers and pressure vessels, lifts and cranes, in the area of mining and quarrying, in tunnelling and trenching, and in rescue operations when there are accidents on roads, rail or with aircraft.

The brigade considers it an impossible task to be involved in those activities if it is to be an effective and efficient fire brigade. I agree with the brigade's contention that it would place heavy demands on the training of personnel. The concerns expressed should be carefully considered, not only for this fire brigade but also for fire brigades operating elsewhere in country Victoria.

The letter to which I refer, addressed to the Minister for Police and Emergency Services, further states:

> For the authority to be the "combat agency" for the situations listed, this would practically require an enormous increase in the variety and amount of necessary training to enable its volunteers to become competent in each situation. This training would necessarily need to be Statewide, as if the authority was responsible, any volunteer who could have "officer in charge" responsibility at an incident must be competently trained in accidents/rescue to handle that responsibility.

An enormous injection of funds would be needed for the Country Fire Authority to purchase equipment and people would have to give a lot more time to the work that they do. Those people are volunteers. The letter continues:

> Our brigade would not expect to be able to competently cover all areas of the accident/rescue incidents listed above, as well as training in fire suppression and prevention.

Most of the fire brigades in the State would regard their work of fire suppression and prevention as being the area in which they should train their members, as that is of utmost importance to their role. The brigade further says in its letter:

> In conclusion we must demand that the proposed changes not be effected. Our brigade considers the changes to be detrimental to the fabric of the Country Fire Authority as it now exists, and that the pursuit of this amendment will alienate the volunteer—who after all, is the Country Fire Authority—and cause a mass exodus of support and experience by resignations from being volunteer members of the authority.

I wholeheartedly concur with the views expressed by the brigade. I am sure that they are supported by all the fire brigades in my electorate and throughout country Victoria. I trust that the Minister for Police and Emergency Services will take these concerns on board and respond accordingly.

Mr ROPER (Minister for Planning and Environment)—I shall direct the matters raised by honourable members to the attention of each of the respective Ministers.

The motion was agreed to.

The House adjourned at 11.24 *p.m.*

Friday, 26 May 1989

The SPEAKER (the Hon. Ken Coghill) took the chair at 10.35 a.m. and read the prayer.

QUESTIONS WITHOUT NOTICE

TABARET

Mr REYNOLDS (Gisborne)—I ask the Minister for Sport and Recreation whether the Totalizator Agency Board has been committed to paying the Menzies at Rialto Hotel $1·2 million rental for two floors from 23 December 1988 to accommodate the government's tasteless and irresponsible Tabaret project which is still not in place and is unlikely to open before December this year at the very soonest. If so, will the Minister offer to the House justification for this scandalous waste of $1·2 million of taxpayers money for empty space?

Mr TREZISE (Minister for Sport and Recreation)—Space at the Rialto must be rented so that it can be turned into what will be the first Tabaret of its kind in the world. That will be another great step forward for the TAB in this State since the government came to office.

Whenever the government takes initiatives in any field, in this case the TAB, it receives snipes from the other side of the House. I can remember that when the TAB invested in a radio broadcast guarantee in Victoria the Opposition said it was a disgraceful waste of money by the TAB. That $1 million-plus investment was approximately paid for in the first seven weeks of the broadcast. Since then many additional millions of dollars in profit have been made for the TAB, for the State economy and for the racing world in general.

Every time the government makes a move away from the stagnated position that existed when the Liberal Party was in office, the Opposition snipes about it. When the results come out, the Opposition has egg all over its face.

In this case, space at the Rialto has been rented to be transformed from what it is now into the most modern Tabaret in the world. It will be a wonderful asset for Victoria both for revenue and for the tourism industry. I am sure the Opposition does not object to Victoria having a Tabaret and I am sure when the facts and figures of the Tabaret investment come out it will prove to be another great plus for Victoria, the government and the racing world.

RENTAL CHARGES ON CROWN LAND

Mr McNAMARA (Leader of the National Party)—I refer to the Minister for Water Resources the answer to a question on notice on 16 March by the Minister for Conservation, Forests and Lands in which she stated that the current interim policy on rentals on Crown land was 2·5 per cent of unimproved site value. Will the Minister investigate and ascertain whether it is appropriate that the Benalla Secondary College is being charged 5 per cent of the unimproved value for the school camp site at Lake Nillahcootie?

Mr WALSH (Minister for Water Resources)—I shall certainly examine the matter and report to the honourable member.

WOMEN'S HEALTH CENTRES

Mrs RAY (Box Hill)—Will the Premier tell the House what advice he has received about the community's response to the establishment of Victoria's first women's health centre at Footscray, and what progress is being made on the implementation of the government's commitment to expand the number of those centres?

Mr CAIN (Premier)—I thank the honourable member for her question. The Western Women's Health Centre at Footscray is the first women's health centre established in Victoria, and has been well received since its opening in September 1988. It was established in response to the report entitled *Why Women's Health?* which was tabled in August 1987 and was part of a very strong commitment that the government has to establishing a women's health centre in each region. Four centres have been established to date.

The government recognises the needs of women in the State and also recognises that they have very often been overlooked, and are still overlooked by the parties opposite so far as preselection for seats is concerned both in this place and in other Parliaments.

The Western Women's Health Centre was established to meet the requirements of women living in the Western Region. It provides a wide range of medical and community services within the areas of mental health, gynaecology, occupational health, and diet and nutrition. Those preventive health measures do have a prominence; the centre provides an information service on preventive health care generally. The government has provided women in the west with the type of service that they want, probably because the government is prepared to listen to women and to meet their needs as they express them to the government.

That is in stark contrast to the attitude and philosophy of those opposite who still seem to think that the place of the woman is in the home—not in the House!

If women who are bringing up families by themselves are in poverty it is of no concern to some Liberals. I find it astonishing that people like Wilson Tuckey would want to do away with the supporting parent benefits, as I understand it. He was reported as stating, at a Barwon Women's Action Group meeting, that those women whose marriages break down should go home to mum. I think he talked about a big mob of losers, in describing women on supporting parent benefits. Statements like that explain why the Liberal Party is the biggest mob of losers in Victoria at the moment because of similar attitudes.

The Opposition has walked away from a number of difficult issues. The Leader of the Opposition still has to respond to a number of critical and, as it were, crunch issues; he is not walking but running away from them at a great rate.

The provision of women's health services is an issue that requires demonstrable support from all sides of the House. The women's health service in the western area offers opportunities for women to participate in the decision-making process. A broad section of the women in the area are represented on the committee of management. That is the kind of structure and process that I believe has been successful not only in providing health services but also in providing all the resources that neighbourhood houses also provide. They are evidence of the government's response to these community needs.

TRICONTINENTAL CORPORATION LTD

Mr STOCKDALE (Brighton)—In view of the mounting concern relating to some senior executives of Tricontinental Corporation Ltd and public speculation about possible losses by that organisation and declining public confidence in State Bank

Victoria, will the Treasurer act to end the uncertainty by retaining independent actuaries to ascertain the full and actual extent of bad and doubtful debts of Tricontinental Corporation Ltd and publish the details; and if not, why not?

Mr JOLLY (Treasurer)—I do not know whether the honourable member for Brighton said "actuaries", but if he did say that it would be a slip of the tongue or the mind because the appointment of actuaries would not be relevant to assess bad debts. That is obviously a job for accountants and auditors, not actuaries.

There is no loss of confidence in the State Bank, despite the attempts by the Opposition to try to generate that loss of confidence. That was the main purpose of the outgoing shadow Treasurer, the honourable member for Brighton, today. We will probably soon have an example of cocktail economics if the Deputy Leader of the Opposition takes on the shadow Treasury portfolio. I understand the Deputy Leader of the Opposition is seeking the portfolio—and if it is not cocktail economics it will probably have the "tail" off it.

I have indicated to the House that the Chief Executive of State Bank Victoria, Mr Moyle, released a public statement last weekend that made it clear that a report by Coopers and Lybrand W. D. Scott showed that the net worth position of Tricontinental Corporation Ltd was $95 million. The expectation is that, after allowing for provision for bad and doubtful debts, Tricontinental Corporation Ltd will make a small profit this financial year.

PROPOSED PULP MILL IN EAST GIPPSLAND

Mr EVANS (Gippsland East)—During the course of her recent visit to Scandinavia did the Minister for Conservation, Forests and Lands obtain information that would help the government to establish effluent and emission standards for the proposed pulp mill in East Gippsland and, if so, what was the nature of that information?

Mrs SETCHES (Minister for Conservation, Forests and Lands)—I have already provided some information to Parliament in answer to a question asked a few days ago regarding my recent visit to Scandinavia. During that visit I looked at a range of technologies in action and was able to see a number of practical effluent processes. I was very impressed with the developments in both Finland and Sweden.

APM Ltd and APPM Ltd are preparing predocumentation that will be delivered to the Department of Conservation, Forests and Lands at the end of June and when that information is received my department will test their proposals against what was seen in Scandinavia, and will be able to ask cogent and searching questions regarding effluent processes.

I was impressed with the amount of information that the delegation was able to bring back. A further bank of information is available, with the names and addresses of people in Sweden and Finland who can be contacted about these sorts of technologies. I shall look forward to viewing the predocumentation from both of the companies I have mentioned relating to the feasibility study for the proposed pulp and paper mill.

COMEDY FESTIVAL

Mr SERCOMBE (Niddrie)—Will the Minister for Tourism advise the House of the public response to this year's Comedy Festival and the plans that are being made for next year's festival?

Honourable members interjecting.

The SPEAKER—Order! The honourable member for Springvale! I have already cautioned him.

Mr CRABB (Minister for Tourism)—The Comedy Festival has been a howling success and I think that is partly because of the capacity of Melbourne people to laugh at themselves and at each other.

This year's Comedy Festival attracted some 70 000 people who attended the various shows—that is up 40 per cent on the previous year—and they paid about $1 million at the box office; fourteen of the shows extended their season.

One show, *The Royale Commission,* which was performed by the people who appear on the radio 3AK *Lawyers, Guns and Money* program, managed during its brief season to take the mickey out of the government, the Police Force, the judiciary, the legal profession and the Victorian Football League, but not the Opposition. It was such a success that I hope it will run again towards the end of this year's football season, particularly if Hawthorn is in the grand final!

In terms of planning for next year's festival, I have had preliminary discussions with the organisers of the festival, who are touring ten cities in the United States of America during the month of August. We are trying to maximise next year's festival in an attempt to attract interstate and international tourists as well.

One of the disappointments of this year's Comedy Festival was that because it ran from 1 April to 16 April it was out of synchronisation with the Liberal Party leadership challenge. In planning for next year's festival, we are trying to rectify that.

Honourable members interjecting.

The SPEAKER—Order! The House will come to order. In particular, I caution the honourable member for Berwick. I do not wish to take action against him.

Mr RICHARDSON (Forest Hill)—On a point of order, Mr Speaker, I missed the joke; would the Minister do it again, please?

Honourable members interjecting.

The SPEAKER—Order! There is no point of order.

Mr CRABB (Minister for Tourism)—As I said, we are trying to rectify the problem for next year. We have started some work on planning our plot line. Honourable members can see the reason why there is enthusiasm about it! First, we have the Leader of the Opposition, the Arthur Daley of Wonthaggi, casting around to find a minder. He has to look around his party to find someone who is tough, fit, resolute, loyal and honest. Who does he find? The honourable member for Forest Hill!

His job is then to defend the Leader of the Opposition against potential rivals. Who are they? We have the Toulouse Lautrec of the Victorian bar—the honourable member for Brighton! The Liberal Party has Oxford, Eton and the Guards, in the form of the honourable member for Bennettswood!

Mr DELZOPPO (Narracan)—On a point of order, Mr Speaker, with apologies to Sir Harry Lauder, I direct to your attention the fact, that although the reply of the Minister for Tourism may be enjoyable, he is debating the question. I ask you to bring him back to order.

Mr TANNER (Caulfield)—Further to the point of order, Mr Speaker, it has been the practice of the House for the Speaker not to hear frivolous contributions from honourable members. In recent weeks it has been the practice of government Ministers, in answer to dorothy dixer questions, to respond with answers that have been scripted, presumably by some comedy writer.

The Ministers have not been entirely successful. One would hope the contributions of the Minister for Tourism today would be more successful than he and his colleagues have been in the past. If question time is not to be reduced to a farce, Mr Speaker, you must rule out of order frivolous contributions, in accordance with the practices of the House.

The SPEAKER—Order! The honourable member for Narracan, in his point of order, asked me to rule whether the Minister was debating the question. The honourable member for Caulfield seemed to be attempting to raise a separate point of order and, as such, was out of order. At this stage the Minister has been providing information and, therefore, is not out of order.

Mr CRABB (Minister for Tourism)—If I could continue to describe——

Mr MACLELLAN (Berwick)—On a point of order, Mr Speaker, in accordance with the practices of the House, I ask the Minister to make available the script from which he is reading.

The SPEAKER—Order! There is no point of order.

Mr CRABB (Minister for Tourism)—The honourable member for Berwick would know all about scripts, given that he is the most theatrical member of the Opposition's frontbench—however temporarily. Not only do we have comedy in this show but we also have tragedy, as every comedy should have. One has only to refer to the honourable member for Ripon, the honourable member for Malvern and the honourable member for Mornington for honourable members to recognise the tragic perspective of this drama we are going to release. They are the three ships that pass in the night!

Mr TANNER (Caulfield)—On a point of order, Mr Speaker, in answering questions, Ministers are required to answer with respect to their areas of responsibility. The Minister for Tourism, with his gratuitous comments about other honourable members, is clearly exceeding that responsibility. I ask you to require the Minister to answer the question, in accordance with the practices of the House.

Mr Norris—Thank you, we will let you know!

The SPEAKER—Order! The question was addressed to the Minister in respect of his portfolio as Minister responsible for tourism. As is clear from the comments he has already made, he does have Ministerial responsibility in this area. By longstanding tradition, a Minister may answer in the manner in which he sees fit. The answer, of course, must be relevant to the question. There is no point of order.

Mr CRABB (Minister for Tourism)—One of the tragic elements of this most tragic comedy, of almost Shakespearian qualities, is the experience of the honourable member for Malvern, who switched sides too late and ended up being despised by one side of his party because he ratted and by the other side because he was too slow.

Mr DELZOPPO (Narracan)—On a point of order, Mr Speaker, perhaps you should consider the question of relevance. I suggest to you that where the Minister is straying now has nothing to do with the question. When he starts to talk about the honourable member for Malvern he is straying from the question. Therefore, I ask you to bring him back to order.

Mr SERCOMBE (Niddrie)—On the point of order, Mr Speaker: having asked the question, I find the Minister's answer both relevant and pertinent to the question.

The SPEAKER—Order! The honourable member for Narracan has asked me to rule on the relevance of the Minister's answer. I believe the Minister's answer is beginning to stray from what is relevant to the question. I ask the Minister to return to the question and to round off his answer.

Mr RICHARDSON (Forest Hill)—Mr Speaker, I raise a further point of order: I direct to your attention Standing Order No. 109, which refers to the Chair calling the attention of the House to the conduct of a member who persists in irrelevant or tedious repetition. The Standing Order states in part that:

> . . . a motion may be made "That Mr Speaker (or the Chairman) do direct the Member to discontinue his speech, which question shall be put forthwith without amendment or debate . . ."

In accordance with Standing Order No. 109 I so move.

The SPEAKER—Order! There is no point of order. The honourable member is out of order because the Chair had not intervened as set out in Standing Order No. 109.

Mr CRABB (Minister for Tourism)—This year's Comedy Festival was a great success. The principal reason for its success is the capacity of the people of Melbourne to laugh at themselves. I thought members of the Opposition shared that quality, but from the way they are carrying on apparently they do not. It is a bit sad if they cannot take a joke. Everyone else is laughing at them, so I do not see why they should not. One wonders how they missed out.

Next year we are looking for bigger things. I ask the honourable member for Evelyn for some assistance: I ask him, in complete confidence, to give us notice when he starts his next clandestine petition so that we can advertise it interstate to fit in with next year's Comedy Festival.

TRICONTINENTAL CORPORATION LTD

Mr STOCKDALE (Brighton)—There is a saying that sarcasm is the lowest form of wit; perhaps the Minister for Tourism could keep that in mind.

I direct the attention of the Treasurer to the situations concerning Falcon (Australia) Ltd and PAL, where Mr Johns appears to have received secret commissions concerning loans from Tricontinental. I ask the Treasurer what steps are being taken to investigate this disturbing situation and what action he has initiated to ascertain whether other secret commissions were received.

Mr JOLLY (Treasurer)—I have already informed the House that the National Companies and Securities Commission is undertaking investigations of a number of matters, matters related not only to Tricontinental but also concerning, as I said to the House, some Tricontinental employees who are involved in particular examinations by the securities commission.

I do not intend to comment further, other than to say that State Bank Victoria has already made a decision to fully integrate Tricontinental into its operations. As a consequence of that decision, the position of Managing Director of Tricontinental Corporation Ltd disappears. Currently, the managing director of Tricontinental is employed as a consultant to the Chief Executive of State Bank Victoria.

ADOPTION INFORMATION SERVICE

Mr SHELL (Geelong)—Will the Minister for Community Services inform the House of the progress of the initiatives of the Adoption Information Service and the progression through the waiting list?

Mr SPYKER (Minister for Community Services)—I thank the honourable member for Geelong for his question. Since the legislation was introduced in 1984 he has shown a keen interest in it. Sometimes Parliament passes legislation and honourable members wonder what value it will have for the community. The Adoption Act has

been enormously successful. Of the applications processed, approximately 90 per cent have been successful with both parties continuing contact after the initial contact. Some 5 per cent desire to have no contact, and a further 5 per cent desire no further contact after the initial contact.

The present initiatives to reduce the waiting list are progressing extraordinarily well and the Adoption Information Service has made significant inroads into the waiting period for applicants. Already there have been many positive factors for applicants through the new approach, which maximises the independence of applicants and enables them, so far as is possible, to undertake their own search and reunion activities.

On 10 May I launched the Victorian Adoption Network for Information and Self-Help and since 31 March a 008 search and advice service has been operating. The service is able to give assistance to people who wish to use the self-search kit. There has been a significant increase in the provision of search and advice assistance.

The self-search kit provides resource information on searching and contact and is distributed by the Adoption Information Service. It has been received positively with many applicants stating that the assistance is greatly appreciated. In the past many people have waited for significant periods and that number will be reduced through people being able to undertake their own searches.

Between 1 January 1989 and 30 April this year the Adoption Information Service has offered a service to approximately 1593 applicants. That is a great improvement on the previous procedures. Many applicants have said that they have benefited from sharing experiences with other adoptees. It is important to advise applicants about the available counselling services, and the group counselling service has been of assistance in giving advice to people wishing to seek information. This issue must be handled sensitively, and Community Services Victoria and the agencies it uses have been helpful in bringing people together.

I am confident that by the middle of next year the long waiting list will be dramatically reduced and the waiting time will be no more than three months. That shows the government's approach to legislation and the resources it makes available to deal with this sort of compassionate and sensitive issue. It is reducing the frustration with which people have had to deal in the past.

QUESTIONS WITHOUT NOTICE

Mr BROWN (Leader of the Opposition)—I raise a point of order concerning the conduct of this House during question time. I believe the way that question time was handled and, in particular, the contribution by the Minister for Tourism, brings this Parliament into disrepute. As Leader of the Opposition and after the next State election when I am Premier, I will lead my team in a businesslike and professional manner. That will start as of Tuesday next.

I raise for your attention, Mr Speaker, the fact that only three questions were asked by the Opposition today. As this House——

Honourable members interjecting.

The SPEAKER—Order! The House will come to order and, in particular, I warn the honourable member for Springvale. I will not warn him again. He has been a persistent interjector and has led a barrage of interjections.

Mr BROWN—As is well known, no-one in this Parliament has a better sense of humour than I. I believe it is right and proper to have a degree of levity from time to

time. However, Standing Orders do not allow for questions of absolute frivolity, and today a question of total frivolity was asked which required a very lengthy answer.

While I lead this State Opposition it will hold this government to account and the only forum in which I have the opportunity to do that successfully with the media on a daily basis is when this Parliament sits during question time. This government should be held to account when it comes in here constantly with the express plan of putting up items of frivolity. This has been happening with the Minister for Transport and it is happening with the Minister for Tourism. I will mix it with the best of them at any time in any forum and I say to you, Mr Speaker——

The SPEAKER—Order! The honourable member for Gisborne will cease carrying on a conversation across the Chamber, as will the honourable members for Narracan and Frankston South.

Mr BROWN—Mr Speaker, you should consider the conduct of question time today and what it means. It debases democracy when the elected government of the day purposefully sets out, as this government did this week, in an attempt to manipulate the Channel 10 poll by having their media unit phone constantly to stack the numbers. Democracy fails when such activity is undertaken, even though I beat the Premier by 1000 votes in spite of their push.

I will not tolerate this government debasing Parliament. The Opposition has rights, and it will ensure that those rights are upheld. I make an appeal to you, Sir, to consider the conduct of question time today and one question in particular which should not have been allowed in that form.

Mr CAIN (Premier)—On the point of order, it is a matter for regret that the new Leader of the Opposition should respond as he has this morning in what I thought was understood by all here to reflect——

Honourable members interjecting.

Mr CAIN—What I am hearing now is the reason why question time is seen by people watching television in their living rooms as being an opportunity to prevent Ministers speaking. One has only to look at the television footage of question time in this place to see constant attempts by the Speaker to enable me and my colleagues to be heard. Honourable members opposite make interjections an art form.

Honourable members interjecting.

Mr CAIN—They are doing it now. The Opposition tries to prevent Ministers from being heard.

Honourable members interjecting.

Mr CAIN—There it is, a constant orchestration of interjections. The new Leader of the Opposition should try to get some order. His predecessor tried unsuccessfully to do so. However, when a group is a rabble, that is the only weapon it has.

I invite honourable members opposite and you, Mr Speaker, to examine the record and the constant attempts by the Opposition to prevent Ministers from being heard at question time. You, Mr Speaker, are constantly being required to call the place to order. It is demonstrable, and it is seen by everybody.

Mr Brown—It has changed.

Mr CAIN—So long as the Opposition behaves that way, the government will continue to treat it as the joke that it is.

The SPEAKER—Order! I call the Deputy Leader of the Opposition.

Honourable members interjecting.

The SPEAKER—Order! I appeal to honourable members on my right to observe the standard of behaviour the Premier has just called for.

Mr PESCOTT (Bennettswood)—No honourable member in this Chamber will deny that there was a period during question time which was an absolute farce. A question was asked about the Comedy Festival which led to a total run by the Minister for Tourism attacking and making comments about the Opposition. A few comments would be fine, but when it comes to the point of why we have question time, which is the point the Leader of the Opposition raised and a matter the Premier raised, the fact is that question time is the time for the Opposition to put the government under scrutiny.

This government uses question time—and used question time today—as an opportunity of making a joke of itself. I support the point of order raised by the Leader of the Opposition. I believe you, Mr Speaker, should rule on it and ensure in future that question time is given the seriousness it deserves.

Mr McNAMARA (Leader of the National Party)—I support the point of order raised by the Leader of the Opposition and the comments of the Deputy Leader of the Opposition. The way government Ministers—the Premier included—are responding to questions is a disgrace. Question time is the time when honourable members have the opportunity of asking Ministers about various matters relating to their portfolios. The way the Ministers respond to those questions is entirely inappropriate. The minute Ministers—the Premier included—respond to questions with invective and insults is the time when you, Mr Speaker, should interrupt and immediately rule them out of order.

It is interesting to note the number of questions asked during question time in other Parliaments. I understand that the Standing Orders Committee is currently examining the issue. In Canada, where question time lasts for 45 minutes, some 40 to 43 questions are asked.

In other Parliaments of the Commonwealth individual questions last a little more than 1 or 2 minutes. In this Chamber Ministers are provided with scripted answers, as we saw today with the Minister for Tourism reading from a scripted answer to a dorothy dixer and not responding at all to the question.

Honourable members interjecting.

The SPEAKER—Order! The honourable member for Mitcham is out of order and out of his place. I also ask the Minister for Agriculture and Rural Affairs to cease interjecting.

Mr McNAMARA—It is entirely inappropriate to allow question time to develop in the way it has where it becomes the prime opportunity for Ministers of this government to issue a tirade of insults. Ministers should take a responsible attitude and answer the serious questions being put to them; they should not use question time as an opportunity of issuing a series of insults and trying as best they might to incite members of opposition parties.

Honourable members are concerned about the impression made by government Ministers in the minds of the members of the public who sit in the gallery. School groups come into Parliament to watch how our system of government operates and all they see is the Chamber being turned into a complete shambles by the behaviour of the government frontbench.

The SPEAKER—Order! I have heard sufficient argument to rule on the point of order. I have now heard from all political parties. As mentioned by the Leader of the National Party the matter of question time generally is under consideration by the Standing Orders Committee in relation to all aspects of the relevant Standing Order—Standing Order No. 124.

Should the Leaders of the three parties wish to discuss the matter with me in chambers I am prepared to accommodate them. I am not demanding that they do so but I am prepared to accommodate them if that is their wish.

In respect of today's question time, only one answer was relatively long. The first answer took 4 minutes; the second, 1 minute; the next, 4 minutes; the next, 3 minutes; the next, 3 minutes; and the next, 13 minutes. A large proportion of the time spent on that answer was used to deal with the number of points of order raised. The final answer was of a few minutes duration. I remind the honourable member for Narracan of Standing Order No. 107.

With respect to the specific question that has led to the point of order, the question by the honourable member for Niddrie, the question was clearly in order. Indeed, it is clear from the Minister's answer that it was a substantive matter on which he could reply and he did provide information to the House.

The degree to which some humour may be allowed to be introduced into an answer is obviously a matter for the discretion of the Chair. It is a matter which, of course, will be treated differently in different circumstances, according to the mood of the Chamber at the time.

With regard to the general point of order, there is, strictly speaking, no point of order on which to rule but I shall certainly undertake that the matter will be carefully considered by the Standing Orders Committee. As I said, I am prepared to meet the three Leaders of the parties together if that is their wish.

PETITIONS

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

Hunters' rights

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

The humble petition of the Sporting Shooters Association of Australia (Vic.) Inc. sheweth:

Given that the rights of duly licensed and law-abiding recreational hunters are being threatened by anti-hunting protesters who have:

caused disruption to hunters on our wetlands;

stolen game birds belonging to hunters;

acted in a manner likely to result in a firearms accident;

incited each other to acts of violence against hunters.

Your petitioners therefore pray that:

1. The government takes immediate action to ensure that hunters can conduct their recreational hunting free of harassment by these protesters.

2. That protesters found in possession of protected species be prosecuted to the full extent of the law.

3. That the government sets about the drafting of a Bill for protection of hunters' rights.

4. That the government consults regularly with the Sporting Shooters Association of Australia (Vic.) Inc. as to the proposed content and impact of the aforementioned Bill for protection of hunters' rights.

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

By **Mr McNamara** (1101 signatures)

Prominent landmarks

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, respectfully sheweth:

that we are absolutely opposed to the proposed alteration to place names within the Grampians National Park and environs; and

that all place names of historic significance irrespective of origin be preserved by law.

Your petitioners therefore humbly pray that all citizens of Victoria, irrespective of race, be considered in preserving our heritage.

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

By **Mr W. D. McGrath** (99 signatures)

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

The humble petition of the undersigned citizens of the State of Victoria sheweth:

Our disapproval and objection to the proposed renaming of the Grampians in Victoria and its environs, including place names and locations, as it would not stop there, it would end up with all place names throughout Victoria, then all of Australia being altered, just because someone did not prefer them.

Your petitioners therefore pray that this petition will be heeded and that the Grampians remain as they have since early settlement in the early nineteenth century, which has created the popularity it has known, right through to the present day and that no renaming should ever take place.

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

By **Mr Elder** (19 403 signatures)

Pennyweight Park Day Centre

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

This petition of the undersigned citizens of the State of Victoria shows our concern at the lack of government funding necessary to enable the physically disabled children at the Pennyweight Park Day Centre, Ballarat, to continue their education and accordingly we respectfully request the Parliament to make sufficient resources available to ensure that:

1. Pennyweight Park remains open as a day centre for disabled children; and
2. The services available to those children through Pennyweight Park remain at the current level.

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

By **Mr Elder** (3189 signatures)

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

ADMINISTRATIVE ARRANGEMENTS

Mr CAIN (Premier)—By leave, I move:

That there be presented to this House a copy of Administrative Arrangements Orders Nos 66 to 71 of 1989.

The motion was agreed to.

Mr CAIN (Premier) presented the orders in compliance with the foregoing order.

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

ESTIMATES COMMITTEE

1988–89 Estimates of receipts and payments

Mr HARROWFIELD (Mitcham) presented a report from the Estimates Committee on the 1988–89 Estimates of receipts and payments, together with appendices, extracts from the proceedings, a minority report and minutes of evidence.

It was ordered that they be laid on the table, and that the report, appendices, extracts from the proceedings and the minority report be printed.

PAPERS

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

Capital Works Authority—Report for the year 1987–88.

Chiropodists Registration Board—Report and Statement of Accounts for the year 1988.

Dental Technicians Act 1972—Dental Technicians Licensing Committee—Report and Statement of Accounts for the year 1987–88.

Dietitians Board—Report and Statement of Accounts for the year 1987–88.

Members of Parliament (Register of Interests) Act 1978—Summary of Variations notified to 30 April 1989—Ordered to be printed.

NATIONAL PARKS (ALPINE NATIONAL PARK) BILL

This Bill was returned from the Council with a message relating to amendments.

It was ordered that the message be taken into consideration later this day.

PRESCRIBED WEAPONS BILL

This Bill was returned from the Council with a message relating to an amendment.

It was ordered that the message be taken into consideration later this day.

SECOND-HAND DEALERS AND PAWNBROKERS BILL

This Bill was returned from the Council with a message relating to amendments.

It was ordered that the message be taken into consideration later this day.

ESTATE AGENTS (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 later this day.

PUBLIC BODIES REVIEW COMMITTEE

Victorian Dairy Industry Authority

Mr ROPER (Minister for Planning and Environment)—By leave,I move:

That if the House is not sitting when the Public Bodies Review Committee has completed its inquiry into the Victorian Dairy Industry Authority, the committee may send its report to Mr Speaker who may authorise the printing and publication of such report prior to its presentation to Parliament.

The matter has been reviewed since it was dealt with yesterday, and this is the appropriate form.

Mr EVANS (Gippsland East)—When the motion was brought before the House yesterday the honourable member for Narracan referred to the privilege attaching to the document. There has been no explanation about that aspect. The House is entitled to some assurance from the Minister that any privilege attaching to the presentation of a document in the House will apply to the document under those circumstances.

The SPEAKER—Order! The Minister for Planning and Environment did provide a brief explanation. He said that, consequent upon the matter being raised yesterday by the honourable member for Narracan, the appropriate information and assurance had been provided. If the honourable member wishes to have the Minister provide a further explanation, the Minister will need to seek leave.

Mr ROPER (Minister for Planning and Environment) (*By leave*)—The matter raised by the honourable member for Narracan yesterday involved the issue raised by the honourable member for Gippsland East and the concern that privilege would not apply to the matter. The government re-examined the issue yesterday and I understand the honourable member for Narracan also had discussions with Parliamentary officers. Under the Parliamentary Committees Act 1968 protection is provided by attaching privilege to the document and the protection for members of the committee and the House is adequately provided.

The motion was agreed to.

CHILDREN AND YOUNG PERSONS BILL

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

Clauses 128 to 260 were agreed to.

Clause 261

Mr COOPER (Mornington)—Part 5 of the Bill deals with offences relating to the protection of children. Clause 261 addresses the matter of the duty of care of a child and sets out the duties that persons who have care of a child must follow. A person who has a duty of care of a child is defined in the Bill as a person who is responsible for the daily care and control of the child, whether or not involving custody of the child. This involves persons who are not necessarily parents or guardians, and thus raises many complex legal questions. "Persons" could be understood to include kindergarten, primary and secondary schoolteachers—and would certainly include teachers who were on duty during recesses and lunch periods—teachers who supervise curricula and extra-curricula sporting activities, playgroup volunteers, who are generally parents, sports coaches, scout and guide leaders and others.

The persons who participate in the daily care and control of a child are many and varied. The intention of the Bill is to legally impose a duty of care on these and other such persons by providing penalties and terms of imprisonment for action or failure to act which results in the harm of the child.

If adopted, the Bill in its present form will conceivably result in the ludicrous situation, for instance, of a football coach being fined or imprisoned because harm has been caused to a child under his care. The Committee should question that measure and reflect upon the ramifications of such a situation. In fact, the litigation ramifications are not the only potential mine-fields the community will have to confront if the problems in the Bill are not immediately addressed. For instance, insurance costs for protection against litigation will skyrocket, and that will be a matter of concern throughout the community. It would certainly be a matter of concern to organisations, such as teacher unions if the question of increased litigation were raised as a result of this part of the Bill and, in particular, clause 261.

Reaction to the legislation from affected union groups can be assumed, even conservatively, to be stridently opposed. This will result in huge costs to the community; costs that are concealed by the innocuous sounding word "miscellaneous" which attempts to conceal from public scrutiny sloppy and ill-defined legislation.

I do not dispute the need for professional child carers to fully comprehend the moral obligations of their role. However, I question with some degree of interest whether unions whose members will be legally affected have been made aware of and consulted in regard to this section of the proposed legislation.

I took the time and trouble to send copies of the Bill to all schools in my electorate. I asked the schools whether they and their fellow teachers had been consulted by either the Ministry of Education or by the teacher unions. I did not receive many replies, but the replies I received certainly led me to believe they had not been consulted; the implications of this part of the Bill came as a total surprise to them.

I also question how, if at all, the government plans to assist public servants to defend themselves against vexatious litigation which is condoned, if not supported, by the Bill. Under clause 261 (2)—and probably this is a part answer to what I have raised—the protection against vexatious litigation will be affected. It reads:

> Proceedings for an offence under sub-section (1) may only be brought by a person after consultation with the Director-General.

But I suggest that that is insufficient. What sort of protection is there if one is confronted by a vexatious director-general who believes litigation should proceed? So notwithstanding the concerns I have outlined about certain ramifications of this part of the Bill, we should also be particularly disturbed by the apparent double standards here, because our understanding, after consultation with the Minister's own department, is that the word "person" is supposed to refer to a parent or guardian or the de facto of a parent or guardian.

"Person" substitutes for "parent or guardian" because those terms, according to the government, are not socially exclusive in today's families, so that is the reason for the word "person" rather than "parent or guardian". However, the substitution of the word "person" immediately expands the range of people who are then liable for action under the provisions of the clause. Instead of it being related to a duty of care of a parent or guardian, it is related to a duty of care of a person, and when one looks at the persons who have a duty of care with regard to children, it expands well beyond "parent or guardian" into the list I gave before, including teachers, scout leaders and so on. The clause opens up legal ramifications that I do not believe have been given decent consideration.

If a mother fails to take action with the knowledge that her de facto is sexually abusing her children, she is liable for criminal prosecution. The Opposition supports any move that will increase the safety and well-being of children. It has made that quite clear throughout the second-reading debate and throughout the Committee stage

of the Bill. However, the Opposition questions why it will be mandatory for a parent to report offences under clause 261 (1) when the government continually and consistently rejects the introduction of mandatory reporting by designated professional groups.

It is a case of double standards. The clause creates mandatory reporting for a parent, but at an earlier stage the government fiercely rejected Opposition attempts to introduce mandatory reporting for designated professional groups, so this would appear to be a question of lying down in front of professional groups and bootlicking these groups but conveniently disregarding, in this clause of the Bill, a proper definition of a person who is responsible for daily care and control of the child, whether or not that involves custody of the child.

Furthermore, clause 261 (3) states:

A person may be guilty of an offence under sub-section (1) even though the child was protected by the action of another person from harm of the type referred to in that sub-section.

Continuing the scenario with the example of the mother I referred to earlier, the same mother could be charged with an offence on the basis of likelihood if a protective services worker had intervened to protect the child and subsequently assumed that the mother had failed to take action to protect the child.

Legal action can occur on the basis of likelihood rather than on the basis of action actually occurring. This subsection certainly raises interesting legal questions in that it appears that a person may be charged not only for actually committing an offence but also for an offence that he or she may have committed, but in fact did not commit, or one that he or she might commit at some future time. This certainly appears to be a new legal concept and the clause may, in fact, break new legal ground.

How will it be determined whether a person has committed an offence when no offence has occurred? How can legislation be ratified when it concerns itself with unforeseen circumstances? The clause should be addressed before the Bill is proclaimed. I ask the Minister to take the matter on board, and if this provision is breaking new legal ground I ask him to consider what will eventually happen should someone take the matter to the Supreme Court; it will be a costly matter indeed to be decided. The provision should be addressed carefully before the Bill is proclaimed.

My research on this matter leads me to believe there is an element of adhockery and ill-definition with this clause. It should be considered urgently before it is launched upon the community. I hope the Minister will not pass by this matter. I do not expect him to now make substantial comments about it, but having regard to the importance of it, particularly its ramifications for a large section of the community who will be concerned in the provision of duty of care to children, it is most essential that the issue is resolved before the Bill is proclaimed.

The clause was agreed to, as were clauses 262 to 279.

Clause 280

Mr HAYWARD (Prahran)—I move:

2. Clause 280, page 149, after line 10 insert—

"(3) Regulations made under this Act may be disallowed, in whole or in part, by resolution of either House of Parliament in accordance with the requirements of section 6 (2) of the *Subordinate Legislation Act* 1962.

(4) Disallowance under sub-section (3) is deemed to be disallowance by Parliament for the purposes of the *Subordinate Legislation Act* 1962.".

This is a standard amendment which the Opposition requires in all Bills. The Committee will be familiar with its provisions. The Opposition believes it is important to include this provision in the interests of democracy, accountability and review of government. The amendment does not require further explanation.

Mr SPYKER (Minister for Community Services)—I accept that the amendment will be made in the other place.

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

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

MAGISTRATES' COURT BILL AND MAGISTRATES' COURT (CONSEQUENTIAL AMENDMENTS) BILL

The Order of the Day for the consideration of these Bills in Committee was read.

Mr ROPER (Minister for Planning and Environment)—I declare these Bills to be urgent Bills, and I move:

That these Bills be considered urgent Bills.

Approval of the motion being put was indicated by the required number of members rising in their places, as specified in Standing Order No. 105 (*a*).

The motion was agreed to.

Mr ROPER (Minister for Planning and Environment)—I move:

That the time allotted in connection with these Bills be as follows:

For the remaining stages of these Bills until 12.50 p.m. this day.

The motion was agreed to.

MAGISTRATES' COURT BILL

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

Discussion was resumed of clause 1

Mrs WADE (Kew)—Mr Acting Chairman, the Opposition has had a number of problems with various provisions of this Bill apparently intended to implement the purposes set out in clause 1. In particular, we could not support the provisions denying parties the right to legal representation in cases involving amounts up to $5000 to be heard by way of arbitration. Australians have always understood that they had a right to legal representation in our courts and to remove this right and force all parties to put their own cases to the court would be particularly detrimental to those people in the community less able than others to do so, in particular elderly members of the community, people not in the best state of health, people with language difficulties or with a lack of understanding of or familiarity with the way our court system works.

The Opposition was also concerned about the effects of these proposals on small business people. A considerable proportion of cases in the Magistrates Court are debt matters involving small businesses. They are cases between small businesses or between such businesses and their customers. Many of the claims are not disputed and in those cases the Bill's prohibition on the recovery of costs would not only result in businesses being out of pocket for the costs incurred by agents acting on their behalf but would also lead to notices of defence being lodged merely to prolong for as long as possible

the period before repayment. Debtors would not need to pay until a hearing had taken place because they would know that no cost penalty would result even if there was a hearing. The matter would be resisted right through until the end of the hearing. As a result these provisions would also have had the effect of dramatically increasing the number of cases coming before the court.

The Opposition has agreed with the government and the National Party that the government will move amendments in another place to remove these provisions from the Bill. I have no doubt that the many letters and submissions which the Attorney-General has received and which many members of this House will have received, of which I have been sent copies, have caused the government to rethink this proposal. It was an attempt to implement the dogma of the left and was unrelated to commonsense. Any knowledge at all of the court system would have disclosed the difficulties which have now received so much publicity. Nevertheless, I doubt that commonsense would have prevailed over left-wing dogma but for the position adopted by the Liberal and National parties. However, a conversion to commonsense is to be commended, however late it occurs and however reluctantly it is taken, and we are pleased to now welcome the Attorney-General to our common cause of preserving the right of all citizens to legal representation. In the light of some earlier debate in this Chamber, I might say that an earlier conversion like an early plea of guilty might have brought higher praise, not just from the Opposition but from the community at large.

Another matter of concern to the Opposition was that the government had taken the view that it would promote efficiency in Magistrates Courts, as referred to in paragraph (*c*) of clause 1, by taking away many of the functions of justices of the peace. The government's proposal is that in future justices of the peace will limit their activities to witnessing documents. I must say that the Attorney-General has indicated that justices of the peace will be encouraged to qualify as bail justices. If they do so, they will also be able to undertake the functions of that office. However, the Opposition considers that the experience of justices, who have provided dedicated service to the State at no real cost to the State, should not be lost. The Opposition will be proposing amendments in another place directed at preserving a number of the functions traditionally carried out by justices of the peace.

The Opposition also foreshadowed a number of other amendments during the second-reading debate to remove certain offences from the list of offences which can be heard summarily. This list is contained in Schedule 4 of the Bill and agreement has also been reached with the government in respect of some of these offences. Amendments will be proposed by the government in another place to remove certain of these offences from the list in the schedule.

The Opposition originally proposed that additional offences be removed from this list. I refer particularly to robbery where force is used and to the offence of aggravated burglary, which is an offence under section 77 of the Crimes Act. Aggravated burglary is burglary where a person is armed with a firearm, an imitation firearm, an explosive, imitation explosive or some other implement which has been specially manufactured or adapted to cause harm to people. For instance, it would not include something like a shoe which is manufactured for people to wear.

The Opposition expresses concern that these offences have been included in the list of offences which may be heard summarily and thus attract a maximum sentence of only two years imprisonment whereas, if heard on indictment, they would attract a maximum sentence of twenty years imprisonment.

The Opposition also proposed to move a number of other amendments to the Magistrates' Court Bill. These included: firstly, provisions which would permit either House of Parliament to disallow the Magistrates Court Procedure Rules and also

regulations made under the Bill—these regulations will now include regulations as to costs in arbitration; secondly, the removal of a provision that fees need not be related to the cost of the service; thirdly, removal of the power to appoint acting magistrates except in the case of retired magistrates; and, fourthly, provisions authorising the court to award costs in arbitrations. There were also a number of minor amendments, which I do not believe it is necessary to detail at this stage.

I am extremely pleased that the Attorney-General has agreed to all of those amendments and that the government intends to move them in another place, where the Opposition will be pleased to support them. Although I am sorry that the Attorney-General has not seen his way clear to supporting the proposed amendments regarding the justices of the peace, I thank him for being prepared to support virtually all of the considerable number of amendments that were proposed to him by the Opposition. I believe there were some 70 amendments, and the government will move all of them except those applying to justices of the peace. I thank the Attorney-General for reaching this very sensible conclusion.

Mr ROSS-EDWARDS (Shepparton)—The National Party will support the Bill, on the undertaking by the Attorney-General that certain amendments will be introduced in another place. Representatives of the three parties have spent a tremendous amount of time over the past two months or so discussing the Bill. It is a very necessary measure, and I commend the Attorney-General for introducing it. There were many matters on which the parties disagreed but I have tried very hard to keep the Bill intact yet, at the same time, to procure some amendments that I thought were very necessary.

A tremendous amount of correspondence has been received by all members of Parliament, particularly those who are handling the Bill on behalf of their parties. Some of the correspondence has been orchestrated, but there has also been some from people showing genuine concern.

Perhaps if there is one criticism of the government—actually, there are a few criticisms—it is that the government probably has tried to put too much into one Bill and, in doing so, it has brought the whole Bill under fire. The government would probably have achieved more if it had tried to do less in one measure.

I suppose the major change is the right to legal representation, which will remain in the arbitration divisions of the Magistrates Court. One of the great mistakes that has been made up until now is that no proper procedures have been set out in the arbitration areas of the Magistrates Courts. An assurance has now been given that, through cooperation between the Law Institute of Victoria and the Attorney-General's Department, that problem will be addressed and there will be a consistency of procedures. I am sure that will work better.

In fact, the arbitration has been welcomed by the legal profession, and it is quite a major change in principle. Therefore, we will now have both motor car accident claims—which are known as "smash and bash" claims—and ordinary claims amounting to $5000 or less going to arbitration.

The Attorney-General was keen to do away with legal representation, particularly in motor car accident cases, but he has now agreed, under duress, to forgo that wish. I have said to the Attorney-General before that, if he continued to have discussions certainly with the National Party and with the legal profession, I would not rule out the possibility that in certain defined fields and instances it may not be necessary to have legal representation.

The profession is very nervous about it because it believes this is the thin end of the wedge. However, having examined the Bill in depth, I believe the time has come to talk about it because motor car accidents are a major part of the litigation that occurs

in the Magistrates Courts. We are all anxious to reduce the cost to the ordinary citizen because it can be a devastating experience for someone on a limited income to finish up in court.

One of the side benefits of the Bill is that, in discussions between the Attorney-General, the Law Institute of Victoria and me, agreement has been reached that caps will be put on costs now; although that will not appear in the Bill, it is a big step forward, and I commend the Attorney-General for the way in which he has handled that.

The National Party has been concerned for some time about the downgrading of the status of justices of the peace by this government. When it came to office, the government was hell-bent on getting rid of justices because they did not fit into the scene of the Australian Labor Party. The effect has been that virtually no justices of the peace have been appointed over the past three, four or five years.

Mr Cole interjected.

Mr ROSS-EDWARDS—I agree with the honourable member for Melbourne that it is outrageous. The Attorney-General has given an undertaking, which I am quite confident will be honoured, that additional justices will be appointed in the immediate future and he is keen that there will be justices in major workplaces so that the people there will benefit. That was not acknowledged in days gone by, but there will now be new justices, and there will be justices in the workplaces.

The Attorney-General has undertaken that he will do everything possible to ensure that a present justice of the peace or a future appointment will have the opportunity of becoming a bail justice and that there will be a crash course at the Leo Cussen Institute—it will be interesting to note whether the institute is able to adjust itself to crash courses—to qualify present justices or future justices to become bail justices.

The Attorney-General has also agreed to investigate the possibility of having courses in provincial centres around Victoria to determine whether the courses can be taken to the people rather than the people having to come to Melbourne, because the justices carry out their responsibilities in a voluntary capacity. I am keen to ensure that the bail justices courses should be made available in different areas of the State.

It is a tragedy that in years gone by an official course was not made available in the justices of the peace system. That is history now, but there should have been a course for people who wished to be appointed as justices of the peace. It should have been compulsory for people to undertake a course of study prior to their appointment. The course could have been brief and very basic. I know efforts were made at some time to instruct new justices, and in some areas that was well done. However, I can think of some outstanding examples of where there was a definite lack of tuition.

The National Party has always agreed that justices of the peace should not have to retire at 65. The retirement age will no longer be 65 years but will be extended to 72 years. Perhaps that would be of no concern to the younger members of Parliament, but as one gets older one realises the contribution being made by people over the age of 65 years. As a practising solicitor over the years, I have found that it is people in their 50s and 60s who, generally speaking, can make themselves more available than the younger ones who are more actively engaged in pursuing their professions or occupations.

Under the provisions of the Bill no longer will there be acting magistrates; the Law Institute of Victoria was keen for that provision to be removed, although I have mixed feelings about it because I do not think retaining the provision would have been harmful. There have been acting County Court and Supreme Court judges, but no

longer will there be acting magistrates unless a person has previously been a magistrate and is under the age of 65 years. I accept that.

There has been a tightening of the provisions as to who can witness documents; the additional provisions in the Bill are of no great moment.

I thank the Attorney-General for his time and patience, and particularly thank his staff who have been most cooperative and courteous in my dealings with them. I have always found senior public servants to be helpful in my dealings on proposed legislation, and in this instance the specialist people have been particularly helpful.

I also thank the Law Institute of Victoria. I know I paid the institute a similar compliment yesterday with respect to another Bill; I am not conducting a "Be nice to the Law Institute" week! Its members can be accused of self-interest from time to time, but they put the interests of Victoria ahead of their personal interests. Time means nothing to them; if one needs them to be here at 8 a.m. or at midnight, they turn up. That could be an example to members of many other professional organisations who do not show the same interest or desire to take part in the preparation of amending legislation.

Although the Committee has had an hour in which to deal with the Bill, I think it is important that once each honourable member has said his piece further business be handled, because the Bill will be discussed in detail in another place.

I trust the Bill will be passed in this sessional period. I ask the Minister to use his best endeavours to have it proclaimed; I understand that will take about nine months in the normal course of events, but I hope by March next year the Bill will be in operation.

Mr COLE (Melbourne)—I rise to speak particularly to the main purposes of the Bill. I pay a compliment to the honourable member for Shepparton on his contribution to the debate; his speech was erudite and addressed some of the fundamental issues that the government and the community have to address in relation to the Magistrates' Court Act.

While perhaps supporting left-wing dogma on the odd occasion, I have had considerable experience in this field because of my eight years in the Magistrates Court. I am not irresponsible in the manner in which I address the issue, and certainly I can speak with some authority—perhaps as much as those who have spoken and who will speak to the Bill.

I refer particularly to the proposal for arbitration provisions, which is an interesting concept. It was first drawn to the attention of the Attorney-General's Department and to my attention by two separate groups—the insurance company AAMI Ltd and the Federation of Community Legal Centres of Victoria—through a report entitled *Urgent repairs needed.* At that stage the proposal was not from AAMI Ltd but from the Federation of Community Legal Centres of Victoria and was to consider the subject of compulsory vehicle insurance for accidents. That was considered to be unacceptable because it would be seen as a further tax on the community. There is good argument for that.

It was mutually agreed by a number of community groups that what needed to be addressed included interlocutory procedures concerning commercial matters and motor vehicle accident disputes. The government was able to examine the model and read the reports of the debate which led to the establishment of the Small Claims Tribunal in 1983. The Bill emanates from the concept of what is a small claim. In fact, is one in small claims denying justice and the right to be heard if there is a high level of costs attached to the small claims? For all that it has done, the Small Claims Tribunal

certainly has achieved the object of affording access to people who would not have otherwise had that access.

That was the intention of the arbitration provisions and the quite honest and clear purpose of the Bill regarding arbitration provisions. It came not from a dogmatic left-wing position, as the shadow Attorney-General suggested, but from the insurance companies. That was because the government was assessing exactly what a small claim is. The Law Institute of Victoria and the Victorian Bar Council were involved. There was a degree of self-interest, which is understandable because that is their base of support, but concerns were being expressed.

Many solicitors believe there is a strong case for a reduction in costs in motor vehicle accident cases; there is no dispute about that. It is a question of whether people should be represented. The government's view was that arbitration was something that had to be introduced to expand what was provided under the Act, and that a review had been carried out during the past two years. It appeared that the problem with arbitration was that lawyers continued to appear and that the magistrates would not come to the party, as it were, and involve themselves in arbitration.

Therefore, it was considered that the magistrates should be forced to involve themselves in arbitration. I have no problem with the concept of magistrates acting in a quasi-inquisitorial fashion, asking questions of witnesses and not having legal representatives in matters classified as small claims.

Also I am a great believer in people having legal representation in all criminal matters. That is why I have fought so hard for so long for adequate legal aid provisions. The government has always been at pains to draw a distinction between claims of a high and sophisticated level, such as some of the larger commercial disputes, and criminal matters. There is no doubt that we would never want to be rid of criminal lawyers nor would we want to introduce an inquisitorial system at that level.

At the moment there is debate in the community about some superior court judges being a little too inquisitorial in handling trials; that is a cause for concern. The concept is a good one and it had broad community support, even from the Law Institute of Victoria and the Victorian Bar Council, although the support of the Bar Council was somewhat reluctant; I think its members would have preferred the system to remain as it is.

The position that has had to be put is that the arbitration provisions will remain and a cap will be placed on the level of costs. That is a desirable outcome. Much of the interlocutory procedures, many of which in relation to motor vehicle accidents are redundant in any event, will be rendered redundant under the arbitration provisions in the Bill. There will be a reduction in the pre-hearing proceedings, and thereby a reduction in costs.

The consumer has done well as a result of the provisions in the Bill. The Law Institute of Victoria has been cooperative in stating that there should be a cap and that the interlocutory procedures had to be removed. My concern is that the average solicitor—and particularly a country solicitor—who feels a need to brief barristers will not be able to cover his costs in the preparation of cases. I know that with country solicitors it does not happen, but in the city it happens frequently. Solicitors will be forced to go to court to represent people who might otherwise have been represented by barristers. Representation will add another burden to the workload of solicitors and will force up their costing levels.

I support the provisions of the Bill as they represent a considerable achievement. However, the Bill must be reviewed, particularly in respect of motor vehicle accidents.

In twelve months or two years time Parliament might take the more adventurous decision and not have legal representation in those cases at all.

I refer to justices of the peace and take up the point made by the honourable member for Shepparton. The Bill is the culmination of the professionalisation—if you like—of the Magistrates Court. I draw a contrast between Magistrates Courts in Australia and those in England. In the British system, justices of the peace do not sit alone but with one or two colleagues. They hear appeals in what is the equivalent of our County Court and have clerks of court, who are fully qualified lawyers, who can give them legal advice and make factual decisions. If Australia had gone down a similar path 100 or 50 years ago, honourable members would probably not be debating the role of justices of the peace, but we went down a different path. The decision was made at a time that precedes my time in Parliament and the time of most honourable members here. Something may have been able to be done about it in the 1950s, but, as I said, it cannot be achieved now.

Magistrates Courts will be presided over not only by stipendiary magistrates but also by people who have qualifications as barristers and solicitors. Justices of the peace used to issue search warrants, but they cannot do that as a voluntary task because they need some training for it. The work of issuing search warrants will go to a more professional level and I support that process.

There is a marked difference between the systems governing justices of the peace in Australia and England. I do not mean to be contentious in my speech, but as an aside I refer to the mention of the date of the establishment of the system of justices of the peace. There has been some dispute about whether it was established in 1240 or circa 1350. Whether it was in the thirteenth or fourteenth century I do not know because I have not bothered to find out, but I would say this: the period from the thirteenth century to the nineteenth century hardly represent the halcyon days of the British justice system. I do not know that looking to those days and indicating that that is what we want to model our society on is a good thing.

I accept that constitutional and judicial development in Britain has reached a high level. I was there two years ago and looked at the justice system. I believed it was a good system with much merit to it. However, Australians are in a different position and in the system of justices of the peace we have gone down a different path. It is high time the provisions relating to justices of the peace were enshrined in legislation.

I remember appearing many years ago in the Moonee Ponds Magistrates Court in the infamous second division. Three justices of the peace were involved and they were unqualified as lawyers, as was the clerk of courts. A young person, who was unrepresented, appeared against a police prosecutor. In the midst of the debate on arbitration, I thought that that system was unjust. Under the old system such a situation arose regularly, with people appearing in court, unrepresented, before untrained justices of the peace. While the justices of the peace could solve some problems relating to injustices, I do not know that that was a just situation. I am cynical about the arguments put by some people against the requirement for legal qualifications. Not one of those who argued against that qualification is here now.

The administration of justice in this State is obviously an important and difficult issue. The Bill goes a considerable way towards addressing the problems associated with the administration of justice in Magistrates Courts.

The schedule that provides special rules for certain offences was introduced in 1977 by the then Liberal government. It prescribes which persons should be allowed to be present when evidence is being given by people charged with sexual offences, and refers particularly to the victims of those crimes. Parliament is moving in the right

direction on the matter of handling evidence given by victims of sexual crimes by retaining the schedule. The area is difficult and has led to considerable problems with securing prosecutions and encouraging rape victims and victims of general sexual offences to go to the police station and report the crime because of the fear of what might be endured on going to court. The Bill addresses an important aspect of these difficulties.

Honourable members are aware of the outrageous things that happen at committal hearings. While there are differences between the parties on their attitudes to some matters, the retention of the schedule highlights the similarity in thought and belief as to what the justice system should be doing and how to best achieve a just solution. In respect of the Magistrates Court, all parties are in agreement, save perhaps for the arbitration provisions, as to what is a fair and efficient system.

Mr CLARK (Balwyn)—It is a matter of deep regret that the government has managed its business so poorly and scheduled so few sitting days that the Bill has to be dealt with in such a limited time.

A great deal of work has been done on the Bill by the Attorney-General and by the honourable member for Melbourne, as evidenced by his reasoned contribution to the debate. Work has been done, too, by legal practitioners, officers of the Attorney-General's Department and others. It is a pity that that work has been prejudiced and the purposes of the Bill are being detracted from. The Bill is supposed to be a working document for practitioners to use for many years to come. There are a number of practical defects in it that will detract from the quality of the finished product. It is pleasing that the controversial and substantive issues have been resolved but there are many details that could have been better attended to.

I indicated in my contribution to the second-reading debate that many clauses need attention. Attention is necessary to correct errors, to improve the drafting, and to consider non-controversial matters of substance. I refer in particular to clauses 3, 11, 12, 16, 18, 19, 20, 21, 26, 28, 32, 36, 37, 39, 40, 41, 43, 45, 47, 48, 56, 57, 61, 66, 72, 74, 78, 87, 92, 99, 101, 102, 103, 104, 105, 111, 121, 128, 132, 134, 135, 138, 143, 144, and 146 and schedules 2, 3, and 5. When the government brings the Bill back to the House to amend all those clauses, I shall take great pleasure in telling it that I told it so, but that is little comfort to the practitioners who will have to live with some of the mistakes that have been made in those clauses. When the government next feels minded to criticise practitioners for their level of costs, I hope it will bear in mind that they have been exacerbated by some of the details of the Bill which have not been attended to.

I shall devote the rest of the time rationed to me to refer to some of the particular clauses. First, I ask the Attorney-General to consider whether clause 146 has the consequence that the Bill should be passed by an absolute majority in both Houses, having regard to the constitutional problems at present being encountered in relation to the Supreme Court's jurisdiction.

It appears that the definition of prescribed offences in clause 99 is different from the definition in the corresponding schedule. That may mean that offences need to be prescribed by regulation rather than being picked up by Acts or codes, as the schedule provides.

Clause 144, on my reading of it, does not permit a magistrate to witness statutory declarations, even though both judges and registrars can deal with them. Reference is made also to prescribed officers, but I cannot find any such power to so prescribe.

Clause 2, the definitions clause, makes provision for two proper venues; by contrast, in Schedule 2 Item 1, the Bill contemplates only one proper venue. That contradiction should be resolved.

As to clause 12, there should be no set retiring age of 65 years for magistrates. I do not believe the government should throw people on the scrap heap at that age; the private sector may do what it likes. Retirement should be a right and not a duty, so I express my regret at the inclusion of that provision.

It would be desirable to insert in clause 16 a provision empowering magistrates to make rules relating to costs, because at present that is picked up only by cross-reference. The Law Institute of Victoria considers rules should not be made that discriminate as between venues, and I agree with that.

Clause 18 fails to make provision for the authentication of documents when the person who constitutes a court is not available. By contrast, I refer to the provisions contained in clause 20 (3). I also point out in relation to clause 18 that it is undesirable for a registrar to certify a document that is "in his or her opinion" a true extract of a document. The certification should be set down in more definite terms.

Clause 21 of the Bill empowers a registrar to issue any process, but clause 57 provides that only a magistrate can issue search warrants. That inconsistency must be resolved. I am concerned that clause 28 confers power to issue a warrant for arrest in respect of all offences. Some of the subsequent clauses in the Bill, especially clause 37 and the following clauses, contemplate that a defendant will not have to attend a court for the hearing of all offences; yet a warrant can be issued for his arrest if he does not attend. Subclause (5) should require a magistrate to be satisfied of the matters that a registrar must now be satisfied of, because a magistrate can issue warrants for arrest under clause 57.

Clause 32 provides that a defendant will be entitled to receive from the informant reasonable particulars of a charge. I am not sure what reasonable particulars need to be provided other than those set out in the charge sheet.

Clause 36 provides for the service by post of summonses that relate to prescribed offences. I wonder whether the offences that could be prescribed should be limited to summary offences. I urge the Attorney-General to ensure that the regulations prescribe a sound system of ascertaining addresses to ensure service; otherwise grave injustices could result.

As to clause 37 (2), it is not correct to refer to the person attesting as having a "belief" that making a false statement is liable to the penalties of perjury. The subclause should refer to "knowledge", as does the present law. Subclause (8) makes references to paragraph (*b*) of subclause (1), which I suspect is the wrong paragraph; I wonder whether paragraph (*c*) should be referred to, and other wording changed accordingly. Paragraph (*b*) of subclause (8) seems strange, because it requires that the person who signs the statement certifies that it is identical to the copy served on the defendant; I do not see how the person who signs the statement could do so. Either the informant or his or her agent should be the person who certifies that the copy is a true copy.

The Law Institute of Victoria argues that clause 40 should apply to all offences, and I agree with that. The words "which has been served in accordance with this Act" should be inserted after the words "summary offence" in clause 41 (2). Those words are contained in subclause (1).

The Law Institute further argues that the court should not have a discretion to issue summonses, if the parties to a dispute want them issued. Subject to the court's discretion in fixing a date, I agree with that. Clause 47 (4) contemplates that a defendant

may be unrepresented, whereas subclause (1) states that subclause (4) will apply only if the defendant is represented. That seems anomalous and the Minister should resolve it.

Clause 48 relates to proceedings against corporations. The Law Institute argues that, where corporations and natural persons are charged jointly with indictable offences, they should be able to elect separately whether the matters are tried summarily or not. Clause 48 (3) (*d*) contains no reference to the level of fine to be imposed on a corporation, and that should be attended to. In that clause and in clause 97 reference is made to "corporations". However, clause 98 refers to "bodies corporate". I suggest to the Minister that that wording be made consistent.

Clause 56 (3) refers to elections being made at any time after the service on the defendant of a hand-up brief. It seems to me that a hand-up brief will not be served in all instances, and provision should be made for that.

Clause 61 relates to the issue of warrants to arrest. The Law Institute points out that subclause (6) provides that reasons for the issuing of a warrant must be included other than in the first instance. The institute believes those reasons should be provided in the first instance as well as subsequently. The Minister should explain that point.

My ration of time has expired; I shall continue my remarks if I am given the opportunity!

Mr E. R. SMITH (Glen Waverley)—As the honourable member for Melbourne said, attempts to increase the accessibility to the Magistrates Court for the general public and to make the proceedings before that court less costly, are welcome. The Law Institute of Victoria and other members of the legal profession have advanced arguments counter to those made by the honourable member regarding legal representation, and a compromise should be reached to simplify the procedures of the Magistrates Court.

People now have the opportunity of appearing for themselves before the Magistrates Court to recover money that is owing to them, but many people are intimidated by the way in which the current system operates. Recently I had to attend the Administrative Appeals Tribunal for the first time and I was somewhat intimidated by the tribunal's procedures. The honourable member for Melbourne could assist the Attorney-General by suggesting ways in which court procedures could be explained to potential litigants. If such measures were taken, people would be able to take their cases to the Magistrates Court and present them more ably.

One reason the Opposition is opposed to some provisions in the Bill is that, as the honourable member for Kew rightly said, when small business people appear before the Magistrates Court to recover amounts of money up to $5000, they will have to take a day off work if they are to appear in person.

As she also pointed out, often when a person goes to court to recover money the person owing the money does not dispute the matter and is simply holding off as long as possible from paying the money. When such a case eventually gets to court, court costs arise and they are the real penalty.

If a person appearing before court must, for various reasons, have legal representation, so be it; that is the way the system currently works. There is room for compromise, and it is obvious from the contribution by the honourable member for Melbourne that he is concerned about this matter. He may be able to help in improving the system so that people who have to appear before the court are assisted by court officials being made available or by the use of clearer documentation.

Turning to another part of the Bill, I have been a justice of the peace for New South Wales for more than twenty years and support the retention of justices of the peace. During my term, in Vietnam and Singapore I undertook many duties as a justice of the peace to help soldiers and civilians. Justices of the peace can sign general documents in any part of Australia and the British Commonwealth. In the case of specific legal documents, so long as a justice of the peace includes after his signature the State from which he operates, that is normally acceptable.

I take up the point of the honourable member for Shepparton, who referred to the benefits of justices of the peace undertaking courses. The group representing justices of the peace in Victoria currently conducts such courses. Being a justice of the peace does entail not only the witnessing of documents but also the authorisation of police warrants. Justices of the peace should be allowed to continue their present role. I applaud the work of the Attorney-General in taking on board that point and allowing the current role of justices of the peace to continue. I shall conclude my remarks on that point because time is limited.

Mr DICKINSON (South Barwon)—I know many submissions have been made, and I shall refer to a submission from the Institute of Mercantile Agents Ltd. I am sure the Attorney-General has considered the submission, which is dated 12 April. It emphasises that the government should be aware of the dangers involved in making litigation too readily available, thus provoking abuse by creditors. The institute believes cost is currently a real deterrent to a creditor and if eliminated or drastically reduced may result in creditors litigating prematurely.

Under present civil debt legislation, 93 per cent of default summonses issued are undefended, 4·5 per cent of defended matters are settled prior to the hearing date, 2·5 per cent of defended matters go to hearing and 50 per cent of defended matters involve more than $5000.

The government has endeavoured to address many issues to free up the courts. However, there is concern within the legal profession, and I refer the Minister to a submission from the Victorian Bar Council dated 7 April. The concern of the legal profession is that if one tampers with the right of the subject to be defended and seek wise counsel, it could have a detrimental effect. Too often when a cheap remedy is sought, such as arbitration and so on, the interests of individuals may be prejudiced. Members of Parliament must be mindful of that when dealing with proposed legislation.

The time allowed for debate on the Bills is limited, but I hope the Minister will read the submissions he has received. In particular, I refer to a letter from Mr C. M. Jessup, who wrote to the *Australian* on 6 April. He highlighted the fact that to deter professional representation in the courts is a retrograde step and something the community will not tolerate.

I thank the Minister for considering the submissions. I have no doubt that when the Bills are between here and another place amendments that will be made will achieve many of the things the community and the legal profession require.

Mr McCUTCHEON (Attorney-General)—I wish to say a number of things in a limited time. I thank honourable members for their contributions; good statements were made about the Magistrates' Court Bill. There has been a recognition that the Bill is important to the future of the Magistrates Court. While there have been differences of opinion on some of the provisions associated with the Bill, in general there is strong support for it. I thank the honourable member for Shepparton for allowing the door to remain open to consider the sorts of moves the government has in mind. During negotiations with him it was clear he saw the merit of some of these measures but believed the climate was not right. He suggested that I was perhaps

trying to go too far too soon. The honourable member has offered that, over a period, it may be possible to monitor the way arbitration proceedings are used in the Magistrates Court and for further discussion to take place with the legal profession and those involved.

The honourable member for Glen Waverley made the point that as a result of simplification of the procedures, many people may choose to represent themselves and there is every likelihood that, over a period, the arbitration procedures will be better established in the Magistrates Court. The business of simplifying procedures is a matter of the forms and rules of the court. I know magistrates have already drafted rules intended to improve the hearing of arbitrations. The Attorney-General's Department is also keen to continue to produce forms and information that will explain arbitration procedures to people who want to know what to do when they appear in the court.

The honourable member for Kew raised a question which has been part of the public discussion and which concerns some of the doubts people have about the workability of proposals contained in the Magistrates' Court Bill. In South Australia and Tasmania, where similar provisions exist, the fears about how they would work have been found to be groundless in practice.

The question of preserving the right of all citizens to legal representation must, in the government's view, be balanced with the fact that some people currently choose not to go to court because of the fear of incurring costs that would cripple them financially. I have not heard members of the Opposition refer to that, and I thank the honourable member for Shepparton for acknowledging that point. The system exists to provide justice and to make justice available. If a cost constraint leads people to choose not to go to court for fear of incurring expenses if they lose, that is a serious infringement on access to justice in our society.

The ACTING CHAIRMAN (Mr Delzoppo)—Order! The time allotted for this Bill has expired.

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

MAGISTRATES' COURT (CONSEQUENTIAL AMENDMENTS) BILL

The clauses were agreed to, as was the schedule.

MAGISTRATES' COURT BILL AND MAGISTRATES' COURT (CONSEQUENTIAL AMENDMENTS) BILL

The Bills were reported to the House without amendment, and passed through their remaining stages.

PUBLIC SERVICE (AMENDMENT) BILL

The debate (adjourned from May 11) on the motion of Mr Cain (Premier) for the second reading of this Bill was resumed.

Mr KENNETT (Burwood)—This is a small Bill but it seeks, if properly applied, to provide tighter controls over officers of the Public Service in performing their duties. In particular, it gives a chief administrator the power to direct an officer to perform his or her duties temporarily or to take leave of absence with pay, pending investigation and formulation of a possible charge.

Those who have worked in the Public Service know that, as in any other business, there is the occasional occurrence when the performance of an individual is not up to scratch through one of many reasons. This Bill is put together to ensure that the chief administrator, the chief executive, has the powers, if they are not already there, to ensure that he can in the public interest basically transfer a person from his or her existing duties to other duties or instruct that person to take leave of absence.

I have spoken to the Victorian Public Service Association and have been informed that the Bill before the House is not the original measure. Changes have been made to meet the association's demands and, although the association is concerned about certain conditions, it generally supports the Bill.

The one concern I have and I mention it only as an option—it will not be implemented—is that over many years we have seen a real politicisation of the Public Service in Victoria. It would be of concern if a chief administrator were ever to use the powers vested in this Act to move against an individual who, for one reason or another, exercised a different political view from that of the chief administrator. If this Bill is implemented in the spirit in which it is intended no-one should have anything to fear. In fact, it puts another constraint and protection on the administration of this State in the public interest.

To that end the Opposition supports the Bill, with one concern as to how it may be used. There is no reason why, if properly put into place, it cannot lead to an even better Public Service in Victoria.

Mr ROSS-EDWARDS (Shepparton)—The National Party supports the Public Service (Amendment) Bill. There is just one point I should like to make and I have already made clear to the Premier what I have in mind. I hope he will have a couple of minutes to answer it. This proposed legislation applies to the Public Service as such. In my view there is a great need to have it applied to government instrumentalities and other organisations that the government owns financially because honourable members saw with the Victorian Economic Development Corporation, for example, that to have the power to stand down people and put them into another job is very necessary because if a moment of crisis arises one is then not accusing someone of dishonesty or malpractice.

On the other hand, every now and again in every organisation one wants to be able to look at what is happening and to remove a person from the job he or she is doing. I appreciate the short time available now but the Premier could perhaps give his views on that matter. It is something to be thought about for the future.

Dr NAPTHINE (Portland)—I shall speak briefly because there are only a couple of small issues that need to be raised in respect of this Bill. As a former public servant and member of the Victorian Public Service Association, I believe it is important for me to raise them. The first is the vagueness of certain aspects of the Bill, particularly clause 3 (1AB) which says:

> The chief administrator must decide within a reasonable time . . .

The term "a reasonable time" needs to be better defined. I make the suggestion that "30 days" be inserted or a specific time in which action should be taken. The words "a reasonable time" are too open to misinterpretation.

Also I understand that the Public Service Board remains the employer of Public Service officers and the chief administrator acts only as an agent in relation to matters of employment. I suggest that the Public Service Board should have a role in this situation whereby an officer who is affected by suspension or such stand-down should have the right to ask the Public Service Board to examine the issue and ensure that the chief administrator is acting in a proper manner in carrying out the suspension.

Mr CAIN (Premier)—I thank honourable members for their contributions. I shall respond to a couple of the points that were made. The honourable member for Portland raised the matter of reasonable time. We want some flexibility on the time and the word "reasonable" is used. The guidelines of the Public Service Board will lay down that 21 days will be deemed to be that reasonable period, unless it is demonstrated that there are in the circumstances some good reasons for a longer period. It will, in fact, be less than the honourable member for Portland suggested.

The point raised by the honourable member for Shepparton was well made. It would be a good thing to look at the extent to which a similar provision should apply in areas outside the Public Service and in the public sector generally.

On the issue raised by the honourable member for Burwood, I should like to say that the assertion about politicisation of the Public Service is frequently made and I do not believe it is well founded. Adequate safeguards exist to ensure that this does not occur. There are appeal provisions for promotion—other than for the chief administrator, for office holders or prescribed officers—through the Promotion Appeals Board and the Public Service Board; and both these independent boards—and they are truly independent in my view—have a form of employee representation. There is an elected member on the Public Service Board, and a nominee of the relevant staff association on the Promotion Appeals Board. The advice I have from both those bodies is that in the appeals process they have never had the question of political favouritism raised by any officer.

The Public Service Board also scrutinises external appointments. The honourable member for Burwood smiles. That is the advice I have and I accept it. The honourable member for Kew has often made this assertion about the Public Service. I am not sure whether the honourable member for Portland has done so. It has never been sheeted home by any particularity. If the honourable member for Burwood has it, I want to know about it and the Public Service Board wants to know, too. Independence and the removal of nepotism, favouritism and all those things from the Public Service are vital under any government. I wish to do everything I can to ensure that that independence of the Public Service is maintained.

A survey done some years ago of staff associations about the perception that members had as to discrimination on the grounds of political affiliation produced some interesting information. Some 6·5 per cent saw discrimination occurring to a minor degree. In June 1986 a selective survey of a sample of officers across the service revealed that 2 per cent thought it would occur with respect to job applications and none thought it would occur with respect to members of a selection panel. A very small proportion of people have that view. If it is the belief of any honourable members, based on sound hard data, I want to know about it. I thank honourable members for their support.

The motion was agreed to.

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

The sitting was suspended at 1.1 *p.m. until* 2.2 *p.m.*

WHEAT MARKETING BILL

The Order of the Day for the resumption of the debate on the motion for the second reading of this Bill was read.

Mr ROPER (Minister for Planning and Environment)—I declare that this Bill is an urgent Bill, and I move:

That this Bill be considered an urgent Bill.

Approval of the motion being put was indicated by the required number of members rising in their places, as specified in Standing Order No. 105 (*a*).

The motion was agreed to.

Mr ROPER (Minister for Planning and Environment)—I move:

That the time allotted in connection with the Bill be as follows:

For the remaining stages of the Bill until 3.30 p.m. this day.

Mr W. D. McGRATH (Lowan)—On the question of time, this is probably one of the most major pieces of proposed legislation to be introduced because it affects the lives not only of many grain growers but also of many people associated with the industry.

Wheat is a valuable export industry and it is totally wrong for the Minister to allow only one and a half hours for debate on this important Bill during the sessional period. Once again honourable members see a Labor government that has no respect for primary industry. This was the case yesterday when the government dealt with the Egg Industry Bill. It is totally wrong to allow such a short period to debate a Bill about Victoria's wheat industry, an industry that is vital to all Victorians.

Mr AUSTIN (Ripon)—I shall not waste much time, but I support the comments of the Deputy Leader of the National Party. The same comments apply to two other Bills—the Egg Industry Bill and the Dairy Industry (Amendment) Bill—which are necessary for the people of country Victoria and primary industry. Three important agricultural Bills have been rushed through in the dying days of the sessional period.

This does not allow for proper discussion, amendments or debate with the industry while proposed legislation passes between this place and the other place. On behalf of the Liberal Party, I express concern at the government's action.

The motion was agreed to.

The debate (adjourned from May 11) on the motion of Mr Rowe (Minister for Agriculture and Rural Affairs) for the second reading of this Bill was resumed.

Mr AUSTIN (Ripon)—This is a small but important Bill which makes substantial changes to the wheat industry and its operation. I thank the Minister for making his departmental staff available to my party to discuss not just this Bill but also the other agricultural Bills that were before the House during the last couple of days. Those officers have been extremely cooperative and I should like the Minister to pass on our appreciation to them.

The wheat industry is important to the Victorian economy. In 1987–88 it was worth some $300 million. On average, the total amount of wheat harvested in the State of Victoria would be about 2 million tonnes. That could be lifted in the years ahead and that would mean the average value of the crop for Victoria would be somewhere in the order of $400 million.

On the national front, with a crop of about 14 million tonnes, the value is in the order of $3000 million. The limelight at present is not so much on the economic significance of the wheat industry as on the Federal government's determination to free up the domestic operations of the Australian Wheat Board.

Various interest groups—such as the grains division of the Victorian Farmers Federation, the Grains Council of Australia, and probably 90 to 95 per cent of growers in this State—have been concerned about those changes. Traditionally wheat growers and farmers generally do not like governments constantly trying to interfere with their industry and charge structures that have been working well.

I suggest that one of the areas where the industry would like to see the government and the Minister interfere and make some changes would be in the handling, transportation and storage of grain which, I have always believed, is an absolute disgrace when charges in those areas cost grain growers about one-third of their crop. In other words, one wheat crop in every three goes to pay for those charges alone. I have considerable sympathy for growers who have to meet those charges and who are, in addition, forced to meet 100 per cent of the cost of transportation of their product.

The growers, the Liberal Party and the industry would not mind if everybody who uses the rail system had to pay 100 per cent of the cost of the service that is provided. However, when I have asked this question many times of the Treasurer in this House—he is laughing about it—he and the other Ministers on the government side say, "Melbourne commuters can pay only 40 per cent because if we put fares any higher they would not use the service". The government wants to be careful that grain growers do not come to the same conclusion and decide that they can no longer afford to use the service. It is important to analyse where that 100 per cent cost recovery lies. If it is above the wheels that is one thing, but if it includes capital cost as well, that is very much another.

Before the Australian Wheat Board came into operation wheat growers of this State had a rough time. I know that because I was one of them. I was a wheat grower immediately after the second world war. That was my only source of income. In those days there were no such things as chemicals for controlling weeds and the work was arduous. Farmers sowed their crop and watched it grow. If it did not suffer from frost or from being eaten by grubs it was harvested and put into bags. To help get a weight of 186 pounds into the bag one used a pick handle. The bag was sewn up by hand and was loaded into the farm truck and carted to the nearest railway siding. One then carried the 186-pound bag on one's shoulders and loaded it into a 22-ton rail truck.

In those days one would be lucky to get 4 shillings a bushel for the product. Farmers had no money to spend; they lived on the smell of an oily rag and were lucky to survive. Of course, many did not.

An honourable member interjected.

Mr AUSTIN—Yes, one also milked four cows morning and evening. With the advent of the Australian Wheat Board, growers had an assured market. They were confident that the grain quality was monitored and they knew they had a single seller in the marketplace who was able to negotiate price and win new markets. Whatever the criticisms might have been at that time and since, growers certainly supported the wheat board. They felt it gave them stability and allowed them to do what they were best at: looking after the growing side of their industry.

It has been argued that the Australian Wheat Board was a product of the great depression. Regardless of whether that was true, without doubt better prices followed from the setting up of the board. That may have occurred anyway. It should be understood that the board does not set the price; the price is determined by the world market. Of course, the world market price is determined by supply and demand.

The current situation in the Northern Hemisphere is that seasonal conditions are such that a drought has occurred in both Canada and the United States of America. That has caused a considerable lift in world prices. Australia produces very little wheat in comparison to the rest of the world. I do not know the figures but the Minister might supply them when he is summing up.

When I was Minister for Agriculture, Australia produced 2 per cent of the total world wheat. Approximately 14 per cent of all the wheat that left the State of origin went out of Australia. It would be interesting if the Minister could tell us what those figures are today.

The skill of the Australian Wheat Board in finding new markets, attracting the best price and obtaining the best deal should not be underestimated. I seek leave to incorporate in *Hansard* a table showing the Australian wheat prices and returns for the past fourteen years. These figures have been compiled by the Australian Bureau of Agriculture and Resource Economics.

Leave was granted, and the table was as follows:

AUSTRALIAN WHEAT PRICES AND RETURNS

Crop year	*Gross value of production*	*Unit value*	*Guaranteed minimum price* a	*Human consumption price* b	*Average export return* c
	$m	$/t	$/t	$/t	$/t
1975–76	1 249.2	104.26	76.55	99.32	110.13
1976–77	1 050.8	89.05	76.29	105.40	92.32
1977–78	934.2	99.70	80.94	111.16	103.22
1978–79	2 295.8	126.91	91.96	116.61	133.63
1979–80	2 478.0	153.08	114.71	130.78	161.97
1980–81	1 684.1	155.13	131.92	156.12	154.53
1981–82	2 559.4	156.44	141.55	187.20	157.65
1982–83	1 566.2	176.45	141.32	203.46	184.53
1983–84	3 605.6	163.77	150.00	219.41	170.56
1984–85	3 202.9	171.59	145.35	210.73	189.01
1985–86	2 719.4	168.21	149.87	213.89	179.97
1986–87	2 530.0	150.79	139.83	188.92	136.54
1987–88	2 035.0	163.56	144.29	193.46	156.70
1988–89	2 370.0	179.00	147.60	210.65	189.00

Mr AUSTIN—When honourable members study *Hansard* during the winter recess and read my speech they will see the considerable variations in the wheat prices and returns. It is interesting to note the 1986–87 figures because at that time there was a considerable world oversupply that caused the price of wheat to come down to $136 a tonne. As normally happens, the following year far less wheat was sown and the 1987–88 price went up by $21 to $156 a tonne.

One of the effects of that smaller wheat crop was that less money was provided for research; in fact, some $200 000 less. I have raised this matter with the Minister before and I hope he will take action to ensure that research programs do not suffer because of such reductions. It is estimated that for 1988–89 the price for wheat will be $189 a tonne. It is worth noting that the only year in the past ten years when underwriting has come into play was 1986–87 and it cost the government—and, therefore, the taxpayer—$220 million. For that reason, and probably many other reasons, an argument is raging in Canberra at the moment about the future level of underwriting.

Since the deregulation of the domestic wheat market began the industry has been very nervous about the effect on the wheat board. One of the main concerns is that firms such as Bunge's and Elders may buy large quantities of wheat in good faith thinking that they can unload it on the flour millers and the domestic market. They might find at the end of the season that they are landed with a large tonnage that they cannot dispose of. If that happens, one imagines they will make application to the government, the wheat board or whomever, to try to get into the export market. That is a concern held by the industry.

We have the current remarkable situation where the Federal coalition has, albeit reluctantly, agreed to the deregulation of the domestic wheat market but with the proviso that a number of amendments are agreed to by the government. I understand some of those amendments have been agreed to but a number are still outstanding. One amendment is underwriting at the level of 95 per cent as against the 80 per cent promulgated by the Federal government. That 95 per cent is based on an estimation of the price in the forthcoming year. I find that a strange situation because I believe it is the Federal Minister who makes the estimation. I suppose it gives him a deal of flexibility.

One of the other amendments being insisted upon by the coalition is that the Chairman of the Australian Wheat Board should be a grower. Another amendment is that five members should be growers. There are eleven members on the board. If those amendments were agreed to, there would be a grower majority on the board.

Another amendment being sought is that the Grains Council of Australia should control the fund, which is based on 2·5 per cent of growers income, from which it is hoped to build up a fund of $100 million to give the Australian Wheat Board the necessary finances to make it an equal player in the domestic market.

It is important that the Australian Wheat Board is able to trade in the domestic market on equal terms with private industry. The Federal Minister for Primary Industries and Energy, Mr Kerin, is carrying out a brinkmanship exercise in relation to the proposed Federal legislation and I am interested to see what happens with it.

Both the Grains Council of Australia and the Federal coalition are determined to push through specific amendments to the Federal legislation and that will put the States of Australia in a difficult position. Victoria is the only State whose Parliament is currently sitting. I assume the Minister for Agriculture and Rural Affairs will make a statement to the House to the effect that the Wheat Marketing Bill will be proclaimed only if the proposed Federal legislation proceeds.

I am sure the Minister has had discussions with his Federal counterpart, the Minister for Primary Industries and Energy, about the possibility that the Federal legislation may not be proceeded with. If that occurs, the powers of acquisition of the Australian Wheat Board will disappear after 1991. I ask the Minister to tell the House whether pool payments will continue after that period.

Mr Rowe interjected.

Mr AUSTIN—It is a known fact that after 1991 the Australian Wheat Board will not be able to trade in a normal manner. The wheat industry in this State wants the Minister to tell it what will happen. Will the Australian Wheat Board be able to borrow money offshore without the underwriting requirements? If the Federal legislation does not proceed or if it is defeated, will the powers of the Australian Wheat Board be extended for another year?

Mr Rowe interjected.

Mr AUSTIN—I imagine the Minister has the interests of the wheat growers at heart and that he is concerned to find out the answers to some of those questions. One of my main concerns is that the image and trading position of the Australian Wheat Board could be adversely affected in the eyes of people overseas. I understand the current situation is that the proposed Federal legislation is being debated in the House of Representatives, which is sitting for one more week, and the Senate will sit a further week. So the proposed Federal legislation is in the balance. What will happen with it?

It appears that the Federal government is just as disorganised with its legislation as is the State government, which appears to be quite unable to organise its legislation properly. The Federal Minister for Primary Industries and Energy has had the proposed legislation in train for approximately eighteen months but now needs the support of State governments so that enabling legislation can be passed. As I said before, every State Parliament other than the Victorian Parliament has already risen, so it is understandable that the industry and the Opposition are wondering what will happen after 1 July.

The New South Wales government will not cooperate and does not believe the Federal Minister should proceed with the proposed legislation. It believes he should extend the provisions of the current legislation as it affects the Australian Wheat Board for a further twelve months. I also note that in New South Wales the contract to transport wheat has been won by the rail system, despite competition from the road system, and that is a significant result.

Mr Rowe interjected.

Mr AUSTIN—That is right, but the interesting fact is that the rail system won the contract on tender. If the Federal legislation is passed, it will free up the transport of wheat and will mean that the Australian Wheat Board can transport wheat for export by road or rail while wheat required for the domestic market, transported by the board or by private enterprise, must be moved by rail.

Deregulation is an ongoing argument. The Liberal Party believes we ought to move grain by rail other than where a grower is within a certain radius of Geelong or Portland, but if the grower resides outside a given radius from those centres—perhaps 80 kilometres or 100 kilometres—the most efficient way to transport wheat is by rail. If rail is not able to compete efficiently with the road transport system, damage to country roads and difficulties for local councils will increase.

Deregulation should work on the principle that the Australian Wheat Board can negotiate a contract with the rail or road transport system and, if the railway system is efficient, that is the way wheat should be moved around the State. We hope that is what will occur in the future. The Opposition supports the Bill.

Mr W. D. McGRATH (Lowan)—I declare a pecuniary interest in the wheat industry in that I own a wheat farm in the Wimmera. It is often said about the Wimmera in Victoria and the Darling Downs in Queensland that they are the most secure wheat growing areas of Australia and have been responsible in many ways, along with the Victorian Mallee, for the wheat industry being in the good shape it is in at present.

I pay a special tribute on behalf of grain growers to people like Don McGauchie, a member of the Grains Council of Australia, Neil Simpson, Chairman of the Victorian Farmers Federation grains division, and Barry Bishop, a Victorian grain producer

who is on the Australian Wheat Board, for the work they have done in recent months on the Kerin plan.

There have been a number of meetings around Australia on the proposals of the Federal government for deregulating much of the wheat market. Other issues are of significance and will change the industry, which, of course, is the desire of the Federal government, because it wants to do away with the wheat grower majority representation on the Australian Wheat Board and to limit the amount of underwriting that the Federal government is responsible for.

The Federal Minister for Primary Industries and Energy and the State Minister for Agriculture and Rural Affairs do not want to see grain growers controlling their own industry. They want the industry to be controlled by someone else. History gives an insight into the formation of this industry. It is probably accidental, largely due to the war years, that wheat growers were freed from the bondage of grain merchants.

Mr Baker—James Scully did that.

Mr W. D. McGRATH—I shall refer to the former Federal Minister for Commerce and Agriculture. I am glad that the honourable member for Sunshine has read some history; if he had read something about the workers compensation system WorkCare would not be in the mess it is in today. It would be nice if the honourable member had given some support to H. V. McKay during the period when the Massey Ferguson company went through some financial difficulties with the downturn in the wheat industry, because that man played an important role in the wheat industry at that time. Perhaps if he had received support from other people that company would still be operating today.

During the second world war, or just prior to it, the then Federal government urged wheat growers to grow more wheat. The then Federal government promised it would pay 5 shillings a bushel to growers to produce more wheat. However, the then Federal Minister responsible for agriculture, Scully, as alluded to by the honourable member for Sunshine, abandoned that plan and did not pay the 5 shillings promised to grain growers. The grain growers were paid only 1 shilling and 8 pence. They were sold down the drain! Again a Labor government is in office in Canberra and is going through the process of selling the wheat industry down the drain as a result of proposed legislation now being debated in Canberra.

The National Party cannot oppose this Bill—although it would like to—because it deals with the Australian Wheat Board's capacity to trade intrastate. It is necessary for the legislative framework to be in place to allow a trader on the domestic market to trade intrastate.

It was not until 1939 that the wheat industry was able to acquire and market wheat and through the wheat board organise its own role and future. Since then the wheat board has had the confidence of 45 000 Australian wheat growers. Every year these growers are responsible for $2 billion of export earnings for this country. The growers are also responsible for providing jobs for people engaged in the handling and transportation of wheat as well as those involved on the manufacturing side. It is a significant industry in the overall economy of this State.

What will happen to the industry with the deregulation of the domestic market under the Federal Bill introduced by the Minister for Primary Industries and Energy? At present a permit system allows wheat to be traded from grower to grower, and from grower to miller or stock food producer. Legislation is not required to bring about

deregulation of the domestic market. As the honourable member for Ripon said, the proposed legislation will give big grain merchants the excuse to buy grain on the domestic market. But when the domestic market dries up and a new harvest is coming in, they will discover they have a stockpile of grain on their hands and will say to the Federal government, "We have this wheat that could give you some export earnings; can we get rid of it on the export market?"

Will the government be big enough to say, "No", to those grain merchants? Of course not! These people will then have their foot in the door to the export market. This will be the first step in bringing about total deregulation of the Australian wheat industry.

I refer the House back to the pre-1930s when farmers did not have guaranteed market support. At present the big battle going on in Canberra relates to 95 per cent underwriting and to a grower chairman and a grower majority on the Australian Wheat Board. I hope the coalition and the Australian Democrats in the Senate will defeat the government on this issue.

Mr Rowe—At the expense of the whole industry.

Mr W. D. McGRATH—It will not be at the expense of the whole industry. They will be helping the industry. They have the support of the Grains Council of Australia. Does the Minister for Agriculture and Rural Affairs not understand that the grains council is asking the coalition and the Australian Democrats to stop the Kerin proposals at the Federal level?

I turn now to the important argument put yesterday by the honourable member for Swan Hill and me on orderly marketing and the principles requiring grower majorities on statutory marketing boards for Australian primary industries. Has the Australian Wheat Board been a burden on any government since it has provided the marketing functions for the wheat industry and other people who rely on it for their income? Has it let any of those people down?

The Minister for Agriculture and Rural Affairs has spoken about the necessary research funds. The wheat industry has always contributed its share of research funds. The Minister would probably be aware that the wheat industry is well out in front of other primary industries in the amount of dollars it has provided for research opportunities. The Victorian Crops Research Institute in Horsham, which is in the Lowan electorate, is a classic example. The institute would not survive without research funds being provided for its buildings and operations. It is a valuable and vital institute. It plays a significant role in research on all types of grains, whether they be cereals or legumes. The institute is doing a tremendous job.

Mr Rowe—It is world class!

Mr W. D. McGRATH—I agree with the Minister. The institute has an interchange program with overseas research institutes. People from overseas with technical and scientific expertise work at the institute for specified periods while our scientific people go overseas to gain experience. There is a cross-fertilisation of ideas, which is the proper way to bring new concepts into the grain industry.

I refer the House to some graphs on Australian wheat exports in the 1987–88 Australian Wheat Board report. The target for 1985–86 was to sell about 15·25 million tonnes of wheat around the world. In actual fact an additional 100 000 tonnes were

sold. The target for 1986–87 was more than 15 million tonnes. Once again that target was exceeded. The 1987–88 target was 9 million tonnes, and just under 10 million tonnes were sold. In the face of the corrupt markets and subsidisation occurring in the wheat and grain industries, with the European Economic Community, the United States of America and other countries competing for the export market, the Australian Wheat Board was able to meet its targets.

Honourable members should not forget that the board is grower controlled. It has a grower chairman and a grower majority. Through orderly marketing it has been able to sell more than it has targeted for in those years on a corrupt market. Despite the unpredictable scenario it was facing nearly every month, it was able to achieve its targets on the overseas market.

The export price in 1984–85 was about $150 a tonne and fell in 1985–86 to about $115 a tonne. In 1986–87 the price was about $110 a tonne and picked up a little in 1987–88 to about $130 a tonne. The 25 000 Australian wheat farmers looked to the Australian Wheat Board for help because they were unable to maintain the price levels they would have liked. The wheat farmers did not cry about it, nor did they go to the Federal government and ask for a subsidy. They have never asked for subsidisation over the past four or five bad years they have suffered. Increases in interest rates, fuel prices, handling and storage rates have been imposed on them by Federal and State governments, yet they have never run to the Federal government asking for subsidisation.

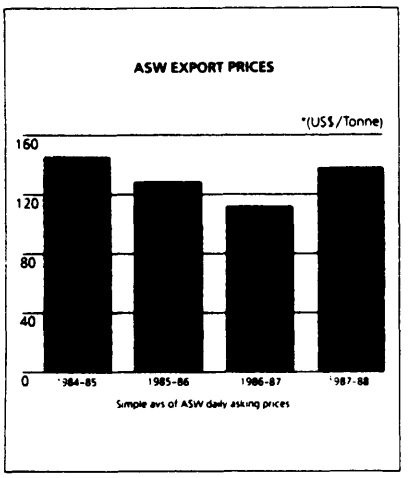
In times when the wheel is turning and it is looking prosperous for the Australian wheat farmer, the government wants to change the rules. Hopefully next year wheat farmers will receive about $230 to $235 a tonne, but big government says that the wheat farmers have managed through the hard times without complaining and now the government wants to do something different; it is not prepared to underwrite the industry. I do not understand the logic of the Federal government interfering with the Australian Wheat Board and the wheat market that has been so successful not only for the wheat farmers but also for the economy of the country.

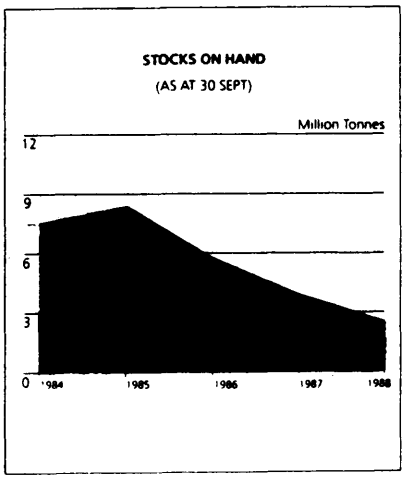
Computerisation of the grain exchange has been another initiative that has facilitated trade in grain. That exchange has a 008 telephone number listed in Canberra, and buyers and sellers of all grains except barley—I am talking about feed wheat—can telephone that exchange and inquire about prices, lists of reserves and volumes of wheat. Those growers and buyers are then able to bid. A 2 per cent commission is charged on any transaction. That exchange is supported by the Grains Council of Australia and the Australian Wheat Board. It facilitates the transfer of feed wheat on the domestic market if someone does not wish to deal directly through the Australian Wheat Board, the grain handling authorities or the rail systems that have regulations on the cartage of grain.

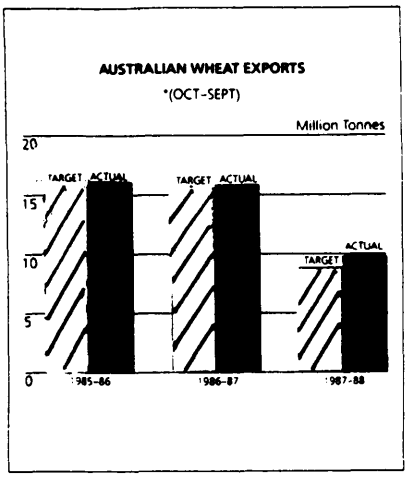
As at 30 September 1984, there was 8 million tonnes of stock on hand and approximately 9 million tonnes in 1985. In 1988 the Australian Wheat Board's stock on hand is less than 3 million tonnes. That gives an indication that the Australian Wheat Board is carrying out its function well.

I seek leave to have incorporated into *Hansard* some graphs relating to Australian Wheat Board exports, Australian Wheat Board export prices and stock on hand.

Leave was granted, and the graphs were as follows:







Mr W. D. McGRATH—The Bill deals with trading on the domestic market at a local level. Of all the wheat consumed in Victoria, 80 per cent is grown in Victoria. Very little of the grain consumed in Victoria, for whatever reason—be it milling, industrial or feed wheat—is not grown in Victoria. If the Bill is not passed it will not be possible for the Australian Wheat Board to become a seller in Victoria. It will put those consumers and the Australian Wheat Board at a disadvantage. The Federal Minister for Transport and Communications has indicated to the States that they must deregulate handling and transport costs. I am unsure how the State government will handle that direction. The Transport (Amendment) Bill has been amended to allow for 100 per cent cost recovery based on a wheels-up only operation for grain freight moved by rail. If that is followed to its conclusion, V/Line will drop freight rates by about $5 a tonne. If that happens, the government will not have to worry about deregulation, be it in the transport of grain or other commodities. It will not be possible for road transport to compete, and the rail system will have the opportunity of capturing the market.

With the lowering of wheat prices in Victoria in recent years, a significant swing to other grains has occurred, particularly to legumes in the Wimmera district, and an

increase in oilseed products from sunflower and safflower crops. One continually hears of buyers taking crops from those growers and failing to pay. On numerous occasions farmers have said to me that the private grain traders have defaulted on payment. The Australian Wheat Board has a guaranteed price for grain. A number of Australian wheat growers say that it is not economically viable for them to continue growing grain at those prices.

However, they have battled through. They have not complained about that but they have looked at other alternatives such as the legumes, which are part of a deregulated market. Many of them have problems of grain merchants and traders who are defaulting on payment. Once again, by allowing these people to enter the market we will see farmers who are trying to market their own grain fall into financial difficulty through trading with people who lack the financial stability to make the necessary payments for the products they have bought from the farmers. It is of concern to me that the difficulties which will arise will cause farmers hardship in their farming operations.

The Bill has to be passed; it is absolutely necessary. But when the news reports of what is happening in Canberra filter through to this State, I hope the Minister for Agriculture and Rural Affairs will get on the telephone to his counterpart in Canberra, the Federal Minister for Primary Industries and Energy, and say that the Victorian grain growers and the Australian Wheat Board are happy with the arrangements that have been in place in this State for about the past 40 years. They have been successful and have not let the grain growers of this country down. The system has delivered well, and it has delivered orderly marketing.

The National Party wants grower control of the statutory authorities. It is interesting to hear a different view given by the honourable member for Ripon today than he gave yesterday in his views on the egg industry. In this case, he is basically supporting the coalition in Canberra in its call for a grower Chairman of the Australian Wheat Board and grower control; yet that is different from his argument yesterday on the egg industry.

The National Party has always been totally committed to grower majority, to orderly marketing, and to a grower Chairman of the Australian Wheat Board. The graph that I have had incorporated in *Hansard* demonstrates the Australian Wheat Board's ability to provide a reasonable export price even in a corrupt export market and its ability to ensure that stocks held on hand are at a low level, even though there is a corrupt export market in the world today.

It also demonstrates that the Australian Wheat Board, with grower control and a grower chairman, has delivered successfully on behalf of the Australian Wheat Board, and I appeal to the Minister for Agriculture and Rural Affairs to understand that, if we are prepared to allow the Australian Wheat Board to be a marketer in the intrastate market, he owes us a commitment or obligation to go back to the Federal Minister and say, "Allow those amendments that have been put in by the Federal coalition Opposition and the Australian Democrats, and we will have a happy wheat industry for all concerned in the years ahead".

Mr BILDSTIEN (Mildura)—As the Minister has indicated in his second-reading speech the need for the Bill flows from Commonwealth moves to deregulate the domestic wheat market. The Minister has been championing himself as the Premier for rural Victoria, but I assure him that the rural constituency in the State will be disappointed that, once again, the government has shown its total disregard for the country community by restricting debate on this simple but important Bill to just an hour and a half in the dying stages of this sessional period.

The Australian Wheat Board has to plan for the future, so if there is deregulation it must be able to operate on an equal footing with everyone else. No doubt the Minister

is aware that, along with the honourable members for Lowan and Swan Hill, I have probably the greatest number of grain-grower constituents in the electorate I represent than any other honourable member in this place.

The Mallee and Millewa regions are highly renowned for their production of high quality grains. In fact, the ten-year average of grain receivals from the northern region is 1 million tonnes. Last year it was approximately 604 000 tonnes and in the western region, which extends from Speed to Geelong, it was 684 000 tonnes.

Nationally, the wheat industry is worth some $4 billion and to Victoria's economy it is worth approximately $400 million to $500 million a year, so obviously it is important for any Parliament and any government to ensure that it is in touch with industry aspirations.

The deregulation of the domestic wheat market has been a controversial proposal. In the electorate I represent the depth of feeling represents strong opposition to the Federal government's agenda. I have travelled widely through the grain-growing areas both prior to and since the October election last year and my constituents fiercely oppose the domestic market being freed up. Therefore, I see my role as representing the majority wishes of my electorate and I, too, have objected forcefully to my Federal colleagues. I do not believe the industry should be forced to accept changes unless it is convinced that they are in its best interests, and it is a matter of public record that the Liberal Party has been in step with the industry on this issue since the beginning.

The honourable member for Ripon, the Liberal Party spokesman on agriculture, has clearly indicated that the party has opposed the Commonwealth intentions. I do not support anything which will undermine the authority of the Australian Wheat Board. The growers in my area reckon they have had a pretty good deal and a sense of security under the existing arrangements.

However, although I oppose the changes, I have to accept, as do both opposition parties, that this is a Federal matter; it is beyond State jurisdiction; and it is out of our hands. Honourable members would know of the debate that has taken place within the coalition ranks in Canberra. My Federal colleague, the honourable member for Mallee, crossed the floor in opposition to this proposal. Fortunately, as I mentioned at the outset, we do not have to put ourselves in that position at a State level, but we have continued to oppose deregulation.

Given that the Federal legislation is to proceed, this complementary or enabling legislation is necessary in Victoria. If the Federal Minister for Primary Industries and Energy succeeds with the Bill in Canberra this Bill is needed to enable the Australian Wheat Board to compete effectively on the domestic market. I understand the Federal legislation is to go ahead if the coalition secures the amendments it is seeking—namely, they are asking for 95 per cent underwriting as opposed to the Federal Minister's proposed 80 per cent underwriting. The coalition has also asked for a grower chairman of the board and five grower members. It also wants the Grains Council of Australia to be in charge of or have responsibility for the 2·5 per cent levy on growers to build up a fighting fund of $100 million to allow the Australian Wheat Board to operate on the domestic market.

As I said earlier, the Bill is necessary to ensure that the Australian Wheat Board can compete in a deregulated environment in Victoria. The Commonwealth has the legislative powers to make laws regarding the marketing of export and interstate wheat but, as the Minister rightly identified in his second-reading speech, it does not have the power to make laws concerning intrastate trade.

I have consulted with the Victorian Farmers Federation, grains division, as did the honourable members for Ripon and Lowan, and the federation can see no problem

with this enabling Bill, except that it would like deregulation of the grain transport industry.

Mr Steggall interjected.

Mr BILDSTIEN—I take up the interjection of the honourable member for Swan Hill and reiterate that the federation would like deregulation of the grain transport industry.

The Bill does not make any changes to the existing provisions dealing with the storage, handling and transport of wheat. The Federal legislation allows the board to enter into contracts with V/Line or anyone else to move the export wheat, but domestic wheat will be confined to rail freight. The Victorian Farmers Federation and the Liberal Party would like part of the grain transport industry deregulated to mount pressure on V/Line to lift its game. A Liberal Party government would not do this overnight but would introduce it gradually and on a geographic basis in order to allow the industry to monitor its success or failure before proceeding further.

It is important that the Bill is passed today as the Federal Minister for Primary Industries and Energy, Mr Kerin, has procrastinated over the past eighteen months; he has created the situation; every State Parliament except Victoria's has now risen for the winter recess; he is now relying on this enabling Bill.

As I said at the outset, the Opposition is not entirely pleased with this frenzied activity to change the marketing structure of wheat. The Australian Wheat Board is symbolic of the problems faced in the 1930s with the depression, low prices and poor communications of that time. Because of the grower confidence in the board, it has resolved to be an active participant in any deregulated market as a marketer. One board member, Mr Barry Bishop of the Victorian Farmers Federation, grains commodity group, in the 1989 annual report, states:

> . . . we cannot turn our backs on 2·5 million tonnes . . .
>
> We consider that we have the expertise and infrastructure that is best placed to service growers and customers alike. . .
>
> . . . we know what the domestic market requires and believe we are the best placed to deliver that product in a timely cost effective manner.

Farmers in my electorate have significantly demonstrated their determination to fight for principles of grain marketing. The honourable members for Lowan and Ripon have stated the legislation we have had over the past 50 years has had a dominant and far-reaching effect on Australian production and marketing. Production has increased nationally eightfold under the stability of the marketing umbrella of the Australian Wheat Board. While the effort of the Australian Wheat Board was aimed at market support, the industry simultaneously expanded bulk handling facilities to handle the grain to market position.

The Victorian Farmers Federation said that the stable market environment resulted in some industry investment both on the farm and beyond. The only real disturbance to this expensive expansion period of collective marketing came with the international trade war in agriculture between the European Economic Community and the United States of America. The resultant price downturn in the grain industry is well known by the free producers and undoubtedly was greeted with joy at the bargain prices to which grain descended for importers.

Why is there so much frenzied activity to change the market structure of the wheat industry? The Industries Assistance Commission described the Australian wheat industry as efficient by world standards and then proceeded to change the fundamentals

which allowed Australian farmers to devote skills to production and thus allow professional marketers to sell the crop.

I conclude by reiterating a point made by Mr Donald McGauchie in the wheat committee report of the Victorian Farmers Federation grains council document, in which he states:

> The most important misconception prevelant during this debate has been the confusion—deliberately fostered by some—between the areas of handling, storage and transport on the one hand and marketing on the other.
>
> I believe I can do little more than repeat the words of Royal Commissioner McColl, "The Royal Commission's report did not extend to grain marketing and the estimated savings for storage, handling and transport are achievable within the current marketing arrangements".

Mr STEGGALL (Swan Hill)—The Victorian Parliament today is debating domestic wheat marketing and the changes that will be brought about in the wheat industry nationally which have caused long debate throughout Australia. The wheat Bill currently before Federal Parliament still has a way to go. Perhaps this proposed legislation will not be necessary. The Minister for Agriculture and Rural Affairs has done the right thing by introducing this Bill so that it will have been passed and gazetted if the Bill currently before the Federal Parliament is also passed.

The wheat industry has been through difficult and challenging times for the past twelve months. It was brought about by the fact that primary industry, the political parties, and the community in general have not fully understood what orderly marketing is and the role it plays.

The House debated a similar matter yesterday on the egg industry. I made many of the main points that relate to the wheat industry in my debate on that Bill, except with the egg industry there are 390 producers who banded together to form a marketing board, but with the wheat industry 45 000 growers have formed the Australian Wheat Board, with governments previous and present legislating to facilitate the coming together of the marketing operations of the industry. Individually wheat growers are not good at marketing. They are like actors who are interested only in producing a good play; they are not at all interested in selling the tickets for the people to watch.

There are some sticky points in the Federal legislation. The wheat industry is endeavouring to achieve 95 per cent underwriting facilities, and at one stage the Minister might have accepted something close to that figure. The idea of the 95 per cent underwriting that is sought is to try to ensure that the domestic market for wheat does not slip through the bottom of the floor and fall way below the international price. In the regulated market in which the wheat board operates, the current price for wheat is taken at the best price of the export markets of the day. Therefore, at the moment, basically the Japanese market has the best return for wheat so our domestic price is set at that Japanese figure.

I know the honourable member for Syndal will be delighted because his constituents, together with 70 per cent of people in Victoria, have a pretty fair chance of getting cheaper wheat. They will be able to buy their wheat cheaper. Bread should be cheaper, too, but it will not be. However, there will be cheaper wheat into the millers, into big business, into the Goodman Fielder Wattie group, and the rest of the boys will be able to buy their wheat cheaper as a result of the proposed legislation and without the underwriting of course. That will be guaranteed.

The other point about which the wheat industry is a little concerned—and for which the coalition parties, plural, together with the Australian Democrats in the Federal Parliament are holding up the legislation—is the chairmanship of the Australian Wheat Board being a grower position. Yesterday it was mentioned in passing that it is

the growers right and privilege, and it is only right and proper that the wheat board should have a majority of growers on it. It is the wheatgrowers industry; it is not a wheat industry for the people of Melbourne, Sydney or Adelaide. They are the beneficiaries who are able to enjoy a guaranteed supply of their daily bread at a very cheap price. I cannot understand the city-based politicians and political parties—with the exception of the Liberal Party, because it is in fact supporting the National Party on this matter, although it did not support it yesterday but it is today and I am delighted—not wanting a grower majority on a board such as the wheat board.

The other sticking point in Canberra is that the Grains Council of Australia is looking for a say in the expenditure of the 2·5 per cent wheat levy. In other words, the wheat industry itself is looking for a say in the expenditure of the new 2·5 per cent levy that is being placed on the industry. That is, the industry is seeking some say in how that levy is spent. It is an awkward sticking point. I do not understand why Mr Kerin, who it was thought some time ago was going to agree with three proposed amendments, has decided now to play the brinkmanship line of politics for the next week when Federal Parliament sits. We will see how it goes.

The proposed legislation allows the wheat board to trade domestically within Victoria, which we support. It is strange that there has to be a piece of legislation to actually say that but it does and we support it. However, I wonder who wrote the Minister's second-reading speech. I somehow do not think it was written in Victoria but I could be wrong.

Victorian Labor Party departments—and that is what they have really become over the years—have always worked out that we must be effective and efficient in everything we do. Have honourable members noticed that? There was debate in the local government area about efficiency and effectiveness. The two words appear everywhere in our legislation in Victoria but not in this Bill. That is very interesting. I wonder who wrote the Minister's speech. The second paragraph states:

> At the same time the board's commercial and marketing flexibility will be enhanced to enable it to compete effectively on the domestic market.

Most Labor Party people would have said, "To compete efficiently and effectively on the domestic market". The words "efficiently and effectively" are contained in every other piece of legislation but not in this Bill because it will not allow the wheat board to operate efficiently and effectively on a free level playing field with the grain traders of the State. Federal legislation was brought in to enable the grain traders to trade domestically in wheat but the grain traders do not have to use the Grain Elevators Board. They do not have to use V/Line whereas the wheat board does. There would seem to be a little rift within the Labor Party ranks at the moment on this issue.

For some reason I have attracted the attention of the Australian Federated Union of Locomotive Enginemen. The union seems to think I am a nice fellow and it should write to me to help it out of the problem in which it now sees itself when the Labor government in Canberra decided it might try to gain some of the advantages for the wheat growers by suggesting deregulation of the handling, storage and transport of wheat. The AFULE wrote to me last week and I was most appreciative because it sent me all the press cuttings. The electorate of Swan Hill actually shares a common area with the Bendigo Federal electorate which is represented by a Labor member, John Brumby. On television a few weeks ago Mr Brumby said that there is nothing wrong with deregulating transport and that we should get a deregulated transport system into the wheat industry, and then V/Line under that system will cart more wheat. If V/Line does get in there and meet the market competitively it probably will cart more grain and more wheat than it does today.

There is a little bit of trouble within the Labor ranks and this Bill does not do what it is supposed to do. It does not give us a level playing field and it does not give the benefit that Mr Kerin has been talking about delivering through his legislation.

I look forward to the contribution of the honourable member for Syndal, which should be very good. Wheat growing is very big in Syndal! The debate that occurred in the Royal Commission into handling, storage and transport of wheat did not, as the honourable member for Mildura mentioned, get into the marketing area. The whole thrust of the Federal government's deregulation moves has supposedly been to gain the benefits that were recommended in that report. Of course Victoria is not going to do that. I do not think the Labor Party is too keen on that because it might deliver to the growers the benefits we have referred to.

Two factors emerge from the debate. One is a guaranteed loss to the industry and to the grain growers. Some honourable members in yesterday's debate said that the consumers will gain from that loss, but they will not. There is a guaranteed loss to the grain grower because of the change in the pricing structure of domestic wheat which is guaranteed to lose money for the growers. There is a speculated gain in all this and all the debates have been about the fact that, while we guarantee that the wheat growers will lose money out of this deal, there is a chance that they should get that much or a bit more back.

The speculation centres around the deregulation of the storage, handling and transport of wheat. Of course, the Bill does not allow that. In fact, it specifically mentions that those areas will not be touched by the Bill. I can understand that being the case at this stage.

I would like to believe, and I hope, that in the spring sessional period of Parliament the Minister for Agriculture and Rural Affairs will be very keen to introduce, through the Minister for Transport, proposed legislation along those lines so that the growers will receive the benefits that the Federal Minister for Primary Industries and Energy says they will supposedly receive. I feel sorry for the Federal Minister, Mr Kerin, because he cannot deliver them. He just promises everyone the world. The benefits must be delivered by the Victorian government through deregulation of the handling, storage and transport facilities.

I am disappointed that over the past year or so we have not really learnt the lesson that the wheat debate should have taught us. The debate over the past twelve months throughout country Australia should have taught conservative politicians representing country areas to tell industries in rural Australia that they must recognise the need to get their orderly marketing act into gear. Governments, Ministers and big business are only too delighted to wreck any orderly marketing organisation that exists. They do not understand orderly marketing, and the Federal and State governments will wreck orderly marketing unless those industries get their act together in country areas and people are made to understand what orderly marketing of primary products is all about.

I wish the Bill a speedy passage through Parliament. I hope the Minister's reply to this second-reading debate will be better than his reply to the second-reading debate on the Egg Industry Bill yesterday. I hope proposed legislation will be initiated in the spring sessional period that will deliver the other half of the marketing equation: the freeing up of the handling, storage and transport of wheat.

Mr DICKINSON (South Barwon)—I direct to the Minister's attention the concerns of wheat growers in my electorate. There is an annual problem of the turnaround of trucks and other transports at the wheat terminal in Geelong, and time is lost by growers in having to spend hours and hours queuing up to get their wheat crop to the marketing facility. This issue has not been properly addressed.

I also direct to the Minister's attention the concerns about the wheat rail trucks. Much of our rail system is outdated and the railway lines have deteriorated to the extent where those rail connections are no longer able to cope with the heavy rail trucks. Also, there is concern in the community that the lack of road funding is such that our major road network throughout Victoria, especially since the introduction of heavy haulage vehicles, is deteriorating even further.

I believe the Bill reflects the government's commitment to the promotion of research into these matters, and I hope the Minister will take on board the concerns of wheat growers in the Geelong area and those people who are involved in using the facilities for the marketing of wheat in Geelong.

Mr HEFFERNAN (Ivanhoe)—After listening to the debate on the Egg Industry Bill yesterday and to today's debate on the Wheat Marketing Bill, one may think that we really ought to close down Parliament because I do not believe we really want to change the system at all in order to improve competitiveness in the world arena. I do not believe Victoria can afford the luxury of saying that it is isolated from the market pressures of the rest of the world. Unfortunately, we are now entering a competitive worldwide market.

It is all very well for honourable members to talk about these issues from the backyard in which they reside and want to protect themselves from the market pressures being brought to bear in the rest of Australia and outside it. I cannot possibly say that today there is one person who does not support the deregulation of our wharf activities, because if the deregulation of that industry does not proceed the Federal government will need to take extremely strong measures in other ways in order to make that industry competitive internationally and, in that event, I cannot imagine anyone telling the people involved in wharf work: "You will have to make sacrifices in order to make Australia more competitive". Yet the Federal and State Labor governments today are saying, "We will now regulate the wheat market to protect those people who believe they have a just right not to enter into the free-market world arena". It is not consistent to say that deregulation is right in one industry and it is not right in another.

I understand the pressures that are brought to bear from groups who are involved in the minor areas of both the egg and wheat industries. I accept the National Party's problems; I know it has them. There is no doubt that its members are not willing to enter into the big world. As I said to one of my colleagues on the other side of the House, it is like the situation that was described in an article in today's *Age* about the financial trouble that local government is having: it is being forced to review all its operations.

One must accept that if one is faced with the pressures of world economics to remain competitive one must be able to deal with them; that responsibility rests with the person who controls the workplace and the area in which those changes will occur. To turn one's back totally on the world market forces and to walk out of this place today and say, "We are okay" is unacceptable not only to the community but also to the overseas markets.

It has been said to me—and I believe the honourable member for Swan Hill mentioned it—that it is important to make provisions available to the industry because farmers are not good advertisers of their product and they lack the expertise in selling it. That is fine. However, that does not mean that we should now set up a board for every industry that wishes to establish a board and subsidise that industry and help it out to ensure that if something goes wrong with that product because of market forces the government will help it out with its problems.

Mr W. D. McGrath—The industry picks up its own bills.

Mr HEFFERNAN—This has become a society with government-oriented thinking and a belief that the government ought to do everything and to subsidise everything. Until attitudes are changed there will be no peace in this or any other area.

Mr McNamara interjected.

Mr HEFFERNAN—For the benefit of the Leader of the National Party, who interjects, I shall use the petroleum industry as an example. Sixteen years ago the petroleum industry ran rampant and numerous outlets were established throughout metropolitan Melbourne. Over a period of time market forces prevailed and that reduced considerably, if not halved, the number of petrol outlets in metropolitan Melbourne. There was not one cry from petrol operators for financial help because they had lost money through the pressures of the marketplace.

The pressures of the marketplace are now being applied to the wheat industry. The Liberal Party does not want a bar of regulation. Regardless of what honourable members think about the direction taken by the Federal Minister, Mr Kerin, I point out there are issues on which I believe he is right. Somehow we must—through competitive marketing—control the long-term destiny of the industry for the people involved; if that does not occur, once again, eventually that control will be imposed on us from outside.

Members of the National Party cry: "Cheaper wheat!" It will be interesting to see what is achieved. I believe it will be possible not only to achieve a cheaper price for wheat but also to compete on a broader scale on the world market. Without doubt, change will take place.

I compliment the government because at least we are now endeavouring to examine the issues and strive for a positive result.

The motion was agreed to.

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

EXTRACTIVE INDUSTRIES (AMENDMENT) BILL

The message from the Council relating to the amendments in this Bill was taken into consideration.

Council's amendments:

1. Clause 7, page 4, line 5, after this line insert—

   "(6) Regulations made under this section may be disallowed in whole or in part by resolution of either House of Parliament in accordance with the requirements of section 6 (2) of the *Subordinate Legislation Act* 1962.

   (7) Disallowance under sub-section (6) is deemed to be disallowance by Parliament for the purposes of the *Subordinate Legislation Act* 1962.".

2. Clause 8, line 7, after "8." insert "(1)".

3. Clause 8, line 21, omit "Board" and insert "Advisory Committee".

4. Clause 9, page 6, line 1, omit "at the request of the Minister,".

5. Clause 9, page 7, lines 43 and 44, omit all words and expressions on these lines and insert—

   "(10) The Minister—

   (*a*) must appoint a person representing the extractive industry operators in Victoria to be an adviser to the Board when it is constituted pursuant to sub-section (4); and

(*b*) may appoint any other persons that the Minister thinks fit to be advisers to the Board.".

6. Clause 13, line 19, after this line insert—

'(4) In section 97 (2) (*a*) of the *Planning and Environment Act* 1987 for "Advisory Committee" substitute "Board".'.

7. Clause 13, line 20, omit "(4)" and insert "(5)".

On the motion of Mr ROPER (Minister for Planning and Environment), the amendments were agreed to.

OCCUPATIONAL HEALTH AND SAFETY (AMENDMENT) BILL

The message from the Council relating to the amendments in this Bill was taken into consideration.

Council's amendments:

1. Clause 1, line 3, omit "purposes" and insert "purpose".

2. Clause 1, lines 3 to 6, omit "to amend the *Occupational Health and Safety Act* 1985 to apply to lifts, cranes, boilers, pressure vessels, scaffolding and amusement structures at workplaces and elsewhere, and".

3. Clause 3, omit this clause.

4. Clause 4, omit this clause.

5. Clause 5, omit this clause.

6. Clause 6, omit this clause.

7. Clause 7, omit this clause.

8. Clause 8, omit this clause.

9. Clause 9, omit this clause.

10. Clause 10, omit this clause.

11. Clause 11, omit this clause.

12. Clause 12, omit this clause.

13. Clause 13, omit this clause.

14. Clause 14, omit this clause.

15. Clause 15, omit this clause.

16. Clause 16, omit this clause.

17. Clause 17, omit this clause.

18. Clause 18, lines 21 and 22, omit "section 18 of the *Occupational Health and Safety (Amendment) Act* 1989" and insert "the *Limitation of Actions (Amendment) Act* 1989".

19. Clause 18, line 26, omit "section 18 of".

20. In the Title, omit "Occupational Health and Safety" and insert "Limitation of Actions".

21. Long Title, omit "the *Occupational Health and Safety Act* 1985 to apply to lifts, cranes, boilers, pressure vessels, scaffolding and amusement structures at workplaces and elsewhere; and to amend".

On the motion of Mr ROPER (Minister for Planning and Environment), the amendments were agreed to.

DANGEROUS GOODS (AMENDMENT) BILL

The message from the Council relating to the amendments in this Bill was taken into consideration.

Council's amendments:

1. Clause 4, omit this clause.

2. Clause 6, omit this clause.

3. Clause 7, line 32, after "7." insert "(1)".

4. Clause 7, after line 34 insert—

'(2) In section 17 (2) of the Principal Act, after "which the inspector believes" insert "on reasonable grounds".'.

5. Clause 9, page 4, after line 22 insert—

'and

(*c*) in sub-section (2), after "sub-section (1)" insert "or (2)";

and

(*d*) after sub-section (2) insert—

"(3) No person shall be required under this section to answer any question or give any evidence tending to self-incrimination.".'.

6. Clause 10, omit this clause.

7. Insert the following new clauses to follow clause 3:

Insertion of new section 10A.

'AA. After section 10 of the Principal Act insert—

Review of decisions by Administrative Appeals Tribunal

"10A. (1) An application may be made to the Administrative Appeals Tribunal for review of an administrative decision made by the Director-General, or by a delegate of the Director-General, under this Act.

(2) An application under sub-section (1) may be made only by a person whose interests are directly affected by the decision.

(3) Sub-section (1) does not apply to decisions under Part III.".'.

Inspectors' identification cards

'BB. In section 13 of the Principal Act for sub-section (1) substitute—

"(1) The Director-General must issue every inspector with an identification card which an inspector must produce—

(*a*) if practicable, on each occasion before he or she proceeds to act pursuant to this Act; and

(*b*) on demand.".'.

8. Insert the following new clause to follow clause 5:

Amendment of section 14

'CC. In section 14 (3) of the Principal Act—

(*a*) after paragraph (*b*) insert—

"or

(*c*) any officer or employee, or the holder of an office, in a municipality—"; and

(*d*) after "delegation)" insert ", if satisfied that that person is capable of performing or exercising those powers, functions, authorities or discretions".'.

9. Insert the following new clause to follow clause 9:

Licences

'DD. In section 21 of the Principal Act, after sub-section (5) insert—

"(5A) The Director-General must decide an application for issue or renewal of a licence within a reasonable period.".'.

On the motion of Mr ROPER (Minister for Planning and Environment), the amendments were agreed to.

VALUATION OF LAND (AMENDMENT) BILL

The message from the Council relating to the amendments in this Bill was taken into consideration.

Council's amendments:

1. Clause 2, line 12, omit "a day or days to be proclaimed" and insert "the day on which section 157 of the *Local Government Act* 1989 comes into operation".

2. Clause 5, after line 14 insert:

"(*b*) After the definition of "Area", insert—

' "Capital improved value" means the sum which land, if it were held for an estate in fee simple unencumbered by any lease, mortgage or other charge, might be expected to realize at the time of valuation if offered for sale on any reasonable terms and conditions which a genuine seller might in ordinary circumstances be expected to require.'.".

3. Clause 5, line 15, omit "(*b*)" and insert "(*c*)".

4. Clause 5, page 3, line 3, omit "(*c*)" and insert "(*d*)".

5. Clause 5, page 3, line 34, omit "(*d*)" and insert "(*e*)".

6. Clause 5, page 4, line 17, omit "(*e*)" and insert "(*f*)".

7. Clause 5, page 5, line 5, after this line insert:

"; and

(*d*) a residential unit in respect of which a residence right in a retirement village under the *Retirement Villages Act* 1986 is in force.".

8. Clause 5, page 5, line 8, omit "who made" and insert "appointed by the Council to make".

9. Clause 7, line 33, after "Minister" insert "who is a registered valuer holding a certificate of qualification issued by the Board".

10. Clause 9, line 6, omit ' "the prescribed amount" ' and insert ' "$250,000", "$100,000" and "$12,500" respectively'.

11. Clause 9, line 8, omit ' "the prescribed amount" ' and insert ' "$250,000", "$100,000" and "$12,500" respectively'.

12. Clause 11, page 17, line 25, after this line insert:

"(4) In section 3A(1) of the Principal Act after "this Act" insert "or the *Local Government Act* 1989".".

On the motion of Mr ROPER (Minister for Planning and Environment), the amendments were agreed to.

SUBDIVISION (AMENDMENT) BILL

The message from the Council relating to the amendments in this Bill was taken into consideration.

Council's amendments:

1. Clause 4, lines 17 and 18, omit "after service of a notice of intention to acquire".

2. Clause 4, page 2, lines 5 to 7, omit "after service of notice of intention to acquire, the date on which the land vests in or" and insert "the date on which the land".

3. Clause 4, page 2, lines 11 to 23, omit all words and expressions on these lines and insert—

"(2) If there is a subdivision by acquisition by an acquiring authority—

(*a*) if all the land on the plan to be acquired is to be acquired by compulsory process, the authority must under section 35 submit a plan for certification—

(i) if the land vests in the authority on the same vesting date, as soon as possible after that vesting date; or

(ii) if the land vests in the authority on different vesting dates, not earlier than the first and not later than the last of those vesting dates to occur; and

(*b*) if—

(i) the land on the plan to be acquired includes land to be acquired by agreement whether or not after service of a notice of intention to acquire as well as land to be acquired by compulsory process; or

(ii) all the land on the plan to be acquired is to be acquired by agreement whether or not after service of a notice of intention to acquire—

the authority must under section 35 submit a plan for certification—

(iii) if the land vests in or is registered in the name of the authority on the same vesting date, not later than that vesting date; or

(iv) if the land vests in or is registered in the name of the authority on different vesting dates, not later than the first of those vesting dates to occur; and".

4. Clause 4, page 2, lines 34 to 37, omit all words and expressions on these lines and insert—

"35. (1) If an acquiring authority is to acquire or acquires land that cannot be disposed of without being subdivided, the authority must, in accordance with section 5 (2),".

5. Clause 4, page 3, line 9, after "(*a*)" insert "without limiting what can be done by a plan,".

6. Clause 4, page 3, line 20, omit "and that" and insert "any part of which".

7. Clause 4, page 3, line 22, omit "abutting" and insert "any part of which abuts".

8. Clause 4, page 3, line 27, omit "of the lots are" and insert "land is".

9. Clause 4, page 3, line 32, after "land" insert "affected by the thing done".

10. Clause 4, page 3, line 41, omit "the authority" and insert "compulsory process".

11. Clause 4, page 4, line 3, omit "(2)".

12. Clause 4, page 4, line 5, after "it" insert "or been registered in its name at the time the plan is registered".

13. Clause 4, page 4, line 6, omit all words and expressions on this line and insert—

"(*d*) section 24 (2), (2A), (3), (4) and (5) apply to land that is acquired by compulsory process and that".

14. Clause 4, page 4, after line 10 insert—

'(*e*) in relation to land to be acquired by agreement, whether or not after service of a notice of intention to acquire, that is registered in the name of the authority after the registration of the plan—

(i) section 24 (2) (*c*) (*d*) (*e*) and (*f*), 24 (2A) and 24 (5), with the modifications mentioned in this paragraph, apply to the land as if a plan of that land were registered when a transfer of the land to the authority is registered; and

(ii) section 24 (2) (*c*) applies to that land as if it referred to "registered in the name of the Council" instead of to "vested in the Council"; and

(iii) section 24 (2A) applies to that land as if it referred to "is registered in the name of a Council, person or body" instead of to "vests in a Council, person or body"; and'.

15. Clause 4, page 4, line 11, omit "(*e*)" and insert "(*f*)".

16. Clause 4, page 4, line 14, omit "(*f*)" and insert "(*g*)".

17. Clause 6, lines 35 to 37, omit all words and expressions on these lines and insert—

"(*a*) over—

(i) all the land on a plan of subdivision of a building; and

(ii) that part of a subdivision which subdivides a building; and

(iii) subject to sub-section (3), any land affected by a body corporate; and

(iv) any land on a plan if the plan specifies that this sub-section applies to the land;".

18. Clause 6, page 7, lines 3 and 4, omit "enjoyed at the time the plan is registered".

19. Clause 6, page 7, lines 6 and 7, omit "enjoyed at the time the plan is registered".

20. Clause 6, page 7, lines 8 and 9, omit "existing when the plan is registered".

21. Clause 6, page 7, line 14, omit this paragraph and insert—

'( ) For sub-section (3) substitute—

"(3) A plan containing land affected by a body corporate may specify that sub-section (2) does not apply to any part of that land.";'.

22. Clause 6, page 8, line 10, omit "to the Principal Act".

23. Clause 7, line 33, omit "(3)" and insert "(2)".

24. Clause 8, page 13, line 28, after this line insert—

"(v) Amend the master plan or a plan for an earlier stage in any way not provided for in sub-paragraph (iv) if—

(A) the amendment does not affect common property; and

(B) each person who, before the lodgement of the plan for that stage, lodged a transfer, mortgage or charge over, or a caveat claiming an interest as purchaser, mortgagee or chargee in, any lot shown on the plan for that stage as being affected by the amendment, consents in writing to the amendment.".

25. Clause 9, page 16, after line 4 insert—

'(ii) after paragraph (*a*) insert—

"(*aa*) an order consenting on behalf of a member of a body corporate to the alteration of a plan in any of the ways set out in section 32 (1) or 33; or"; and'.

26. Clause 9, page 16, after line 8, insert—

'(*r*) In section 38 (6) for "The" substitute "Subject to this section, the";

(*s*) After section 38 (6) insert—

"(6A) A Court may make an order on an application under sub-section (3) (*a*) even though there is no unanimous resolution of the body corporate authorising the alteration of the plan.

(6B) A Court must not make an order on an application under sub-section (3) (*aa*) unless it is satisfied that the member of the body corporate cannot vote on the matter because the member is dead or out of Victoria or cannot be found or that for any other reason it is impracticable to obtain the member's vote within a reasonable time.

(6C) For the purposes of sections 32 (1) and 33, an order made on an application under sub-section (3) (*aa*) is to be treated as a vote by the member in favour of the proposed alteration of the plan.".'.

27. Clause 10, lines 20 to 24, omit all words and expressions on these lines.

28. Clause 10, line 25, omit "(5)" and insert "(4)".

29. Clause 10, line 37, omit "(6) A requirement that contravenes sub-section (5)" and insert "(5) A requirement that contravenes sub-section (4)".

30. Clause 10, line 39, omit "(7)" and insert "(6)".

31. Clause 10, page 17, lines 9 to 15, omit all words and expressions on these lines.

32. Clause 12, lines 27 to 41, and page 18, lines 1 to 42 and page 19, lines 1 to 29, omit all words and expressions on these lines and insert—

'(2) In section 17 (2) (*c*) of the Principal Act—

(*a*) for "providing that" substitute "providing for either or both of the following:

(i) That"; and

(*b*) after "registration" insert—

"(ii) If works are required, securing compliance with section 20A".

(3) After section 20 of the Principal Act insert—

Land to be marked out

"20A. (1) If works are not required in connection with a plan of subdivision, the applicant must, before the Council gives its statement of compliance, submit to the Council written advice in the prescribed form by a licensed surveyor—

(*a*) that at the date the advice is given—

(i) the roads and reserves; and

(ii) where appropriate, the boundaries of the land in the plan, the lots and the common property—

are marked out or defined; and

(*b*) if there is a substantial discrepancy between a boundary and the boundary as shown on the plan, that a substantial discrepancy exists.

(2) If works are required in connection with a plan of subdivision, the applicant must, not earlier than the date of completion of the works and not later than the end of one month after that date of completion, submit to the Council written advice in the prescribed form by a licensed surveyor—

(*a*) that at the date the advice is given—

(i) the roads and reserves; and

(ii) where appropriate, the boundaries of the land in the plan, the lots and the common property—

are marked out or defined; and

(*b*) if there is a substantial discrepancy between a boundary and the boundary as shown on the plan, that a substantial discrepancy exists.

(3) In this section "works" means—

(*a*) works within the meaning of section 17 (6); or

(*b*) building works which define any boundary; or

(*c*) works required by a planning scheme or permit, the plan of subdivision, and engineering plan, a nominated relevant authority under section 17, or an agreement made under section 17.".

(4) In item 77 of Schedule 2 to the Principal Act for 'for "the *Strata Titles Act* 1967, the *Cluster Titles Act* 1974" substitute "the *Subdivision Act* 1988" ' substitute 'after "1974" insert ", the *Subdivision Act* 1988".'.'.

33. Clause 17, page 21, line 33, omit "(iv)" and insert "(*ib*)".

34. Clause 18, line 34, after "person" insert "or an acquiring authority".

35. Clause 18, page 23, line 17, omit "or (*b*)".

36. Clause 18, page 23, line 19, after "sealed," insert "and, where the land is under the operation of the *Transfer of Land Act* 1958' ".

37. Clause 18, page 23, lines 33 and 34, omit all words and expressions on these lines and insert "sealed and otherwise dealt with, and, where the land is under the operation of the *Transfer of Land Act* 1958, lodged with the Registrar, registered or approved; or".

38. Clause 18, page 24, line 5, after "plan" insert "of land under the operation of the *Transfer of Land Act* 1958".

39. Clause 18, page 24, line 7, omit "development" and insert "redevelopment".

40. Clause 18, page 25, line 28, after "(*b*)" insert "on or".

41. Clause 18, page 26, line 2, omit "Despite section 9AA of the *Sale of Land Act* 1962,".

42. Clause 18, page 26, line 9, after this line insert—

"(6A) Section 9AA of the Sale of *Land Act* 1962 as amended by this Act does not apply to dealings to which sub-section (6) of this section applies.

(6B) The unit entitlement of a unit specified in the Schedule of unit entitlement on a plan of strata subdivision and the lot entitlement of a lot specified in the Schedule of lot entitlement on a plan of cluster subdivision become lot entitlement under this Act.

(6C) The unit liability of a unit specified in the Schedule of unit liability on a plan of strata subdivision and the lot liability of a lot specified in the Schedule of lot liability on a plan of cluster subdivison become lot liability under this Act.

(6D) If before the commencement of this section an application for a declaration has been made under section 569D (3A) of the *Local Government Act* 1958 but has not been determined at the commencement of this section, section 569D (3A) of that Act continues to apply to the determination of, and any declaration made on, that application as if this Act (except sub-sections (2) to (11) of this section) had not commenced.

(6E) If before the commencement of this section—

(*a*) under section 526 of the *Local Government Act* 1958, an Order and confirmation discontinuing the whole or part of a street or road have been published in the *Government Gazette*; or

(*b*) under section 527 of that Act, a person has applied to the Registrar and—

(i) the Governor in Council has approved the application before the commencement of this section; or

(ii) the Governor in Council has not decided on the application at the date of commencement of this section; or

(*c*) under section 528 of that Act—

(i) the Governor in Council has made an Order closing the whole or a part of a road; or

(ii) a Council's resolution discontinuing the whole or a part of a road has been published in the *Government Gazette*—

the land in the closed or discontinued street or road may be dealt with, and the Registrar may deal with the application, under sections 526, 527 and 528 of that Act as if this Act (except sub-sections (2) to (11) of this section) had not commenced.".

43. Clause 18, page 26, lines 10 to 16, omit this paragraph and insert—

'(*j*) In section 44, for sub-section (9) substitute—

"(9) Without limiting sub-section (6), the provisions of the *Sale of Land Act* 1962 and the *Local Government Act* 1958 that relate to the sale of land before plans are approved or registered by the Registrar continue to apply to—

(*a*) an unsealed plan of strata subdivision prepared; and

(*b*) a valid plan of subdivision (including a plan of strata subdivision, strata redevelopment, cluster subdivision or cluster redevelopment) sealed—

before the commencement of this section, or on or after the commencement of this section under the provisions applied by sub-section (3B), as if this Act (except sub-sections (2) to (11) of this section) had not commenced.";'.

44. Clause 18, page 26, after line 30, insert—

'( ) in paragraph (*a*) (ii) after "land" insert "which is not the subject of a later plan of subdivision registered or approved by the Registrar or of a later map or plan deposited or lodged under a corresponding previous enactment to the *Transfer of Land Act* 1958"; and'.

45. Clause 18, page 26, after line 32 insert—

'( ) in paragraph (*a*) (vii) after "subdivision" insert "or of a later map or plan deposited or lodged under a corresponding previous enactment to the *Transfer of Land Act* 1958"; and'.

46. Clause 18, page 28, line 41, after "corporate" insert—

"; and

(*p*) to a lot or unit on a cluster or strata subdivision must be taken to include a reference to a lot on a plan of subdivision under the *Subdivision Act* 1988 having one or more bodies corporate.".

47. Clause 19, after line 25, insert—

'( ) After section 4 (7) insert—

"(8) This Act does not apply to a subdivision that occurs because of the vesting of land in the Rural Finance Corporation under section 47 of the *Rural Finance Act* 1988 or because of the creation of a

folio of the Register under section 23 (4C) of the *State Electricity Commission Act* 1958 or section 49 (3) of the *Rural Finance Act* 1988.";'.

48. Clause 19, page 31, lines 11 to 19, omit this paragraph.

49. Clause 19, page 32, after line 4 insert—

'( ) In section 46 proposed section 9AG (6)), after "into" insert "or, if the contract specifies another period, before the end of that specified period";'.

50. Clause 19, page 32, lines 8 to 38, omit all words and expressions on these lines and insert—

"date the contract is entered into, section 20A of the *Subdivision Act* 1988 applies to the land and has not been complied with.

(2) If a contract for the sale of land to which this section applies has been entered into, the purchaser may avoid the sale if—

(*a*) the contract has not been completed; and

(*b*) the purchaser has not disposed of the land; and

(*c*) after the date the contract is entered into, the applicant under the *Subdivision Act* 1988 gives to the Council advice by a licensed surveyor under section 20A of that Act that there is a substantial discrepancy between any boundary of the land and that boundary as shown on the plan; and

(*d*) not more than 18 months have passed since the contract was entered into.".

51. Clause 19, page 32, line 39, omit "(6)" and insert "(3)".

52. Clause 19, page 33, lines 3 and 4, omit this sub-paragraph and insert—

'(ii) for the expression commencing "airspace;" and ending at the end of proposed paragraph (*da*) substitute "airspace.";

( ) After item 30 of Schedule 2 insert—

"30A. In section 6 (2) (*g*) after 'direct' insert 'or provide for'.";'.

53. Clause 19, page 34, line 5, omit "a right of way" and insert "or surrenders a right of carriageway".

54. Clause 19, page 34, lines 9 and 10, omit "of the right of way" and insert "or surrender of the right of carriageway".

55. Clause 21, line 25, omit "(1)".

On the motion of Mr ROPER (Minister for Planning and Environment), the amendments were agreed to.

NATIONAL PARKS (AMENDMENT) BILL

The message from the Council relating to the amendments in this Bill was taken into consideration.

Council's amendments:

1. Clause 6, page 3, line 2, omit "to".

2. Clause 6, page 3, line 3, after "(*a*)" insert "to".

3. Clause 6, page 3, line 9, after "(*b*)" insert "for".

4. Clause 6, page 3, after line 10, insert—

"(*c*) for the control of indigenous fauna to the extent necessary for the preservation and protection of any species; and".

5. Clause 6, page 3, line 11, omit "(*c*)" and insert "(*d*)".

6. Clause 6, page 3, line 11, after "(*a*)," insert "for".

7. Clause 6, page 3, line 35, omit "or control" and insert ", control or destruction".

8. Clause 6, page 4, line 4, omit "and" and insert "or".

9. Clause 6, page 4, line 12, after "diseases" insert "; or".

10. Clause 12, line 2, after "12." insert "(1)".

11. Clause 12, line 3, omit "(2)" and insert "(5)".

12. Clause 12, after line 8, insert—

"(5) The Governor in Council, by proclamation published in the *Government Gazette*, may declare specified land forming part of a park to be a wilderness zone if the land—

(*a*) together with the plant and animal community on the land, is in a state that has not been substantially modified by the influences of European settlement or is capable of being restored to such a state; and

(*b*) is of a sufficient size to make its maintenance in such a state feasible; and

(*c*) is capable of providing opportunities for solitude and appropriate self-reliant recreation.".

13. Clause 12, line 9, omit "(5)" and insert "(6)".

14. Clause 12, line 10, omit "lands" and insert "land".

15. Clause 12, line 13, omit "(6)" and insert "(7)".

16. Clause 12, line 13, after "(5)" insert " or (6)".

17. Clause 12, line 15, omit "(7)" and insert "(8)".

18. Clause 12, after line 24, insert—

'(2) In section 22 (2) of the Principal Act, after "prescribed name" insert ", other than the name of "wilderness zone".'

19. Clause 15, line 34, after "15." insert "(1)".

20. Clause 15, after line 37 insert—

Regulations

'(2) After section 48 (4) of the Principal Act insert—

"(5) Regulations made under this Act may be disallowed, in whole or in part, by resolution of either House of Parliament in accordance with the requirements of section 6 (2) of the *Subordinate Legislation Act* 1962.

(6) Disallowance of a regulation under sub-section (5) must be taken to be disallowance by Parliament for the purposes of the *Subordinate Legislation Act* 1962.".'.

21. Clause 18, page 7, line 12, omit "10" and insert "1".

22. Clause 18, page 7, line 15, after "24A" insert "of Schedule Three".

23. Clause 18, page 7, line 16, after "15" insert "of Schedule Two B".

24. Clause 27, after line 30, insert—

'(3) In part 4 of Schedule Two to the Principal Act—

(*a*) after "red" insert "or coloured yellow"; and

(*b*) for "20B/7" substitute "20B/8".'

25. Clause 28, in part 2 of Schedule Two B, after "numbered" insert "N.P..".

26. Clause 33, line 22, after "in" insert "part 4 of Schedule Two,".

On the motion of Mr ROPER (Minister for Planning and Environment), the amendments were agreed to.

CREDIT (AMENDMENT) BILL

The Order of the Day for the resumption of the debate on the motion for the second reading of this Bill was read.

Mr ROPER (Minister for Consumer Affairs)—I declare that this Bill is an urgent Bill, and I move:

That this Bill be considered an urgent Bill.

Approval of the motion being put was indicated by the required number of members rising in their places, as specified in Standing Order No. 105 (*a*).

The motion was agreed to.

Mr ROPER (Minister for Planning and Environment)—I move:

That the time allotted in connection with this Bill be as follows:

For the remaining stages of this Bill until 4.37 p.m. this day.

The motion was agreed to.

The debate (adjourned from May 3) on the motion of Mr Roper (Minister for Consumer Affairs) for the second reading of this Bill was resumed.

Mr LEIGH (Malvern)—All honourable members should stay in the House because this is where they should be prepared to hear about their credit union members paying 2 per cent more interest. I am not surprised that so many government members are deserting the Leader of the House.

The Bill is concerned with two functions: firstly, the validation of $100 million in loans that is outstanding to a number of credit unions around Australia. Indeed, by accident perhaps more than by design, 66 credit unions in Victoria have been illegally trading interstate. That may have been brought about by someone who shifted from Melbourne to Sydney and had arrangements with a Victorian credit union that did not use the Co-operation Act.

That being the case, the principal and interest may well have been at risk. This Bill is most important because it validates the situation around Australia—the New South Wales government has done it and the Queensland government has introduced a regulation; the Bill will validate those loans interstate.

The Opposition is wholeheartedly in support of the proposal. It has done everything possible to get this Bill before Parliament as quickly as possible. Unfortunately, for other reasons—and because of the actions of the Minister for Consumer Affairs—the situation has not been resolved.

I must tell the House that the New South Wales government was so concerned about the activities of the present Victorian Minister for Consumer Affairs that it has decided not to proclaim its Bill until Victoria has proclaimed this Bill. That demonstrates how much the New South Wales government trusts this Minister because it knows that irrespective there of being different governments—Liberal and Labor—around Australia, it is necessary to work together on occasions. The Opposition agrees to the Bill.

I go back in time because the Bill employs what is described as the "carrot and stick" method. The Minister for Consumer Affairs and his staff or minders—whatever description best suits—said to the credit unions, "If you want the validation, you have to agree to come under the Credit Act; no Credit Act, no money!" That is what the Minister said! He was prepared to risk $100 million around Australia to achieve that end.

Mr Jolly interjected.

Mr LEIGH—We have the boy wonder over here who is better at losing hundreds of millions of dollars than anyone else! He sits there and smiles because the money he loses is everybody else's, not his own. That is all he has ever done!

The situation was so serious that the Minister was prepared to blackmail people into accepting the legislation. Mr Acting Speaker, you may rule me out of order for having used the word "blackmail".

The representatives of the credit unions said, "We are prepared to lose our share of the $100 million". In Victoria $12 million of credit union money is at stake. New South Wales credit unions have $5 million at stake in Victoria. Something is seriously wrong if people can take that attitude.

The Minister's staff came to a meeting at which the honourable member for Balwyn and I were in attendance and told the meeting that everybody agreed with the proposals. After about 30 minutes, we got it out of them that not everybody was in favour. The Minister went to the Labor caucus meeting and told his colleagues that everybody was in favour of the provisions. Mr Acting Speaker, you know that everybody was not in favour of them.

The honourable member for Springvale has entered into a strange coalition with me on this matter. Honourable members would know that he and I are not close friends. The honourable member for Springvale and you, Mr Acting Speaker, did your best in the interests of your constituents to expose the Minister. I know what happened in the Labor caucus meeting—some of your trade union friends have spoken to me.

Honourable members interjecting.

Mr LEIGH—Members opposite laugh. I wonder whether they would laugh about the meetings that were held in Parliament House last night?

Representatives of the Victorian Trades Hall Council were at meetings in Parliament House. Why were they here? Because the VTHCs own credit union was to be affected by the Bill. They were concerned that their credit union members might have to pay up to 2 per cent more in interest rates because of the provisions of clause 6, so they came to see the Minister. Mr Acting Speaker, the steps of Parliament House have been well worn in the past couple of days by trade union people coming to see members of the goverment.

Last night in the Minister's office, the Assistant Secretary of the Victorian Trades Hall Council, Mr Max Burr, and a number of trade union colleagues spoke to the Minister. Unfortunately, I cannot repeat some of the expletives that were used. I know the terminology that was used but I cannot repeat it because, firstly, I think it is unparliamentary, and secondly, it is undignified. Unlike the honourable member for Coburg who is probably capable of saying such things, I do not wish to repeat them.

The representatives of the Trades Hall Council said to the Minister, "Tom, if you proceed with this, we have 60 per cent of your preselection panel and, buddy, you are out!" Honourable members opposite can laugh, but they were not kidding last night. The Minister knows as well as I do that that is what his trade union mates were telling him last night.

Although the Minister has not brought the amendment into the Chamber yet, he will move the smallest amendment moved in the history of the Victorian Parliament. What is the Minister proposing to do? Mr Acting Speaker, I know that you are very happy with what he is proposing to do. It is very simple. Clause 2 (2) provides:

> Section 6 comes into operation on 1 July 1990.

The Minister will almost certainly enter the *Guiness Book of Records* because he will propose that the "0" of the date "1990" be changed to "2". It is not a big amendment, but it will mean that credit unions will never come under the operation of the Victorian Credit Act because by then, one hopes, Federal credit legislation will be in place. The Opposition is in total support of such a measure being introduced because it is in the best interests of all consumers that they be covered and protected from everyone if they are borrowing money.

If the provisions of the Bill ever come into effect—and all honourable members now know what will happen to clause 2, which relates to section 6 of the principal Act—the exemptions for some of the credit unions will be a mile long, as those credit unions vary from the small local community credit union to some of the credit giants of today.

In the brief time I have, I remind honourable members that we have seen an example of the Labor Party's machine power politics to the degree that its operations are almost nakedly displayed. It is almost at the level that was exposed in New South Wales when Bazza Unsworth in his cardigan was swept to power because the trade union movement in New South Wales said to the Labor Party there, "Bazza is your man; you have got him", and all the boys got him.

Mr Roper interjected.

Mr LEIGH—The Minister can make his remarks.

Mr Jolly interjected.

Mr LEIGH—At the end of the day my concern is to see the Treasurer and the rest of those on his side sit on the other side of the Chamber. I do not care where I sit in this Parliament as long as I can help the Liberal Party come to power. That is what I care about. The Treasurer is going, and he knows it!

What honourable members saw last night was a naked display of power by the trade union movement in this State.

I am sure that the members of the National Party are delighted that the proposed amendment will be moved because there are many small credit unions in country areas. The National Party was concerned about the provisions of the Bill and I suspect it was so concerned that it may have been considering inviting honourable members to vote against clause 6. I am sure the honourable member for Murray Valley will explain that better in his contribution to the debate.

I accept the need for this important Bill. The Opposition has done what it can to ensure that it has a speedy passage through Parliament. If the Minister were serious about representing the needs of credit union members, he might have come to the Opposition earlier so that the proposed legislation could have been discussed and dealt with even more rapidly. However, the Minister is not like that. That is why he has gone from being responsible for the areas of health and transport to consumer affairs. Next time he will go to the back bench, presumably.

I have a letter dated 17 April 1989 written by the Australian Federation of Credit Unions and addressed to the Minister. What is important in this is the last paragraph because it sums up the attitude of the government in dealing with people. All honourable members represent people, whether we are members of the Liberal, Labor or National parties. Credit unions are made up of people, too. The letter says:

> The AFCUL undertakes not to disclose the details of this issue to the Opposition or to other parties.

Similar legislation has passed through the New South Wales Parliament and, by way of regulation, through the Queensland Parliament. Mr Holding, the Minister responsible for such measures in the Australian Capital Territory, has indicated that he will introduce similar legislation there.

What has happened in Victoria? One day the Minister came to me in the Chamber and sat down and said, "Gerry and I need this legislation very quickly". I might inform honourable members that "Gerry" is the Minister for Business and Consumer Affairs in New South Wales, Mr Peacocke, a National Party member. The Minister

for Consumer Affairs was talking about him as if he were one of his close personal friends.

Mr Coleman—He might well be!

Mr LEIGH—As the honourable member for Syndal says, he might be.

The Minister was convinced that the proposed legislation was urgently needed and should be passed quickly. I did all in my power to ensure that the matter was considered by the Liberal Party as speedily as possible.

Over the past couple of days, the Minister has been playing games. Once again, he has got himself into a tight spot. He has botched it! He is the botcher of the Cain government! He is prepared to ruin people because he does not care! He wants to play his charade in the manner he wishes. As long as he can cover up his botching, he does not care!

There are able Ministers in all governments, but the Minister for Consumer Affairs is not one of them. He does not deserve to be a Minister of the Crown! When I showed these letters to his Parliamentary colleagues, they realised the Minister had been telling them untruths; the Minister told them everything was hunky-dory, as the Americans say. Things were not hunky-dory at all!

To his credit, the honourable member of Springvale tried to do something positive about the matter, as you did, Mr Acting Speaker. But the Minister's behaviour had been almost unbelievable. The Minister's actions say a good deal about his capacity to look after the interests of the community. No Minister should put at risk other people's money, as he has done with the people who bank with credit unions. The money of 600 000 members of credit unions has been put at risk for the sake of this clause.

The Minister has been prepared to wreck arrangements made for the introduction of national credit legislation. Also the Minister has broken the word of the former Minister for Consumer Affairs, the present Minister for Community Services; he claimed that such arrangements had nothing to do with him.

The Minister should seriously consider where he stands in relation to caring for people's interests.

Mr Cole—He's trying to look after the consumer.

Mr LEIGH—So that is what the honourable member for Melbourne thinks! Clearly the honourable member did not have the guts to stand up to the Minister in caucus.

Mr Cole—I supported it.

Mr LEIGH—The honourable member for Melbourne supported it! I place on the record, for the interest of the Victorian Trades Hall Council, that the honourable member for Melbourne backs the Minister. Max Burr may be "looking after" you shortly if you keep that up!

Mr Gavin interjected.

Mr LEIGH—The honourable member for Coburg wants to put himself in. If this continues, the Premier will have many preselections on his plate.

Mr Cain interjected.

Mr LEIGH—I did not think the Premier would treat so frivolously the concern a great many people have about the Bill. I thought better of him. If the Premier did not know what his Minister was doing——

Mr Cain interjected.

Mr LEIGH—Don't worry about my preselection. You look after yours; I can look after myself. "Don't you worry about that", as Joh says.

The Bill should have been passed long before this. That did not happen because, to its credit, the Trades Hall Council stood up to the government. Despite what I sometimes say about the blatant way the Trades Hall Council abuses its power, I admit that this time it did something positive.

I wish the Bill a speedy passage. I hope that, in the future, the interests of consumers will be foremost in the Minister's mind. If the Minister does not heed my advice, he may find that the honourable member for Springvale will be the next Minister for Consumer Affairs!

Mr JASPER (Murray Valley)—Heaven forbid! The Credit Act is a vital piece of legislation but, like similar legislation in other States, it contains discrepancies and anomalies that need to be corrected so that it can operate effectively and not only provide protection for consumers but also ensure that credit unions operate properly and justly in providing loans to consumers.

When the Bill was introduced the Minister kindly said that members of his staff would be available to brief members of the National Party about the implications of the Bill. When officers of the Minister's department met members of the National Party, we were told that the Bill was a minor one that would rectify certain errors and anomalies to bring the principal Act up to date. Since those meetings, strong representations have been made to members of the National Party by both credit unions and the Australian Finance Conference Ltd concerning the Bill.

It is disappointing that when the Credit Act was debated in 1984 the full implications of the provisions contained in it were not fully appreciated. The Act has many faults and anomalies that need to be corrected. It is also disappointing that this Bill and certain others that have been introduced in this sessional period contain retrospective provisions, because the National Party is especially concerned about such measures.

The National Party supports most of the provisions of the Bill, but raised some queries with the Minister. I hope a compromise can be reached so that the Bill can be passed by Parliament in this sessional period.

The National Party supports clause 3, which will correct an anomaly in the Credit Act. The new rebate system in the Credit Act is different from the rebate system that had been used by credit organisations for a long period. The rebate system, known as the rule of 78, operated effectively and equitably in calculating interest rebates to consumers. When the Credit Act was proclaimed it was discovered that a new system had been incorporated in it. To the concern of major finance companies, it was discovered that many rebates had been miscalculated.

The now famous 1987 Anderson case is used as the norm in determining how the Credit Act should operate in providing rebates when credit has been provided and a person decides to pay out a contract earlier than the completion date of the contract.

Clause 3 validates certain forms of refinanced loan contracts. It validates where a rebate should be paid on a rewritten contract. Without going into detail, I inform the House that the National Party supports the import of clause 3 in ratifying the actions that have been taken to ensure that appropriate rebates are provided not only for

people who pay out contracts in the first instance, so that the rebate can be provided correctly as determined in the Act, but also to ensure that rebates are provided correctly when a contract has been rewritten. The clause overcomes the anomalies that arise when a contract has been rewritten for a second or perhaps third time. The provisions of the clause affect all organisations providing finance and rebates.

Clauses 4 and 5 deal with credit unions and validate the credit provided by credit unions operating outside Victoria but providing credit within the State. They also deal with credit unions registered in Victoria and providing finance outside the State. It corrects an anomaly within the Credit Act 1984 and it is disappointing that amending legislation is necessary not only in this Parliament but also in Parliaments throughout Australia.

In introducing the appropriate Bill to the New South Wales Parliament on 5 April this year, the New South Wales Minister for Business and Consumer Affairs, Mr Gerry Peacocke, spoke at length in his second-reading speech about the difficulties that have been created by credit unions and their relevance to the Credit Act operating in that State. The situation in New South Wales is similar to the situation in Victoria, and validating legislation was introduced into the New South Wales Parliament to provide exemptions for credit unions that had been provided with exemptions since 1984. Mr Peacocke said:

> All parties to the uniformity exercise exempted credit unions from the licensing requirements of their administration Acts . . . In what surely must be no more than an oversight, . . . these exemptions did not extend to the interstate lending—which we now know is significant.

That is what this Bill deals with. Mr Peacocke also said:

> The effect of the legislation, put simply, is to exempt credit unions of other States which lend in the State of New South Wales from the licensing and ancillary provisions of the New South Wales Credit Act. It defies logic to suggest that the intrastate lending by credit unions is exempt from the credit laws but immediately a transaction extends beyond a State or territorial border it has a sudden change of character and is covered.

That is the difficulty experienced in New South Wales and the difficulty Victoria is also facing. Mr Peacocke said that credit union lending is exempt from the present credit laws.

That leads me to clause 6, which validates actions taken by credit unions since 1984. The Victorian Minister for Consumer Affairs said that credit unions suggested to him that $100 million worth of loans Australiawide could be affected by the actions taken by credit unions unless corrective action is taken.

Clause 6 is a vital provision of the Bill. It proposes to bring the credit unions within the control of the Credit Act 1984. That has enormous implications for credit unions. The National Party has had strong representations from credit union organisations. However, it is interesting that it has received no representations from the Trades Hall Council. As the Opposition spokesperson said, there have been extensive discussions with the Minister for Consumer Affairs to try to encourage the Minister not to proceed with the clause.

For Bills to pass through Parliament, the government must have the support of either or both opposition parties. Representations have been made to the Minister, but the Trades Hall Council has not contacted the National Party. The National Party received representations from individuals and organisations across Australia. If the Bill is as vital as is claimed by the Trades Hall Council, it is interesting that it has not even taken the time to talk with members of the National Party. The National Party will in the future be involved in government in this State and, on that basis alone, I should have thought that the Trades Hall Council would want to establish a close

working relationship with the National Party. The National Party would welcome the contributions the council could make to discussions and it could assist the National Party to have a better understanding of proposed legislation as it proceeds through Parliament.

I am surprised that the Trades Hall Council has not contacted the National Party on this issue. The National Party has had discussions within the party and has received strong representations from credit unions across Victoria. It has also received representations from the Australian Finance Commission, which has an interest in the matter.

Members of the National Party are concerned about the implications of clause 6 for members of credit unions. Credit unions are set up for the benefit of their members and only their members. There are approximately 400 credit unions across Australia and they have been effective in providing membership for people within a certain area of employment and have provided them with lines of credit so that they can purchase the articles they wish to purchase.

Many credit unions are now enormous financial operations, providing finance not only to their members but also to anybody who joins up for a small fee and applies for finance. That should be put in perspective.

In assessing and analysing the National Party's stance on the proposed legislation we needed to balance the views of the people involved in providing finance who would come under the operation of the Credit Act. Some figures have been brought to the attention of the National Party. There are about 400 credit unions throughout Australia, with assets in excess of $7 billion as at 30 June 1987. That is no small organisation providing lines of credit for people throughout Australia.

One can understand the concerns of the National Party when the credit unions are not subjected to the Credit Act, albeit that we have concerns for the way it is operating. This group of organisations may not have to come within the ambit of the Credit Act, yet they provide huge credit arrangements not only for their members but also for many other people seeking finance.

Some of those credit unions may get into trouble. An example was the Teachers Credit Society in Western Australia. It was reported in the *Canberra Times* of 4 February 1989:

> The Teachers Credit Society has lost an estimated $62·5 million and has cost taxpayers additionally $43·5 million.

One can perhaps understand why some people who are under the ambit of the Credit Act ask why credit unions and other credit organisations should not be brought within the ambit of the Act. That is the dilemma that faces honourable members and the National Party.

In our discussions with the credit unions they indicated, genuinely and sincerely, that a large amount of discussion and negotiation had taken place with the standing committee of consumer affairs Ministers throughout Australia in an attempt to bring about uniform legislation. It has been brought to our attention that late in July the Minister will be seeking to achieve uniform legislation to take into account all the credit unions and bring them under direct control of the Credit Act.

The credit unions have indicated that if they are required to come under that Act quickly, enormous cost would be involved to them and this would have to be borne by their members, possibly resulting in an increase in the interest rates being charged to those members with loans.

Members of the National Party believe, on balance, a full investigation should be made into credit unions and the lines of credit they have to provide to consumers in Victoria particularly and across Australia so that perhaps there can be exemptions for smaller "more genuine" credit unions which are operating solely for their members and not providing finance to people outside that area of consumption. I should like the Minister to provide to this House an explanation of what will happen in relation to clause 6; whether there will be investigations to provide exemption for a particular range of credit unions, whether by membership or by the actual financial viability of a credit union, and whether the Minister would consider extending the date on which clause 6 comes into operation. The Bill provides in clause 2 that clause 6 comes into operation on 1 July 1990. Is the Minister prepared to indicate to the House that there could be an extension of time for the operation of this clause?

The National Party will support the Bill on the basis that the Minister provides a satisfactory explanation on clause 6 in relation to the smaller credit unions and confirms that investigations will be instituted to accommodate those smaller credit unions when bringing credit unions within the ambit of the Credit Act.

In responding I should like the Minister to indicate whether he will support action being taken when the consumer affairs Ministers from throughout Australia meet in July and what action he will take to achieve uniform legislation which will be operative and effective for the whole of Australia.

Those are the key issues. The final point to which I should like the Minister to respond is in relation to the operation of clause 6. We seek an assurance from the Minister that the date of operation will be extended. The National Party will consider the response of the Minister while the Bill is between here and another place so that the legislation can proceed and be effective in clarifying many of the problems that have developed in Victoria with this legislation.

Mr COLE (Melbourne)—I support the Credit (Amendment) Bill. It is important to make it clear that the concept of bringing credit cooperatives and credit unions under the Credit Act is good. I accept that credit cooperatives may have some concerns about the implementation of this move at a practical level, especially the cost effectiveness from their point of view of coming under the Act, but I do not believe it is an argument against it.

There is a need to be neutral about the issue of the provision of credit to consumers and all lending authorities should be governed by similar legislation. I know that my local credit cooperative, the Macaulay Community Credit Cooperative, is not opposed to the concept of coming under the Credit Act but expressed concern that they are governed by the Co-operation Act which limits what they can do and, therefore, they are already suffering competitive disadvantage with the banks in particular.

Aside from those issues of competitiveness, there is a grave concern that just because an organisation is a credit cooperative or a credit union it is not devoid of people who provide money in a manner which is not appropriate and acceptable to our community. It is important that credit cooperatives and credit unions be brought within the ambit of the Act and forced to comply so far as possible with the credit legislation. We are living in a relatively deregulated money lending economy and we must ensure at all times that all money lenders are covered by similar guidelines. If they are not doing that, one group will have a competitive disadvantage over another.

The credit cooperative in my area provides services and perhaps, at times, this will be restricted because it will be brought within the credit legislation. I hope it will not have that effect. That is to say, loans are made to people to help them out, and those people might not normally fit within the guidelines for giving out loans. Certain arrangements are made to ensure people are looked after, particularly members.

An Honourable Member—Personal loans?

Mr COLE—Yes. One would be concerned if this supportive practice were proscribed by the Credit Act. I ask the Minister for Consumer Affairs to monitor the effect this will have on credit unions and cooperatives in carrying out that important function for consumers.

The Minister was doing what was best in the interests of all consumers and, I believe, the interests of all credit providers. Some groups opposed it and believed they should not come within the Act. Discussions have been held and some arrangements for accommodating them have been made. I am pleased the Minister has acted in the way he has to ensure consumers in this State are protected from shonky and bad lending practices by all lending authorities—not just the banks and financial institutions, but also the credit cooperatives and credit unions.

Mr CLARK (Balwyn)—The manner in which the Bill has come to the House has been regrettable. The facts have been very lucidly outlined by the honourable member for Malvern, and I shall not repeat them.

I express concern that we have heard the possibility that the Minister is considering changing the amendment that we understood was to be made; that is, changing the year from 1990 to 1992. The Minister is now considering changing the reference to 1991.

I hope the Minister will tell the House exactly what he intends to do. I join with the honourable member for Murray Valley because what the Minister proposes to do about clauses 2 and 6 is relevant to the way that the non-government parties approach the Bill. Before proceeding to some specific concerns, I place on record my concern about the retrospective operation of the Bill. Retrospectivity should always be a source of serious concern, and this is no exception.

I note that on previous occasions credit providers who have got into difficulties have been required to go to the Credit Tribunal to obtain a remedy, and I cannot see a particularly strong argument for making an exception in this case.

I turn now to concerns about specific provisions in the Bill and refer initially to clause 3. I believe there are four reasons why clause 3 is ineffective. The first is that the term "Principal Act" as referred to in subclause (2) has not been defined and the Bill, therefore, operates in a vacuum, in contrast with clause 6 where express reference is made to the Credit Act.

Similarly, the reference in subclause (3) to "this Act" is incorrect. It is not this Act—that is, the Credit (Amendment) Act—that is being referred to; it is the Principal Act—which I remind honourable members has not been defined—and that error should also be corrected.

In addition, I have concern with the reference in subclause (2) to Schedule 4 of the principal Act—whatever the principal Act is! My understanding is that section 36 is the operative provision that should be referred to, and I think for the avoidance of confusion it would be preferable if the clause referred to both section 36 and to Schedule 4.

The fourth difficulty is that the clause is quite complicated, and I shall outline it only briefly. The concern is that the clause does not deal with what are referred to as "second level infections"; in other words, where one has a series of credit contracts which are discharged and they run one into the other. This provision will pick up the second and perhaps the third, but when one gets to the fourth—which one may think extraordinary, but I am told it happens regularly—one has solved only half the problem with the clause. One has solved the rule of 78 problem but not the problem that arises

because the figure that goes into the new contract is incorrect, which still leaves the credit provider at risk of losing his credit charges if an action is brought under section 36.

The fifth and final point I would make is this: there is concern that the clause and the Bill assume a particular interpretation of the Credit Act as it stands. The Anderson case could conceivably be challenged by a credit provider. That is doubtful, but possible. It is more likely that a credit provider may wish to argue that section 36 does not require a forfeiture of credit charges in the circumstances contemplated by the Bill.

The concern is that Parliament could be said to be pre-empting the question of interpretation of the existing Act by making the amendment it does. I hope that is not what is intended by the Bill. I hope it is intended that that question be left open to be argued on another day. If the Minister intends pre-empting that issue, he should inform the House accordingly.

Mr ROPER (Minister for Consumer Affairs)—I thank honourable members who have contributed to the debate and I shall start off with the point made concerning retrospectivity. This Bill involves two major areas of retrospective action, one relating to credit unions, and the other relating to financial institutions. In both those instances the action was taken not because we as a government believed in retrospectivity but rather to validate a series of problems that would have been a far greater evil if left unaddressed than dealing with the problems of retrospective legislation.

If we had not so acted, there would certainly have been, so far as credit unions were concerned—both in this State and in other States—the possibility that the hard-earned savings of innocent depositors could well have been lost. That was unacceptable. That is why we have acted throughout the country to provide that savings provision.

I would have to say as well, in respect of the other retrospective clause, that the amount and the volume of activity that would have had to be carried out for no real benefit to anyone was also a reason for taking the validating action.

It certainly would have been disastrous for the credit unions if there had been knowledge of these problems abroad. We and others, I think, have been deliberately responsible in ensuring that what could have been a very attractive story on the night-time news did not get there.

A number of other concerns have been aired. The first relates to the Commonwealth legislation. It would be fair to say that Victoria has done more than most States over a period to develop national legislation—this is not something new for Victoria—on behalf of the Commonwealth and the other States.

In fact, last year, at everyone's request, the government put its Bills into plain English. I would have to say, as an outsider looking in on credit legislation, that it is not in plain English. Not only is it not in plain English, but also it is in English that is difficult to understand.

Mr Leigh—What's new about the law!

Mr ROPER—To some extent the honourable member for Malvern is right. There is a reluctance among lawyers to accept the plain English version the government has introduced.

Mr Leigh—It might cost them money!

Mr ROPER—It might well cost them money if people can understand the law more easily. Plain English legislation has been commended by the other States.

The next step was to take the principles that have been adopted by the Ministers and put them into a comprehensive piece of legislation. That was completed only a couple of weeks ago. At meetings that have occurred in the past few days in Melbourne, representatives of the various States and the Commonwealth have been busy drafting legislation. We are still a long way from having that legislation. I should prefer that it was available as soon as possible but I think the reality is that it will be some time before I can introduce into this place a plain English and modern credit Bill. I look forward to doing so in the future.

The honourable member for Murray Valley mentioned national legislation. He also raised the issue of appropriate exemptions to ensure that specific aspects of credit union activities are different from those to which banks and financial institutions conform. The government made it clear to the many organisations and people who wrote to it that it would expect detailed discussions with credit unions about appropriate exemptions during the next stage of this exercise.

Among the things that have been put to the government, for instance, is that credit unions with fewer than 500 or so members should have a blanket exemption. That is worthy of consideration because about 30 of the credit unions in Victoria have small memberships. There are other problems about the way in which credit unions traditionally do their business, for instance, in a factory, and that would have to be addressed, too.

It is the government's intention to have detailed discussions with credit unions about its objectives, which are not about making life more difficult for credit unions but about consumer protection. The government intends to have those discussions over ensuing months.

The honourable member for Murray Valley also mentioned costs of the changeover to the new system. Without being too concerned about whether it will cost $1 million or whatever—and that is something we must work through—the level of costs of setting up the new arrangement is much less as a proportion than originally thought because the credit unions now comprise an extremely large business group. I accept that some of them are not large businesses but overall their asset base is more than $1·7 billion in Victoria.

The honourable member also asked about the date of operation. It has been suggested that a specific date should be set. Others thought it would be better to have the date of introduction decided later. There were still others who did not think any date of introduction was appropriate.

The government's concern was to ensure that the principle of consumer protection was written into credit legislation and that any risk of future problems such as what we are validating today would not arise again. For that reason and because of the views that have been put forward about the problems of time and the need for detailed discussions, it has agreed that there be a further twelve months prior to clause 6 coming into effect and appropriate amendments to that effect will be moved in the other House.

I thank honourable members who have taken part in the debate and also for their contributions during the briefing sessions. Some of the amendments that have been formulated have been the result of input from honourable members and others over the past month or so. I commend the Bill to the House.

The motion was agreed to.

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

EDUCATION (WORK EXPERIENCE) BILL

The debate (adjourned from May 4) on the motion of Ms Kirner (Minister for Education) for the second reading of this Bill was resumed.

Mr I. W. SMITH (Polwarth)—The Bill follows on from a *Ministerial Review of Work Experience*, a report on which was published in June last year. Recommendation No. 30 of that report is embodied in the Bill. I shall not explain the substance of the Bill; that has been done adequately by the Minister in her second-reading speech.

It is a simple Bill and it is pleasing that a wonderful initiative taken by Brian Dixon in a Liberal government is actually being improved by the current Labor government. It would stand unique as something that has in fact been improved because this spendthrift, incompetent and wasteful government tends, with its revisionary actions, to detract from everything useful that a Liberal government ever did. So history is being made with this Bill. This is the only thing I can pick up that the government has actually done that is useful.

It is important in this day and age that students have the opportunity of work experience. I was fortunate in that I have lived long enough to have passed through the era where one could push one's bike down the street and go into every shop, from the butcher and the baker to the candlestick maker and through their back rooms to the motor mechanic and participate in shifting and repairing and looking at how everything worked and how people behaved in a workplace.

With high-rise office buildings and large factories with guards at the gate, the work experience that my generation had by traditional right is denied to the youth of today. With great wisdom and foresight the Honourable Brian Dixon, a former Minister for Youth, Sport and Recreation could see that the work experience programs initiated by the then Liberal government would fill a large void and give students some idea of what they were to expect after leaving school. Because of having been given that idea, they were much more likely to focus accurately on the sorts of studies they should pursue at their secondary schools.

I know how valuable this tool is to educators in the State system, because approximately 80 000 students are placed on education work experience each year. I congratulate the many employers who, at considerable trouble and cost to themselves, open their workplaces to regular invasions of work experience students.

I have found that some of the more difficult students at secondary schools are the ones that principals and teachers are most eager to get into the workplace and it is with this sort of experience that they either become better, more diligent students, or are at least brought to some reality in understanding their responsibilities when they leave school.

It is a pity, in a way, that this country does not have proper national goals, and to complement them, State goals, so that educators could more clearly identify what it was that the nation required. That would allow them more easily to inculcate into students the sort of message that would better fit them to aim at something that is in the interests of the nation, and of the community, as well as being in the personal interests of the students.

The work experience program would be much better for the expression and implementation of a proper set of national goals that would enable people to identify those goals more clearly and have a greater sense of purpose when they go about their day-to-day lives.

The Opposition does not oppose the proposed legislation and congratulates the Minister for Education on this unique opportunity that she has taken to improve a

visionary and valuable piece of Liberal legislation, initiated by a former Minister for Youth, Sport and Recreation, the Honourable Brian Dixon, approximately ten years ago.

Mr STEGGALL (Swan Hill)—I join with the honourable member for Polwarth in supporting the Education (Work Experience) Bill. The Bill provides that a department of the Commonwealth government or body established by a Commonwealth Act is not required to make payment to a pupil on work experience and that the WorkCare contribution will be paid for by the State government, which is a sensible solution.

Most members of Parliament, like myself, have had work experience students through their offices each year and enjoy the experience of showing those students how an electorate office works.

Today might not be the appropriate day to answer some queries that I have with the Bill, but I ask the Minister to clarify some matters. Work experience is a success because of the extensive consultation that occurs between secondary schools and the employers. I know that my office has had contact with teachers both before the students arrive at the office and after they leave the office. The teachers usually visit the office to speak with us while the students are there. The Minister for Education has upset some teachers because they have written to me and to the Minister about some problems associated with work experience.

It is not necessary for career teachers to visit the workplaces and make arrangements for placement of the students, but, without that personal consultation, work experience students may feel that they are being used and may withdraw from the system. The Bill is designed to encourage work experience students to go into the workplace, especially those wishing to gain experience with the Commonwealth government.

I direct to the attention of the Minister the Victorian Secondary Teachers Association weekly newspaper, *VSTA News*, of 24 May, which carries a report of a letter that the Minister sent to the president of a high school council pointing out to the council that, although work experience for students is encouraged, schools are not required to include it in their programs. The Minister's letter goes on to say:

> The documents which you enclosed are from the booklet *Work Experience: A Guide* and as such are suggested, not prescriptive. Unfortunately, one of those documents is misleading in that it includes reference to a pre-placement visit and a visit during placement under the heading "Checklist of legal requirements". These visits are in fact not required by law.

Teachers have the problem of claiming the cost of travel as a taxation deduction when they are involved in work experience. Country students travel long distances to obtain work experience and some clarification by the Minister on this point would be appreciated.

The National Party supports the proposed legislation because it improves a good program. My own children have been involved in it and the provisions of the proposed legislation will improve the work experience programs that have been in place for some years.

Mr LEA (Sandringham)—I support the honourable members for Polwarth and Swan Hill and congratulate the Minister for Education for carrying on the grand Liberal tradition of work experience, which was first initiated during the late 1960s and the early 1970s when schools had to place students in industry and office work at their peril.

I remember those days as a school teacher at Doveton North Technical School when students were placed in work experience. I was concerned because there was no workers compensation cover for those students and no legal sanction by the

government. A former Minister for Youth, Sport and Recreation, the Honourable Brian Dixon, introduced legislation that laid a firm footing for the development of a program that has become renowned throughout Australia.

The Bill involves the use and availability of Commonwealth offices for work experience. The honourable member for Benambra mentioned to me that there have been considerable problems over time in the Albury–Wodonga area, where there is a shortage of places for work experience. The Commonwealth and State governments have made commitments on this issue, but they have taken a long time to provide work experience opportunities.

I congratulate the government on developing the *Work Experience: A Guide* booklet, which provides excellent information for schools. All honourable members should read it. It details such things as forms and applications for work experience, visits to industry, the total procedure involving work experience and the recording of numbers and statistics. A former Minister of Education, the honourable member for Footscray, should be congratulated for the work he has done in this regard. I congratulate him for the work he did when he was Minister of Education.

I turn now to a report on work experience in Australian secondary schools issued by the Commonwealth Department of Education and Youth Affairs in 1984. Page 1 of that report states:

> Work experience programs for secondary school students have widespread support in Australia. They represent a tangible response by schools to student concerns for "real world" relevance in their education and to parent concerns for their children's transition from school to work.

Page 13 states:

> . . . work experience assists students in their initial career choice.

It also increases students motivation for many studies. In the early to middle 1980s the Commonwealth government was involved in school-to-work transition programs. I was involved in one such youth program in the Blackburn–Doncaster area with Blackburn High School, East Doncaster High School and Blackburn Technical School, which provided significant input for students who could not cope with school and who were looking to make the transition to work, or a return to school when they could cope with the normal school programs.

In 1986 the Commonwealth government introduced a program for Commonwealth offices. The Commonwealth government said that the States could use their facilities providing they took the responsibility for any damage caused. The Victorian government did take up that offer. There has always been some concern about compensation. The Bill will, in a sense, formalise the procedure and solve a problem that has existed for a long time.

A discussion paper headed "Education Work and Youth Policy" was prepared for the Commonwealth Schools Commission in September 1986. It suggested that one had to view work experience in a youth program as giving people the opportunity of providing education, diversity of choice in work and in maintaining their records at school. Research by the Commonwealth has shown that work experience is not good just in itself. It must be a specific part of the program in the school curriculum. If it is not integrated well into the curriculum it does not provide much assistance to students in work preparation.

The *Ministerial Review of Work Experience*, issued by the Ministry of Education in June 1988, is an important document. The Ministerial Review of Work Experience Committee was chaired by the honourable member for Essendon, who is now Minister for Agriculture and Rural Affairs. That review was the first major evaluation of work experience since the 1960s. It found that about 70 000 students every year were being

catered for by the program. It suggested that schooling must be not only relevant to the economic future of children but also seen to be so by students. Work experience demonstrates the links between school and the world at large. The review confirmed the position that had been adopted by the Commonwealth.

Tonight honourable members are considering an affirmation of a Commonwealth decision which relates to all States of Australia. I notice that the measure will recommend an increase in the payment from $3 to $5 a day to a student for work experience. The State will cover the workers compensation aspect in the event of accidents to students.

I commend a group of people who are really the unsung heroes and heroines over the past twenty years. I refer to the employers who have taken on board literally millions of students and provided them with work experience.

I commend the Minister for Education on the measure. I am sorry that it has been slow to come to pass, but I am confident that work experience will continue to play a significant role in the development of this important transition of our young people from school to work.

Mr BILDSTIEN (Mildura)—As the Minister for Education states in her second-reading speech, the Bill is designed to increase the opportunities for students in secondary schools to participate in work experience and thus improve their knowledge of changes in the workplace, and to simplify the means of setting the minimum rate of payment for work experience students.

I join with speakers from both the Liberal and National parties in congratulating the Minister on the Bill. Naturally, I circulated copies of the Bill and the Minister's second-reading speech in the Mildura electorate. I shall briefly place on record two of the many responses that I received. The first was from Geoff Raymond, the Manager of the Commonwealth Employment Job Centre in Mildura, who states:

> The proposed amendments to the existing Act would, in my opinion, be of benefit to students wishing to undertake work experience.
>
> The amendments should ensure that students are adequately covered by insurance while placed in Commonwealth establishments and contribute to an increase in the number and range of Commonwealth organisations prepared to accept work experience placements.
>
> I do not believe that the non-payment of a minimum daily rate to participants in work experience in Commonwealth establishments would be critical to their willingness to take part in the program, or to the potential benefit that they would derive from it.

The second response is from Ian Horbury, Principal of the Merbein High School, which is where I undertook my secondary education, who states:

> We applaud any widening of the potential for obtaining placements as, although those who take our kids always react very positively, every year we run up against people who say they have had bad experiences with kids from other schools, so refuse to cooperate. Bringing Commonwealth agencies into the pool will certainly create many more opportunities.
>
> The non-paying aspect is a worry. Already there are a couple of agencies that do not pay and this means that kids who do their work experience with them are disadvantaged compared with their mates. This is even worse if the kids have to pay fares to get to the place of work. In the past our school council has agreed to pay the kids in such a situation, but clearly there is a limit to how far this can go especially as the rate payable increases and the number going to such placements increases. It would be a pity if the potential increase in available placements were to be shunned by the kids because of non-payment.

Our education system must keep abreast of the needs of industry—if not in front of it—and provide offerings that will enable students to achieve fulfilling and rewarding lives.

A crucial response of education must be to anticipate and help determine the nature of that desirable change, rather than respond to it. The needs of young people must be accounted for in all areas of government and community policy and not be isolated. Young people are a crucially important ingredient in the fabric of our society and must be treated as a resource which is too important to ignore.

Young people, like everyone else, want to do something useful—at work, earning a wage, starting a business and helping the community. We must establish a firmer, more meaningful link between school and work. We must develop programs that connect students with their future responsibilities. These programs should convince the next generation that striving for success really does pay. Our school students need to receive greater encouragement to develop self-esteem, to develop good work habits and to understand that there must be limits to the help available to them from the rest of the community if they do not help themselves.

People need to be encouraged to think for a living—not just work for a living. More people have to be willing to take risks, rather than to avoid them. With these sorts of goals developed from the earliest possible age, and shared by executives and workers, we will be able to plan with much greater confidence for the next century.

Mr EVANS (Gippsland East)—I ask the Minister for Education whether she will continue efforts to seek arrangements with interstate bodies to provide work experience, particularly for children in isolated areas. I have in mind particularly the small township of Cann River where periodically children desire to undertake work experience programs in the Australian Capital Territory. I am sure there must be other areas near the Victorian State borders where the same question arises.

This matter has already been directed to the attention of the government. I know it is not an easy problem to resolve, but I ask that the Minister continue the efforts of her predecessors. It is important that children in remote areas should have similar benefits to those available to children in the more developed areas of the State.

Ms KIRNER (Minister for Education)—I thank honourable members for their support for the Bill and their supportive comments on work experience, which is an important part of education. The honourable member for Polwarth is correct when he said a former Minister in the previous Liberal government, Mr Dixon, created the program and pushed the legislation through with the support of the trade unions and employers. It is an interesting turn of history that at that time I was on Brian Dixon's Youth Employment Committee. He began the work experience legislation and now I am completing it. I am sure the former Minister would be pleased to see the amendments proposed in the Bill.

The honourable member for Swan Hill asked me to clarify whether I supported career teacher visits to work experience students or to their homes. This matter was raised because of an article the honourable member read in the Victorian Secondary Teachers Association newsletter. I support career teacher visits to students carrying out work experience. A school council can decide to reimburse those teachers if they wish. It is correct to say that home visits are not required by law. We do not compel our teachers to do home or workplace visits but, of course, they are valuable in improving the quality of the whole experience. The school is clearly responsible for deciding not only whether to conduct work experience programs but also how to conduct them. I hope my remarks in that Victorian Secondary Teachers Association newsletter have not been taken in such a way as to undervalue the work of teachers or the value of work experience.

The honourable member for Gippsland East asked me to continue the government's efforts to enable students in remote areas, particularly areas like Cann River, which

I know well, to undertake work experience over the border or, indeed, vice versa. It is a difficult matter because of different State views about work experience. The government will continue to work on the issue with the cooperation of the education officers in East Gippsland.

I close my remarks by thanking those who carried out the review of work experience—the honourable member for Essendon, now the Minister for Agriculture and Rural Affairs, who chaired the committee; the honourable member for Coburg, who was a member of that committee; and the representatives of trade unions, employers, teachers and the community. It is indeed a useful report. I thank my departmental officers—particularly Margaret Bride—for their continuing work in ensuring that work experience in Victoria is of a high standard and has considerable educational value.

The motion was agreed to.

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

EDUCATION ACTS (OVERSEAS STUDENTS) BILL

The debate (adjourned from May 11) on the motion of Ms Kirner (Minister for Education) for the second reading of this Bill was resumed.

Mr I. W. SMITH (Polwarth)—The Opposition does not oppose the Bill. The Opposition agrees with the Minister that it is important to obtain and maintain the integrity and reputation of educational institutions and courses that are available to overseas students in this country. Difficulties that have occurred in this area have highlighted the need for some regulation, something that we all should resist, but, in the interests of ensuring our reputation is commendable, it is necessary to have this type of legislation. The Bill results from discussions between the other State and Territory Ministers and the Federal Minister. It will be necessary for each Parliament to produce similar complementary legislation.

I shall not weary the House by describing the Bill, because that has been adequately covered in the Minister's second-reading speech and in the explanatory memorandum on the front of the Bill.

A number of active local members, including the honourable members for Warrandyte, Evelyn, Doncaster and others, have, because of their close contact with their communities, had discussions with those who traditionally run exchange student schemes between this country and other countries. Those honourable members have highlighted what the Opposition is fully aware of—the great benefits of such exchanges which enlighten and enrich the culture of Australia and the other countries that participate in such exchange programs.

Some doubt has been expressed about the Bill in that it may result in the charging of fees for courses where fees are not currently payable. However, I raised this matter privately with the Minister and the Opposition is now formally seeking assurances that, where fees did not exist fees will not be charged to organisations or individual students undertaking traditional, approved, recognised exchange study courses. The Opposition hopes the Minister will give an assurance on that matter. If that assurance is given, the Opposition wishes the Bill a speedy course and hopes the power given by regulation in the Bill to charge fees for endorsing schools will be exercised wisely and that those costs will be nominal. The Opposition would not wish to see schools effectively priced out of the market if they wished to pursue these worthwhile courses that are offered to overseas students. If the Minister can assure the House that the charge for the endorsement of courses will be a nominal one, and if the fears the

Opposition has as to the risk of reduction in available courses as a result of the introduction of a charging mechanism can be removed, the Opposition will be happy to proceed with the passage of the Bill through both Houses.

Mr WALLACE (Gippsland South)—In 1986 the Commonwealth and State governments introduced measures to encourage the export of education services at all levels—government and non-government schools, TAFE, higher education courses and other courses, such as those at business colleges and so on.

There are more than 4000 students involved who pay the full cost of their courses. Problems arose from a misinterpretation by some of the overseas agents that were in a sense exploiting a type of practice and because of inadequate language proficiency by some of the students. This led to adverse publicity overseas, particularly in the Asian area. Incidents similar to the one at MDA Grammar School at Mooroolbark occurred in other States, and in June 1988 the Australian Education Council resolved that the States should introduce assessments of the institutes.

The Commonwealth government would supply visas only to students enrolled in approved institutions. Of course, the costs of accreditation would be borne by the institutions, and they have used this as a marketing point, and until the State approval comes into operation on 1 July 1989, the Commonwealth approvals are accepted.

All States and Territories are currently developing their guidelines, and in Victoria a working party exists with representation from the Ministry portfolios and agencies. The reason the States agreed to the transfer of the responsibility was that the Commonwealth is not well placed to deal with any problems that arise so it is seen as a means of emphasising the prevention of incidents which undermine the scheme. The Minister may like to comment on that fact because it appears that problems have developed.

The National Party certainly does not oppose the Bill, but it would like some explanation on those points.

Mr HONEYWOOD (Warrandyte)—It is interesting to note, from the Minister's second-reading speech, the number of references to free enterprise principles—a concept that is quite unique coming from the government benches. In referring to free enterprise principles the Minister uses such terms as "further rapid growth in the export of Victorian educational services and for foreign exchange earnings", "target markets" and also, "harming the reputation of the industry".

These terms used by the Minister tend to denigrate both education in this State and overseas students as objects ripe for the plucking, objects ripe for exploitation, and a panacea for our Federal government's foreign exchange earning problems.

I also note from the second-reading speech that the Minister referred to "safeguarding Victoria's reputation for quality education and the welfare of overseas students". Nothing could be further from the case in the electorate I represent, and I refer to a school with which the Minister is well-acquainted—MDA Grammar School. At that school the former principal, Mr Reske, allegedly absconded with hundreds of thousands of dollars because the government was not willing to keep an eye on the school and monitor the corrupt and illegal activities of that principal. There was no accountability of that principal to any government organisation.

The situation exists at this school and, indeed, in other schools in Victoria, where overseas students arrive off the plane at Tullamarine Airport, having paid their course fees, but are never seen or heard of again because rather than going to school, they bolster our employment figures in this State by taking jobs. They are never seen at the schools which they are supposed to be attending, and that is a well-known fact if one

talks to people in the industry. I hope, given the lack of government monitoring in this regard in the past, that the proposed guidelines will address this important hole in the current situation.

The MDA Grammar School difficulties also highlighted a problem in the Bill where a number of Australian families in the electorate I represent took in overseas students, provided them with board and keep at cheap rates but then found that those students abused the shelter provided by Australian families and regarded their period over here as a holiday in which they could explore all different forms of cultural attractions in this country which they could not explore in their own nations.

Once again, I hope the guidelines will firmly correct the situation of Australian families being exploited, particularly when these families are doing the right thing and are quite willing to take in people from other cultures as part of an exchange of ideas between two different nations.

In the case of schools who take in overseas students, quite often they are isolated from the communities in which they are located and certainly at MDA Grammar School in Mooroolbark, which is a semirural area, hundreds of Asian students were relocated to Mooroolbark which did not necessarily fit in with the cultural situation in that area, particularly with problems of board and keep, and with students not showing up for courses. This highlights the problem of overseas students needing to be facilitated in a community in which the school is located, otherwise the community becomes disillusioned about foreign relations and the educational standard in Victoria.

From the MDA Grammar School experience we can only hope that the government will do a better job with its proposed guidelines in these areas in future, rather than turning a blind eye to the many problems, as it has in the past. I should add that the Federal government has not been of great assistance to the State government to date in this regard, and I hope the Minister will take on board these comments and lobby the Federal government to assist her in this important cause.

I should add that the MDA Grammar School bail-out cost Victorian taxpayers hundreds of thousands of dollars. The school has been liquidated and many Australian citizens involved in the school on a genuine basis have been disillusioned and, obviously, do not want to be involved in similar situations ever again. The school complex has become a white elephant stuck out there in Mooroolbark. It has been empty for months now. The Minister should be trying to use the school facilities as a government school, given the wonderful facilities out there, but the complex is still an empty white elephant, and the government has indicated that the complex will have no use in the government education system.

As a final note of concern I reiterate the views put forward by the shadow Minister for Education, the honourable member for Polwarth, in requesting the Minister to give a firm commitment that aspects of the Bill and any further legislation the government might consider will not hamper the cultural exchange and foreign exchange student programs. As a former Rotary exchange student to Tokyo, Japan, in 1978, I can testify to the great benefits that Australian teenagers have gained in character building, self-confidence and understanding of other people and their cultures, which accrue from such exchange programs.

I know the Minister has been lobbying in this regard, and I only hope there will be no financial impediment placed on these programs, whether they be Rotary Club of Melbourne exchange programs, Lions Club programs or any other cultural exchange programs.

Mr J. F. McGRATH (Warrnambool)—I raise a few issues that have been brought to my attention by constituents in the Warrnambool electorate. The Minister might

like to respond to them at the appropriate time. Firstly, I have a letter from the President of the East Warrnambool Rotary Club who is active in the aid of overseas exchange program students. Mr Miller asks three specific questions. He refers to page 4, Part 5 of the Bill and says:

> Stating "An endorsement under this section remains in force for three years from the date of endorsement unless sooner suspended or cancelled" could mean big problems if this were applied to Rotary exchange students . . .

In commenting on subclause 10 he states that it reads:

> In this section "education institution" includes any organisation or body providing or offering education or any course of study which is established for private or commercial purposes." This section has ominous overtones which could easily be applied to Rotary exchange students.

There is concern because there are moves in Federal Parliament, about which the Minister will be aware, which could have a significant impact on the Rotary student exchange program. Rotary is generally concerned about the direction of the proposed legislation and it is seeking some confirmation or direction from the Minister about its application. Mr Miller continues:

> If this Bill covers such overseas students as described in the document, and in our case, Rotary students, it would mean that this wonderful scheme would most likely fold up as costs would prevent students other than students from very wealthy families . . .

from participating. That is a valid point. I seek the response of the Minister to those matters.

The Warrnambool Institute of Advanced Education provides education to overseas students and it has built up a support infrastructure in the Warrnambool community for those students. The Director of the Warrnambool Institute of Advanced Education, Mr David Roach, wrote a letter to me asking me to raise the matter with the Minister in which he states:

> As you are aware WIAE currently offers courses to overseas students at Warrnambool, Penang and Port Moresby. WIAE council has adopted the AEC guidelines as policy for WIAE.
>
> To require WIAE to seek approval from yet another body seems excessive bureaucratic control. If the problem is with private institutions then the legislation should cover only those institutions. This type of legislation adds yet another expensive administrative overhead to small institutions like WIAE.

Those two letters from Mr Miller of the East Warrnambool Rotary Club and from Mr David Roach, the Director of the Warrnambool Institute of Advanced Education touch on points which I request the Minister answer so that I may provide that information to my community as a result of the debate today.

Mr LEA (Sandringham)—The Australian-State Education Council in June 1988 met to solve a problem that had occurred with overseas students coming from South-East Asia—from Malaysia and Hong Kong and so forth. The honourable member for Warrandyte referred to the MDA Grammar School. I refer to the Minister the problems experienced by the La Trobe University to which students come from Asia to study and who bring in funding, but they send their money back to Asia to allow another student to apply to come to Australia in the same way. The students enter the country in this way with no tangible means of support. Has the Minister investigated this situation?

The Bill is significant. It provides guidelines which apply to post-primary students and tertiary students; it has been adequately canvassed except for the matter that I have mentioned. I believe serious social problems can occur when a student comes to Australia with inadequate financial support. There is much evidence of that situation.

Many students enter Australia to learn English. I hope the schools and the universities provide proper courses for students in English as a second language to cope with that need.

The Federal government is mainly concerned in this area. This program performs a dual purpose. It shows goodwill to our Asian neighbours—I believe it is paramount that we do so and that is one matter that the State government and the Federal government have emphasised. Secondly, it provides employment for teachers because by importing students this creates the need for more teachers to be employed who would not otherwise be employed.

It is important that some checks are placed so that there are enough places for students to live within our community. Overseas students should not take the places of our own students. I am sure the Minister is aware of this possibility and will be monitoring that in the months and years to come.

The Bill has merit; honourable members on all sides of the House should support it, but I ask the Minister to take up the points I have made.

Ms KIRNER (Minister for Education)—I thank honourable members for their support for the Bill, which protects the interests of overseas students and the reputation of the courses offered to those students. I assure the honourable member for Polwarth that the fees charged for the endorsement of courses will indeed be nominal. In consultation with the Federal Minister for Employment, Education and Training, Mr Dawkins, I am able to assure the honourable member and other honourable members who raised the issue, that there will be no fee charged to overseas students engaged in Rotary student exchanges or other non-government organisation student exchanges of a similar kind.

The honourable member for Warrandyte expressed strong views about the disastrous situation at MDA Grammar School. The proposed legislation will ensure that as the State government will be closer to schools that situation should not occur again.

The honourable member for Warrnambool raised the matter of the assessment of courses autonomous to universities and institutes. The Bill allows the Minister to immediately recognise well-established courses at universities and colleges of advanced education. However, it also provides for a case-by-case assessment, where necessary, so that the Minister may examine the endorsement of that particular course. I assure the honourable member there is no need to be concerned about whether general endorsement will be received by the particular institute to which he refers.

The honourable member for Sandringham raised the question of the need for more language support for overseas students entering our institutions. That is a matter for either non-government school authorities or the institutions themselves, but I agree with him that there is not much point being enrolled in a course unless one has sufficient language capacity to tackle those courses.

I thank honourable members for their support for the Bill and in particular thank David Weir, an officer of my department, for his excellent and careful work on the Bill.

The motion was agreed to.

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

CODE OF FOREST PRACTICES FOR TIMBER PRODUCTION AND INSTRUMENT OF APPROVAL

The Code of Forest Practices and Instrument of Approval (presented on May 9) by Mrs Setches (Minister for Conservation, Forests and Lands) was taken into consideration.

Mrs SETCHES (Minister for Conservation, Forests and Lands)—I move:

That the Instrument of Approval of the *Code of Forest Practices for Timber Production, Revision No.* 1, *May* 1989 approved by the Minister for Conservation, Forests and Lands on 3 May 1989, be ratified.

Mr ROPER (Minister for Planning and Environment)—I declare this motion to be an urgent motion, and I move:

That the motion be considered an urgent motion.

Approval of the motion being put was indicated by the required number of members rising in their places, as specified in Standing Order No. 105 (*a*).

Mr Roper's motion was agreed to.

Mr ROPER (Minister for Planning and Environment)—I move:

That the time allotted in connection with the motion be until 8.15 p.m. this day.

Mr MACLELLAN (Berwick)—On the question of time, I wish to protest against the motion moved by the Leader of the House. I believe it is unnecessary and counterproductive to limit the time for debate when introducing for the first time the novel procedure of processing a Code of Forest Practices. I believe the time of the session is unsuitable. The move of the Leader of the House is unwise and, although the Opposition will not divide on the question, it wishes to have its protest recorded.

Mr Roper's motion was agreed to.

Mrs SETCHES (Minister for Conservation, Forests and Lands)—Briefly, the background to the development of a *Code of Forest Practices for Timber Production* is that the new Conservation, Forests and Lands Act provides for the preparation and issue of codes of practice on many topics, including forest practices, covering the processes involved in establishing forests or growing or harvesting timber; and the construction of roads and other works in connection with establishing forests or growing or harvesting timber.

The timber industry strategy calls for the development of a legislative Code of Forest Practices to ensure that the sustainable development of the State's timber industry is compatible with the conservation of the wide range of natural values associated with our forests.

The code sets out for the first time uniform Statewide standards for forest management prescriptions and harvesting plans. Observance of the code, and of the associated prescription and harvesting plans will be a condition of licences to harvest timber in State forests and of permits for timber growing and harvesting on private land.

The code will apply to any public land where timber production operations are undertaken, and to any private land where trees are established or felled for commercial purposes, including where wood is sold or traded as a result of land clearing operations.

Timber production in the context of the code is the growing and harvesting of timber from native forests, and plantations of native and introduced species. It includes the planning of particular harvesting operations, the regeneration of harvested coupes and the establishment of new forests on cleared or poorly stocked land. It also includes the tending of tree stands and all aspects of logging, cutting, loading and timber carting in forests.

I think we should go over some of the changes that might have occurred for the original code that was tabled in the Upper House and put into context what might be some of the differences. The *Code of Forest Practices for Timber Production* had been drafted, processed through the exhibition, submission and hearing process, adopted

by the director-general and approved by the Minister, ready for introduction to Parliament in November 1988.

Compliance with the code cannot be required unless, among other things, it has been ratified by both Houses of Parliament.

Concerns about the November 1988 code were expressed by the Victorian Sawmillers Association and subsequently by other departments, and there has been a process of redrafting to accommodate their concerns. The revisions have not changed the substance of the previously approved code. This document is now the *Code of Forest Practices for Timber Production, Revision No.* 1, *May* 1989.

The general outcome of the redrafting is to split the main body of the code into sections dealing with public land and private land separately, and to reorganise the introductory section of the code such that explanation and mechanisms are separated from the prescripted section of the code.

The total document is called the *Code of Forest Practices for Timber Production,* and chapters 2 and 3 contain the substance of the operational prescriptions. There has been considerable difficulty in aligning all areas in the redrafting process, but there is now general agreement that the structure is satisfactory and most points under question are now resolved.

Mr Speaker, I think it is also necessary to look at the consultation that has occurred with groups with respect to the code. I am very pleased to say that there has been extensive consultation, not only in the development of the code but also in its redrafting. There has been a great deal of input from interested groups, such as the Municipal Association of Victoria. Copies have been sent to the Conservation Council of Victoria and there has also been extensive consultation with the Victorian Farmers Federation and other groups. I am pleased to be able to present this code for ratification and I look forward to the debate and the support of honourable members opposite.

Mr MACLELLAN (Berwick)—I want to speak only briefly about the Code of Forest Practices. I welcome the procedure which I think is a novel one for this Parliament but one that it might consider more often, which is to discuss a Code of Forest Practices and perhaps to reduce the level of formalities. Perhaps in future times some Parliament may decide to do this in Committee rather than in the House. However, this is the first time and honourable members should see how it goes and, from this development, we might develop a process for codes of practice which are increasingly becoming important in our community as Parliaments deal perhaps less with the detail of legislation and leave more to be developed at a later stage.

The Minister correctly says there has been extensive consultation on this matter. The Opposition is advised by the industry that it is generally supportive of the code, that the code has different provisions relating to State lands as opposed to private lands; that the code in effect is heading off a potential conflict between planning authorities providing for planning restrictions in respect of private land applications for timber harvesting; that is, permission to plant timber and permission to perhaps eventually harvest timber. Instead of having different and conflicting policy approaches between the forestry section of conservation, forests and lands in regard to State forests and private areas, we will have a code of practice which generally applies to both, but which has some provisions intended to apply only to State operations.

In addition, I thank the honourable member for Gippsland East for making available his foreshadowed amendments. It gives me the opportunity of indicating that the Opposition will generally be supporting the amendments to be moved. They are

representative of views which are shared between the National Party and the Liberal Party.

The foreshadowed amendments are representative of views which are shared by the National Party and the Liberal Party. There is one amendment about which there will be disagreement. That amendment perhaps deserves to have some attention at this stage and, therefore, less at a later stage, because if we get it on the table early we will know from which perspective matters will run in the processing of this code.

In regard to a provision on page 10 of the code, the National Party proposes to move an amendment to delete the words, "Native forest must not be cleared to provide land for State softwood plantations". We need to understand exactly what that means. It is in regard to public land, not private land. It purports to offer protection for native forest and it is an expression of government policy.

The SPEAKER—Order! For the assistance of honourable members I ask the honourable member for Berwick to indicate where on page 10 those words occur.

Mr MACLELLAN—They occur in paragraph 2.1.2.1, which deals with plantation design. The question, then, has clearly to be broken up into a number of matters. The first is native forests in their pristine beauty. I am sure nobody would be silly enough to think of cutting them down for the planting of softwoods or anything else. If there is a perfectly healthy, good, native forest, why would one do so? The answer is that one would not. I am sure nobody is proposing to do that.

If one moves down the grades of forest, which are perhaps eucalyptus forests or native forests, one finds a whole variety of forest areas which range from extraordinary and beautiful, growing and very mature stands of timber down to some of what would have to be described as degraded areas, where perhaps a few old trees and some rather unsatisfactory regrowth represent all that is really growing usefully—and not much usefully at that—on the land.

I am indebted to the honourable member for Polwarth, for instance, for a visit recently to the Otway Ranges, where local forestry officers showed me areas of what can be described only as sadly neglected samples of degraded areas which I would not describe as native forests. I place on record that one could not describe those areas as being native forests.

Mr Jolly interjected.

Mr MACLELLAN—If the Treasurer is disturbed by the process at 5.45 p.m., perhaps he could go away and find something more useful to do.

Mr Jolly—I think that is a good idea.

Mr MACLELLAN—I recommend to the Treasurer that he do just that—I do not want to be interrupted because I do not wish to talk at great length. However, I want to discuss this particular issue, and I must say that the Treasurer is encouraging me by his interjections.

By signalling the Opposition's intention to vote against the amendment to be moved by the National Party, I am not saying that the Opposition believes those degraded areas should not be planted with whatever is the best replanting species. Of course, if one can, one should give preference to replanting with eucalypts; after all, they are the natural trees of this continent and of that area. If that is the suitable, wise and sensible thing, let us do it. However, if it is sensible and wise to plant those areas with softwood, the Opposition does not believe the existing words prohibit that.

Therefore, the Opposition is signalling that, without a definition of "native forest"—and the code is without that definition—it can see that it is not intended, and there is

no policy intention to clear native forests to provide an opportunity for the planting of softwoods, or, indeed, of any other species—because that would not be sensible—unless it is part of sensible forest management.

It is at this point that there is a sort of ideological clash among the government, which wants to make a "green" statement that, without a definition, allows it the flexibility to do exactly what I have outlined. Where there is a degraded area with a few scattered old trees—I believe the honourable member for Polwarth said they are called stags—that is the remaining trees that only cast shade and shadow over an area and prevent other trees from growing in those areas—one might even say the areas where an honourable member for Geelong Province in another place, a former Minister, placed a moratorium on those areas ever being touched—the trees are growing older and more unimpressive, are less productive and entrap less of the carbon dioxide which is relevant to the greenhouse effect.

That is a degraded area that the local foresters themselves say should be cleared, cleaned up and replanted, firstly, if the soil and the climate are suitable, perhaps with eucalypts. However, given the circumstances in the north-east of the State, where there is a pulp mill across the border in New South Wales, it may be considered an equally sensible thing to plant softwood.

By intending to vote against the amendment proposed to be moved by the National Party to delete those words from page 10 of the code, the Opposition is not in any sense saying that no pine tree should ever be planted on a piece of public land. It will, and it should, and it is sensible to do. Therefore, it is appropriate to have that matter cleared and cleaned up in this debate because the other amendments that are to be moved by the National Party are sensible. I understand that many of them will be accepted by the government.

The Opposition welcomes the process that has occurred and the fact that we have had adequate time for the consultation that has been essential for this process. This code was threatened to be rushed through in the last sessional period, if I recall correctly. I recall meeting in the office of the honourable member for Gippsland East and desperately trying to find out what the reaction from the farming community was in respect of private farmlands, and what the industry reaction was. I am sure the honourable member for Gippsland East will agree with me that it was a sharp and negative reaction, because there was not appropriate consultation at the time. However, with the adjournment of the debate, and the time that has passed since this *Code of Forest Practices for Timber Production* was first introduced, alterations, amendments, and further changes have been made, and now even further changes are proposed to be made in the course of this debate.

We wish the code well in its implementation; we wish it well in the industry's cooperation in using it. We will be generally supportive of the amendments proposed to be moved by the National Party, but we have a different view from that party's interpretation, which we believe will narrow the views as to natural forests. However, we certainly do not have any extremist view in that regard. The Opposition wishes on this occasion to record its position about its not intending to support that amendment.

Mr EVANS (Gippsland East)—As the honourable member for Berwick has said, this debate is a novel experience because the House is now considering its approval or otherwise of a code of practice; in this case, a code of practice for forestry operations in Victoria. I must say that this new approach has placed honourable members in a somewhat difficult position in that, until fairly recently, they have not really been able to ascertain just how the House planned to handle it. We did not know whether it would be handled in a similar way to a second-reading debate, followed by Committee

consideration, or how we would be able to introduce amendments, for which the relevant legislation clearly provides.

However, although I have circulated some amendments which the National Party proposes to move, they will be moved not in this place but in the other place. That is the appropriate place to move them in light of the uncertainty that existed as to how the matter would be handled here.

I support the view expressed by the honourable member for Berwick that perhaps we are embarking upon a process which may lead to a greatly improved system of dealing with legislation and may well avoid the disorganised and chaotic circumstances with which we have been confronted during the past four days in this place. It has been very difficult for those handling Bills that contain some contentious aspects. The Minister for Conservation, Forests and Lands has obviously found the past few days rather traumatic in trying to tie up the ends of a number of Bills that have been under discussion.

Nevertheless, from the National Party's point of view it is somewhat easier to drag a few concessions from the government in circumstances such as these because one is in a position to say, "If you do not agree, you do not get it at all". It has its advantages, although I am sure the Minister would prefer it not to be so hectic.

The main purpose of the discussion is whether the House should approve of the *Code of Forest Practices for Timber Production.* The debate is required because of legislation that provided for the code of practice and also provided that when the code was formulated it should receive the endorsement of both Houses of Parliament.

How fortunate it is that that provision was contained in the Bill, because if the original Code of Forest Practices as presented to the Legislative Council some months ago had not required the endorsement of both Houses, and if the government had been empowered to put the code immediately into operation, it would have been utterly disastrous, particularly for the owners of private land throughout Victoria.

It almost gave a blank cheque to the government to dictate to those who own broad acres what they should do with any area of timber on their properties. In the process of going through that original legislation my highlighter went to work consistently on all the provisions that were in italics in the original copy which specifically referred to the powers of regulation that the government wanted as to the use of timber on private property.

However, commonsense prevailed because it was possible to tell the government that while the provisions were not prescribed—and the Liberal Party gave a similar message to the government—the Opposition was not prepared to accept those provisions and that sort of government interference in the operations of private individuals.

The document which has been drafted as a result of that is good because in effect it sets out in black and white precisely what has been happening for many years. The value of the document is that the uncertainty which has been in the minds of a number of people carrying out forest operations can now be resolved by reference to a document rather than to what has generally been regarded as a common practice.

However, I should sound a note of warning. My fear in relation to the document is that putting it in black and white has made it too rigid. People who do not have experience in dealing with nature on a daily basis in their activities never come to understand that things can go wrong with the best will, the best plans and intentions in the world. Something can go wrong because of the intervention of nature; something

can happen which cannot be anticipated and in many cases a disaster of some degree is on one's hands.

Every farmer knows that he may have all the best plans in the world—for example, to plough a paddock on a particular day or to commence harvesting a crop on a particular day, but nature may intervene and plans go astray, sometimes to a disastrous extent.

The analogy I draw for honourable members who are used to an urban existence is that one may develop a code of practice in the home environment which requires that the height of grass in the lawns should never be more than 1 inch. One has plans to mow the lawns next Saturday morning but it happens to be raining next Saturday, so the mowing is delayed. One has to go to the football in the afternoon so it is decided that the mowing will occur on the Sunday morning.

However, it again rains on Sunday morning and the following week is occupied by Parliamentary duties. The mowing cannot be done during the week and it rains again on the next weekend. Before one knows it, the grass is 3 inches high. Where is the code of practice? It was compiled with the best of intentions to establish the code but that cannot always be put into effect.

My worry about the provisions being laid down in so hard and fast a fashion in this document can be exemplified by the contractor who is carrying out one of the most sensitive activities open to something going seriously wrong—he starts opening up a new road. He does it with the best of intentions. The weather forecast looks good, but he gets halfway through the job, not having time to put in batters or the proper drainage or time to make provision for heavy run-off of water when, suddenly and out of the blue, the area is hit with 6 inches of rain overnight, which is not uncommon in forest areas. Will he become liable under the code that because of circumstances beyond his control he has been caught out?

It happens in many forms of forestry operations, perhaps not the least problem being that which arises from protective burning. The comment is made in the code that the question of fire control is not dealt with in full detail because that needs a code of practice of its own. So far as I am concerned, that is the code which should have been developed first because the initial consideration about the management and protection of forests is entirely bound up with the use of fire and control burning to protect our forests.

In recent debates in this place I have referred to the indisputable fact that fire has been part and parcel of the development of our eucalypt forests for 40 000 years, and the greatest change that has taken place since white settlement in Australia has occurred because the Aboriginal population no longer lives throughout our forest areas and no longer follows the age-old practices of both deliberately and accidentally burning. There are many references to the constant burning by the Aboriginal population during the very early days of white settlement. The constant burning undertaken by the Aborigines had a significant effect not only on the types of flora in the forests but also sometimes on the fauna.

It also affected the nature of the forests. There is much documented evidence to show that in earlier times the forests were much more open and had a park-like appearance. There was less growth of understorey than there is in the bush at present. The forests did not have the amount of fuel built up on the floor in the shape of broken limbs, twigs, leaves and bark, which is shed particularly during the summer months when the forests are most likely to burn.

The nature of our forests is centred around the use of fire. I need not elaborate on that point. As I have said hundreds of times over the years, the people in rural Victoria

are concerned that the forests are properly managed to ensure that they are not devastated by massive wildfires, which have burned periodically over the years. It is recognised that severe fire is required from time to time in certain areas to regenerate particular species. Those severe fires must be managed properly rather than waiting for the day when nature takes its own course and, by lightning or some other means, a massive fire starts, with its accompanying devastation.

The cornerstone of the national park policy for forest management rests on achieving a level of management which will replace the activities undertaken by the Aboriginal communities over 40 000 years. People must not be excluded from the forests. The activities of the mountain cattlemen have in some respects been akin to those of the Aboriginal people, as both groups regularly burnt small patches of forests.

The timber industry plays an important role in simulating to some degree the effects of small-scale but nevertheless extremely hot forest fires which were part and parcel of the environment from time immemorial. The evidence of that is that there are forests of even-aged trees, which obviously resulted from massive fires in the past. Those fires destroyed the earlier forests and allowed the growth of the new ones. All forest management should be designed to fit that pattern. That approach has been adopted over recent years particularly.

In the past, mistakes have been made. The first of the major mistakes relates to the timber industry. I emphasise that, above all else, flexibility must be included in the code of practice for timber production. What might be appropriate in one area may not necessarily be appropriate in another. What might be appropriate in one year in one area might not be appropriate in the next year in the same area because weather conditions and many other factors must be taken into account.

The main mistake made in the past was that our forebears thought our forests were endless. So far as they were concerned, there was no problem in felling trees. If one looked to the horizon, it seemed that there were more and more trees and that the number was endless.

Another problem was evident until 40 or 50 years ago. The policy of the day was generally termed "cut out and get out". A selective logging process was developed under which the local forester went through the area selected for logging and marked the trees that the sawmiller was to take. The sawmiller wanted the straight and sound trees; he did not want the bent and fire-scarred trees. The sawmiller wanted the select trees, the very ones which would be selected naturally as the parent trees for the next generation of forests.

Selective logging is an inappropriate general process, although there is scope for it to be used in some areas. One of the greatest tragedies for the forests in this State—indeed in Australia—was the decision by a former Minister for Conservation, Forests and Lands to sack the most experienced forester in Australia. Few people would dispute that Dr Ron Grose was a very experienced forester and an intelligent man in the management of forests. As a result of experiments and study conducted over a long period, he developed what is generally called the "clear felling" technique. He discovered that better regeneration of forests could be achieved if, instead of taking the selected trees and leaving the rest, the reverse approach was adopted and the forester went around and marked the trees to be left, allowing everything else to be taken out. What could not be used for sawmilling purposes was to be woodchipped and then taken away and utilised. Over many years that process has proved to be sound and effective.

It was probably first put into operation back in 1948 or 1949, when a then Country Party government opened up the Heyfield district for logging with seven new mills

being established with one central logging company. The company allocated the logs taken from the forests to the mill which would make the best use of a particular log. What was not suitable for any of the sawmills was cut into short lengths and taken to the Maryvale paper mill where it was chipped and used for paper production. The process has been carried out in Gippsland for over 50 years.

With all the criticism of woodchipping, no-one has been able to point to any so-called devastation in the central Gippsland area where the process has been undertaken. All sorts of stories have been told about what has happened in Eden in New South Wales, and in Tasmania. A challenge should be put to the critics to point to any long-term devastation. To support all the foreboding and talk of evil of the woodchipping industry, someone should point to an area where devastation has occurred in central Gippsland.

Through the work of Dr Grose, the then Forests Commission of Victoria worked out how that was to be done. Some 50 years later the current Minister's predecessor advanced the same proposition—that a value adding utilisation system should be introduced—which was supposed to be a magical new way of handling the problem; and before that was permanently established, it was proposed that a three-year trial be carried out. There have been 50 years of trials! Despite that, the material lying on the forest floor in East Gippsland continues to go to waste. Every year $90 million is wasted.

I was delighted to discover that the Code of Forest Practices recommends that all merchantable timber should be taken out of the forests. But if that is the government's view, why does it continue to prohibit the use of that timber? Timber lying on the forest floor in East Gippsland could be used for woodchipping here and now. There is no point in the futile exercise of a value added trial scheme. That provision of the code will be the salvation of our forests and will be very important if the timber needs of future generations are to be met.

I realise that what I am about to say may be rammed down my throat in the future. I have always believed that there are vast areas of the East Gippsland forests that do not contain timber of sufficiently high quality to make logging worth while. These old, stagnating trees should be used for woodchipping so that new trees can replace them, because they will not grow any more wood and they absorb little carbon dioxide. Many people despair about the problems that may be caused by the greenhouse effect. I hope a solution can be found, but there does not appear to be one on the horizon.

Recently the Fabian Society held a conference in Lorne to discuss the greenhouse effect, and articles were published as a result. Many of the people who attended that conference have been to the forefront of action that is preventing the use of trees which have been felled and which have proved to be useless for sawlogging.

Anyone who has visited a forest area that has been logged will see the huge amount of material that is left on the forest floor. Recently I visited the Errinundra Plateau and talked to a tree-feller. He was about to fell a tree that was approximately 300 years old. He said that of six trees he had felled that morning five of them had proven unsuitable for sawlog production.

Mr Tanner interjected.

Mr EVANS—Yes, trees such as mountain ash and shining gum.

Mr Ross-Edwards interjected.

Mr EVANS—As the honourable member for Shepparton says, they look magnificent, but when they are felled it is discovered that many of them are diseased.

It may take 100 years before they die; but my point is that they are on the way downhill, as it were.

The time scale involved in forestry operations must be taken into account. Most people do not understand that we must plan for the future. If we do not, in 50 years time the next generation will condemn us and generations before us for failing to ensure healthy forests that provide for their needs. Perhaps we may blame our forebears for not ensuring that the forests they felled were replanted.

It is important to understand that young trees absorb carbon dioxide at a rate greater than mature or stagnating trees. Only vigorously growing trees will absorb the excessive carbon dioxide that we produce—at a far greater rate in the cities than in country areas. I have no doubt that future generations will recognise that the policies the National Party has been advocating for many years should have been adopted.

As I said, the Code of Forest Practices recommends that all merchantable timber should be extracted from the forest. I challenge the Minister to say that the government will put that code into effect and begin to use the material lying on forest floors that is going to waste.

The document is worthy of praise; but the first paragraph of it is unfortunately phrased, to say the least. It has nothing to do with either the Code of Forest Practices or with forest management; it is nothing more or less than a political statement. Unfortunately that paragraph has set many people against the code from the word go. The Minister should understand that if she wants cooperation on such matters she must consider points of view other than her own.

The first paragraph states that the code is a result simply of government policy. But I am sure the Minister would agree that the code puts in black and white a good deal of what has been practised for many years. The problem is that it has not been fully put into practice. Far too many of the trees which have been felled and which have proved to be unsuitable for sawlogging have been wasted. I hope the code will end that terrible waste.

I find myself in the somewhat unusual position of putting an argument for an amendment to the code that the honourable member for Berwick has already argued against. Usually an argument for a case is made before the argument against!

Item 2.1.2.1 of the *Code of Forest Practices for Timber Production* refers to plantation design, and the National Party believes that item is unacceptable. It states that a native forest must not be cleared to provide land for State softwood plantations. The honourable member for Berwick highlighted the problem when he said that there is no definition of a native forest. The concept of a native forest is in the mind of the individual. I do not share the optimism of the honourable member for Berwick that the definition of a native forest could be flexible.

When one looks at the varied landscape of Australia, one sees a vast range of flora and the issue depends not only on what one considers to be a native forest but also on what one considers to be a forest. The National Party is of the view that the interpretation the government will use is that any land that is not open grassland will be considered to be native forest.

Some areas are naturally untreed, such as the Marlo Plains. I do not believe anyone would argue that that area is not part of the surrounding forest. The definition proposed by the honourable member for Berwick is too broad and I do not believe for 1 minute that the Minister for Conservation, Forests and Lands will adopt such a broad definition.

The point concerning the National Party is that, by inference, public land will not be used for pine plantations or softwood plantations for the simple reason that there are insufficient areas of unforested public land on which to plant trees. There are small, isolated areas, but the extensive areas that would be required are not available.

The question of planting softwoods is a contentious issue on its own. Many people strongly object to the planting of pine trees. I have no particular desire to see pine trees planted, but it is a matter of sheer economic necessity. If Australia's timber requirements are to be met, pine trees must be planted. The alternative is to fell more of our native forests. That is the only alternative, unless we decide it is better to use aluminium or steel. The community is concerned about environmental problems and the greenhouse effect. Wood is the building material that requires the least energy for its production. Huge amounts of energy are used in making aluminium and refining steel; wood is the closest thing in nature to the utilisation of solar energy.

Sunlight is one of the major ingredients necessary for trees to grow, and people must understand that point. Trees use carbon dioxide, and they must have water and sunlight to grow. They do not require much in the way of nutrients in the soil. The soils in most rainforests are extremely poor, as the South Americans are finding out. They cleared rainforest areas and, after only a couple of years of farming, the land is now useless because the soil does not contain the nutrients necessary to sustain agriculture. Trees have a major role to play in finding a solution to the greenhouse effect. We should ensure that Victoria has young, vigorous forests.

The question of whether softwood trees are planted is an economic judgment. The National Party believes the provisions of 2.1.2.1 will lead to the government acquiring private land to plant pine trees. I am sure the honourable member for Benambra will have a bit to say about that because people in the electorate he represents have taken up the cudgels with respect to this matter. They are concerned about the devastating effect the acquisition of farmland can have on small communities. From one end of the State to the other, there is strong opposition to the government acquiring land for the planting of softwood trees when there is so much degraded forest that could be used for that purpose. That is why the National Party wants that provision to be excluded from the *Code of Forest Practices for Timber Production.*

I hope the honourable member for Berwick and his colleagues will give further thought to that proposition or, alternatively, come up with a definition of native forest that makes it perfectly clear that it refers only to native forest of a high standard. I am at a loss to understand how that can be included in a definition but, if it were clear that the provision referred to native forests that had potential for commercial use, some agreement could be reached.

I should like to spend more time speaking on this issue, but I know the honourable member for Benambra is itching to get to his feet, so I shall conclude my remarks.

Mr LIEBERMAN (Benambra)—I appreciate the remarks of my colleague, the honourable member for Gippsland East, and I listened carefully to his contribution. In north-east Victoria—part of the electorate I represent—and in the central highlands there is great controversy among farmers, business people and local government about the planting of softwood plantations. Indeed, the former Minister for Conservation, Forests and Lands, the present Minister for Education, implemented an inquiry, which has been continued by the present Minister, into the planting of softwoods on public land. That inquiry has not been completed, yet honourable members are being asked to debate a *Code of Forest Practices for Timber Production* that includes the significant statement that native forests must not be cleared to provide land for State softwood plantations.

Not long ago Parliament approved 40-year supply agreements with major companies for the supply of huge quantities of softwood to be grown by the Victorian government and its agencies. A crisis exists in Victoria, and that is not an overstatement. There is not enough softwood under plantation to ensure that the contracts can be met and to meet the reasonable expectations about the growth of the economy and the need for softwood. In attempting to meet the requirements the government has to tackle the problem of where it will plant softwood plantations.

The sitting was suspended at 6.30 *p.m. until* 8 *p.m.*

Mr LIEBERMAN—There is a crisis in Victoria because the contracts entered into to supply softwoods to industry that were brought into Parliament by the government and sanctioned by Parliament are not able to be covered unless the softwood plantations are planted to supply the contracts over the next 40 years. The government is so desperate that it has commenced buying good quality farmland; for example, land in the Tallangatta Valley. The farmers there blockaded the Department of Conservation, Forest and Lands contractors and prevented them from entering the land that was to be used for softwood plantations.

This is a problem because the Minister knows that in the central highlands area and other areas a "bonfire" is burning and people, including members of the Victorian Farmers Federation, are saying the government should not be using good farmland to plant softwood. This has come about because the government's policy of not planting on public land has gone over the hill. When the new Minister receives from the committee the report that has been commissioned, I believe she will make an objective and satisfactory judgment about this future problem which we all must address. From my travels I know, and you, Mr Speaker, from your knowledge of north-eastern Victoria as a former resident there would also know, there is a lot of public land that is available and which some people describe as native forest and which must not be planted with softwood under the present government policy. Mr Speaker, if you were able to speak on this matter, and I wish you were, you would be able to provide evidence that land which has been argued as being pristine native forest land but which is degraded forest land and has regrowth in some areas could provide part of the solution for the government and the people of Victoria in relation to where the softwood plantations should be situated.

Tonight Parliament should be examining the expression "native forest". It is the view of the Liberal Party, and the National Party would agree, that pure native forests should not be cleared and planted with softwood plantations. Our job as Parliamentarians is to protect those areas, but public land that is degraded could well be suitable and should be suitable in some areas for softwood plantations. Unfortunately, if this document is adopted by the government, it will mean that that degraded land will be locked up and not be available to serve the people of Victoria and help the government honour the contracts that it has entered into or help industry get on with the job of producing so that our quality of life and jobs are provided and our future timber requirements are met.

It is a responsibility for all of us to ensure that the government listens to what has been said and that the government consider some of the changes that will not destroy the principles of conservation and put good public land at risk because true native forest can and should be protected.

I make this contribution as a local member with a knowledge of the problems and of the concerns of people in my electorate who are participating in the blockade. The government does not want that to continue. On the *7.30 Report* the Minister for Education expressed concern on behalf of the government and agreed to set up an inquiry. She told the department not to go ahead with the planting of softwoods on

the prime farmland that was purchased in the Tallangatta Valley. This is a chance for the government to show that it has learned the lessons of the past.

The other point about using good farmland is that once the farmland is bought at auction—very often by the Crown—the area is fragmented as has occurred at Tallangatta, and another family moves out. The local school may have to close because the number of students has decreased. The roads are broken up from timber traffic. Land that was previously rated and provided revenue for the local council is no longer rated, with the consequent loss of revenue and a depletion in the provision of services to the local community. Everybody is unhappy.

This Minister is not the sort who would agree to such a situation continuing. I believe she is doing a good job. This Minister has the chance to agree to a revision of these words. Let us say in simple terms, and I am not doing the drafting, "true native forest land, pristine" should not be planted for softwood plantation. Everyone in the Parliament would vote for it, including my colleague, the honourable member for Gippsland East. Let us say that "degraded native forest land" may be so planted, after proper evaluation and consultation. If that is done, the Code of Forest Practices, as amended, would be a worthy document to take us into the next decade in respect of forest practices.

I want a change. The amendment proposed by my colleague from Gippsland East does not quite capture the wording we need. Give us a couple of hours of consultation and negotiation and by 12 o'clock tonight we will have it wrapped up! I leave the Minister with that thought because I know that this week she has become very practised at negotiation. By midnight tonight the task can be completed.

Mr PLOWMAN (Evelyn)—At this point in the debate we have 12 to 13 minutes left and I shall address two particular matters relating to this proposed Code of Forest Practices—three perhaps! Firstly, I notice that this is revision No. 1 May 1989. This Code of Forest Practices should be an instrument that is studied from time to time and amended according to experience in relation to how the code works out. I hope this will not be something that is inflexible and that the Minister and her department will be constantly looking at this Code of Forest Practices to ensure that it meets the needs in altered times and takes into account the experience gained from the implementation of the code.

The next point I wish to address, of which I hope the Minister for Conservation, Forests and Lands might take some note, although she is presently heavily in conference, is that I support my colleague the honourable member for Benambra and the honourable member for Gippsland East, who spoke about the planting of softwoods in native forests. This decision should be made not on ideological grounds which unfortunately has tied the government party. Surely the important decision on what is planted in any area should be taken on botanical grounds in relation to determining the most suitable species for the area. The economic argument speaks for itself, as my colleague has rightly put, and I shall say no more on that aspect. Instead of being hogbound or tied by ideological grounds, the Minister should consider the botanical consideration of what species is best suited to any area. Any honourable member who has travelled in country Victoria, particularly in forest areas, will have seen some areas of degraded poor quality native forest that would be suited for the planting of softwoods. I will not support planting softwood pines in top grade hardwood growing areas.

Neither would I support the growing of pines on top quality farming land, which is currently happening. The government is absolutely wrong to be spending taxpayers' dollars on buying top quality farming land for planting pines. I acknowledge the government has a problem in providing a softwood supply under the agreements it

has entered into with the Bowater Scott company and others. However, the government should be looking at land available and not be tied by ideology that says it should not plant pines in any native forest areas.

The other matter I raise concerns the use of forest residue after logging. Again, I believe this government has been tied by ideology to having literally thousands of tonnes of useable residue left on the forest floor when, for very good botanical and economical reasons, we could use the forest residue.

Mr Baker—What about erosion?

Mr PLOWMAN—The honourable member for Sunshine is supposed to be something of an economist. I should have thought he would like to see the income from using forest residue coming to the State.

It is an absolute waste of resources to leave residue on the forest floor. Australia is crying out for export income and, on any grounds, it is criminal to leave it on the forest floor. From a botanical point of view, the government is misguided. I support the government in stressing the necessity to replant the best forests we can and the need to plant as many trees as we can for all sorts of reasons—economic and ecological.

I hope the Minister has seen the areas in question. If not I hope she will do so in due course. When she sees the amount of residue on the forest floor and the hindrance it is to replanting new forests and its contribution to subsequent fire risk, together with the problems ultimately involved with harvesting, she will see that it makes little sense to leave it there.

I hope the Minister will not be ideologically hogtied by the Labor government on this issue. I hope she makes an effort to go and look at these areas herself and determine for herself, firstly, the economic losses to the State; secondly, the ecological problems; and, thirdly, the botanical disadvantage of the two matters I have raised. It is important to have guidelines for foresters, conservationists and the department so that everyone concerned knows the ground rules. I support the need for ground rules to be established so that we have some certainty in the forestry industry. I ask the Minister to examine these two matters—the planting of softwoods in degraded native forests and the use of residue—which I believe impedes the replanting of forests. It is economic vandalism not to use it.

The motion was agreed to.

It was ordered that the resolution be forwarded to the Legislative Council with a message desiring its concurrence therein.

LEGAL PROFESSION PRACTICE (AMENDMENT) BILL

The debate (adjourned from May 11) on the motion of Mr McCutcheon (Attorney-General) for the second reading of this Bill was resumed.

Mrs WADE (Kew)—The Bill establishes a new system for the resolution of disputes between solicitors and their clients or former clients. It establishes a Solicitors Board that will have the power to deal with cases of misconduct that were previously heard by the Solicitors Disciplinary Tribunal and complaints of negligence and unprofessional conduct which cannot be dealt with at present.

The board will consist of one solicitor from a panel nominated by the Law Institute of Victoria; one layperson from a panel nominated by the Attorney-General; and a chairperson, who will be a retired judge. The registrar of the board will have power to hear less serious cases. The new provisions will permit the resolution of disputes

between solicitors and their clients or former clients, including disputes over costs, without requiring the complainant to incur court costs. The Bill provides for compensation of up to $2500, and for the imposition of fines of up to $5000.

The impetus for these changes was a report to this Parliament by the then Lay Observer, the late Mr Frank Eyre, in 1986. The report exposed the dissatisfaction of many complainants with the complaints procedure then existing at the Law Institute of Victoria. Mr Eyre considered changes should be made. All honourable members will have personal knowledge of the dissatisfaction with the current procedures. All honourable members will have constituents and others who seek their assistance and who believe they have not received proper service from solicitors.

Complaints about solicitors seem to fall into three categories: clear cases of misconduct by solicitors; complaints of delays and sloppy work; and other matters that seem to fall into a category of misunderstanding. There is no doubt that cases of misconduct can be dealt with under the present provisions. However, people complaining of delays and sloppy work and people who have misunderstood what has happened in relation to their cases form the great majority of the dissatisfied group of clients and former clients.

As a result of the Eyre report, the Law Institute established conciliation procedures which were commenced in 1986 and which are still continuing. This has been done without legislation, and I am told it has proved to be extremely successful. The Law Institute has advised me that it has resulted in client complaint file numbers dropping from some 600 to 650 to below 100. It has also reduced the average file turnaround time by more than two-thirds. This seems almost too good to be true. If it can be improved upon when the scheme has statutory backing, it is likely there will be a significant drop in the dissatisfaction level.

The Eyre report recommends, and the facilitation of settlement provisions in this Bill are based on, the present procedures which will now have statutory backing.

The Bill provides that, if settlement is not effected in accordance with these provisions, the complaints may proceed to formal conciliation which will be conducted by an experienced practitioner. If that fails also, there will be a hearing conducted in some cases by the registrar but in more serious cases by the Solicitors Board to which I have previously referred. The procedures I have outlined seem to be somewhat lengthy as they are outlined in the Bill, and one trusts that in practice matters will be dealt with expeditiously.

During consideration of the provisions of the Bill I raised a number of matters with officers of the Attorney-General's Department and with the Minister's advisers. They have been very helpful in explaining a number of matters I raised and I am satisfied that they have all been adequately dealt with, except the provisions of clause 9.

Among other things, clause 9 inserts proposed section 38X, which provides that a question before the board shall not be determined unless all members are present, and may be determined by the votes of a majority of members. I was immediately struck by this because of my own experience at the Equal Opportunity Board where I was faced with a case that had been in progress for three or four days. It was about to be completed when one of the members became ill on the way to the hearing. The two parties involved were happy for the hearing to continue with the two remaining members sitting. The two remaining members were also happy to go ahead with the case. However, the Equal Opportunity Act contains a provision somewhat similar to section 38X proposed in the Bill. We were unable to continue the hearing at the time. Fortunately, the illness suffered by the member of the board was not terminal and she subsequently returned to work and the case was completed.

At that stage I wrote to the Attorney-General and suggested that the Equal Opportunity Board required a provision similar to one in the Commonwealth Administrative Appeals Tribunal Act and possibly contained in other tribunal and court Acts that states that if the parties are happy to go ahead with a two-person board the case should continue on that basis. I ask the Attorney-General to consider an amendment to that clause.

I should like to record the answer to one of the other questions I raised so that other persons who may be puzzled by the commencement date of 6 November 1986 for clause 12 of the Bill will find the answer in the record of this debate. Clause 12 provides that a solicitor who is an employer of another solicitor and who has paid compensation to a person for a loss suffered by that person from the defalcation committed by that employee solicitor will be able to be compensated from the guarantee fund. I am advised by officers of the Attorney-General's Department that until 6 November 1986 these circumstances were covered by professional indemnity insurance but that cover ceased on that date.

Another matter is slightly more complicated and it has just come to my attention so I have not had any advice on it. It relates to the interaction of proposed sections 38N and 38ZK. Proposed section 38N requires a complainant who is disputing a bill of costs of a solicitor to lodge the amount of costs with the secretary prior to the dispute being dealt with. This requirement will not apply if the secretary determines that the lodging of the amount would cause hardship. Proposed section 3N (4) provides that money paid in this way will be dealt with as follows:

(*a*) If the dispute is settled, whether by order of the registrar or otherwise, the money shall be paid from the account in accordance with this Act and the terms of the settlement or order;

(*b*) If the client or former client withdraws the complaint, the money in the account shall be paid to the solicitor;

(*c*) If the client or former client dies, the money in the account shall be paid to the personal representative of the client or former client.

Proposed section 38ZK provides that once a dispute has been requested the solicitor cannot bring any proceedings in court to recover costs that are the subject of that dispute except to enforce a settlement. This leaves a gap so far as the solicitor is concerned, who has a real problem where the dispute procedure has been initiated but, because of hardship, no deposit has been lodged and subsequently the complaint is withdrawn. A similar problem also seems to arise where the client or former client dies, and the solicitor appears to forgo his or her costs.

The Law Institute of Victoria and the new Solicitors Board have all the powers they require to effectively deal with all areas of dispute, not only misconduct as is the present situation but also delays and sloppy work. They will be able to conciliate matters where misunderstandings between solicitors and clients or former clients have occurred. In addition to members of Parliament, many other people and organisations will be watching these new procedures with interest. No doubt all honourable members have received representations from organisations that feel these provisions will not solve the problem.

I trust that over a period the general community and these organisations will be more satisfied with the new provisions and with services provided by legal practitioners. The Opposition is pleased to support the Bill.

Mr ROSS-EDWARDS (Shepparton)—The National Party supports the Bill. I am very interested in the Bill because in my practising days as a solicitor when someone made a complaint the Secretary of the Law Institute of Victoria was the sole person to decide whether to refer it to the Law Institute or to handle it himself. In those more gracious and slower days it worked well. Usually a complaint arose because of slowness

of a solicitor. Sometimes the complaint was justified and sometimes it was not. Over the years an increasing number of complaints have been made and, although steps have been taken in recent years to improve the procedure of the hearing of complaints, obviously the government has had to do something further at this time.

I make it clear that many of the complaints made are justified but many are not. All of us are bad losers. If a solicitor does not win, he or she is incompetent in the eyes of many of his or her clients. I have found that if one is defending, say, a speeding charge, it is a photo finish as to whether one wins or loses. If one wins one is a hero; if one loses one is hopeless.

Members of Parliament receive many letters from their constituents. Sometimes the writer of a letter is prejudiced but sometimes he or she has justification for writing. If a conscientious, hard-working solicitor is reported to the Law Institute, it is a traumatic occasion for that solicitor. He or she may have done his or her best under great pressure. The majority of solicitors do and a complaint can be devastating because if a complaint can be proved and carried to a conclusion the publicity can be extremely damaging for the solicitor in question.

Two things must be kept in mind. The public must be protected, and they have every right to be protected, but practising solicitors must be treated fairly.

I make the point that I shall make again at the end of my speech: no other profession in Australia will have the same controls exercised over it as the legal profession will with the implementation of the Bill. I am not complaining about that. The medical, dental and accounting professions are not subject to the same scrutiny that the legal profession will be subjected to under the provisions of the Bill. Members of Parliament get a host of letters in the mail saying, "It is an old boys network and you are only playing with the situation". That is unjustified criticism.

I smile when I think about the proposed legislation, because the Australian Labor Party has in the past criticised solicitors and the procedures that are put in place to deal with solicitors. Yet it is a Labor government and a Labor initiative to implement this measure, and I support it. If the measure does not satisfy some of the wild criticisms that occur—it is mainly the socialist lawyers who are the critics of the profession—I shall refer them to the Attorney-General.

It is necessary to have an offence known as "a standards breach". In the past a solicitor had to do something very bad to be in trouble. If he was incompetent or slow in answering letters, the complaint was dismissed. A minor offence is still an offence for which one can be disciplined, and is a standards breach. That will cover such things as negligence and the unprofessional work that is not sufficiently serious to fall within the definition of misconduct.

Of course, a solicitor who demonstrates a serious and continuing disregard for the proper professional behaviour by committing repeated standards breaches will be guilty of misconduct and liable to the most serious sanctions. For example, one offence will be a standards breach, but a series of offences, perhaps more than one offence, will become misconduct.

The proposed legislation creates the position of the registrar, who will be appointed by the Law Institute of Victoria. He will be responsible for the referring of solicitor–client disputes to conciliation. If the registrar considers the complaint to be fairly minor he will refer it to the Secretary of the Law Institute of Victoria or his delegate. I presume that will cover such things as slowness in answering letters or complaints of that type.

If a settlement cannot be reached on the complaint the registrar will refer the matter to a conciliator, who will be an experienced solicitor, for formal conciliation. One's rights do not finish there. If the dispute is still unresolved the registrar may conduct a formal hearing. This independent person will conduct a formal hearing. The procedure is designed to assist complainants and solicitors to resolve their difficulties with the least possible formality, expense and delay.

For the sensible solicitor or client who has a complaint, that conciliation process should be sufficient and the matter should be sorted out. When a person does not want justice, but blood, he can proceed further. The proposed legislation establishes the Solicitors Board, which will comprise three people. One member will come from a panel of solicitors appointed by the Law Institute; one will be a lay person appointed by the Attorney-General; and the chairperson will be a retired judge. The board will hear the most serious cases of standards breach and misconduct. One cannot get much better than that. A retired judge is the chairperson and he is a person normally held in the highest regard. The solicitor representative on the board almost certainly will not be known to the solicitor against whom the complaint is made, and the lay person will be appointed by the Attorney-General from a panel of lay persons.

The powers of the registrar and the board are the same and they can do various things. The sanctions include: reprimanding or admonishing the solicitor; ordering the solicitor to undertake a course of education or to receive management or accounting advice—we all should get that; ordering that the solicitor's practice be subject to supervision; ordering the solicitor to pay a client or former client up to $2500 compensation; ordering the solicitor to reduce his or her charges; ordering the solicitor to forfeit his or her lien over the client's documents—that is important; and ordering a solicitor to pay the costs of the proceedings.

Where misconduct is established the board may cancel, suspend or refuse to grant a practising certificate; order that the solicitor not engage in practice as a barrister for a specified period; or order that the solicitor practise only as an employee solicitor for a specified period. Those provisions will help members of Parliament who receive complaints.

Some people say that they make complaints but the solicitor is not sanctioned. If that does not satisfy a client of an offending solicitor, I do not know what will. The disciplinary offences start off as a gentle process and get to a board. It could not be any fairer or more independent or effective. I commend the government for the measure.

Solicitors will be placed under greater supervision than the members of any other profession in the State. If a solicitor does his job he has to accept that sort of discipline. I shall watch the progress of the proposed legislation with interest. I have been involved in the profession all my adult life. When I first commenced as a solicitor in the 1950s there were virtually no controls, but they have to come, they are inevitable. In any profession there are a small number of practitioners who do not adhere to the standards that are rightly demanded by the public and the community.

Mr McCUTCHEON (Attorney-General)—I thank the honourable members for Kew and Shepparton for their constructive comments. The Bill is the product of close consultation with the Law Institute of Victoria and officers of the Attorney-General's Department. The Bill originated with the former Attorney-General, now the Minister for Transport, and I inherited these matters almost at their completion.

A question was raised about whether the handling of disputes involving a profession should be objective and apart from the profession or, as in this case, based on the model of self-regulation in which the Law Institute of Victoria plays a large part in the handling and processing of the disputes. On the basis of the letters that have been

received by honourable members and referred to during debate, the resolution of these sorts of disputes should be on a more objective basis.

I have had discussions with the Law Institute of Victoria and it has agreed that the operation of these arrangements should be monitored by someone from my department so that officers can approach people who have brought disputes to this process and ascertain the degree of satisfaction they have obtained. It will mean that in a year's time the department will have feedback on the way the process is working and it is intended to discuss the working objectively with the Law Institute.

The Law Institute of Victoria is satisfied with this arrangement and believes it is a good way to monitor the process. I thank honourable members for their support and commend the Bill to the House.

The motion was agreed to.

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

SALE OF LAND (AMENDMENT) BILL

The debate (adjourned from May 24) on the motion of Mr Roper (Minister for Planning and Environment) for the second reading of this Bill was resumed.

Mrs WADE (Kew)—The Sale of Land (Amendment) Bill is directed at providing additional protection to purchasers of land. It would seem that it was originally directed at the activities of some developers of rural land. The problems arising from rural land sales were referred to the Substandard Rural Development Task Force, which made recommendations that resulted in this Bill. The original Bill can be described as being substandard. However, as the Minister for Planning and Environment said in his second-reading speech, a more satisfactory Bill has resulted from amendments proposed by the Opposition and the National Party.

The Bill contains two sets of provisions. Clauses 4 and 5 provide for the disclosure of additional information to purchasers. Clause 6 extends the cooling-off period for purchasers of some properties.

I shall refer briefly to the disclosure provisions. In putting forward amendments to these provisions the Opposition wanted to ensure that vendors of properties who would be required to provide additional information be required only to provide information that would be useful to purchasers. Virtually all the suggestions made were readily accepted by the government.

However, one matter was raised at a somewhat later stage, and possibly for that reason did not receive a favourable response. Clause 4 adds to the schedule to the Sale of Land Act. That schedule will become Schedule 1 and will specify particulars of a mortgage which must be supplied by a vendor to a purchaser.

In addition to requiring additional particulars, the clause inserts a reference to sections 27 and 31 and to providing the information under the schedule for the purposes of those sections. Under the new provisions, vendors will have to provide all information about their mortgages as required by the schedule. This is not unreasonable in respect of section 32 where the information is supplied only if the mortgage is not to be discharged before the purchaser becomes entitled to the land.

However, under section 27 (3) of the Act, which deals with the release of deposit moneys in certain circumstances, a purchaser would not require all the information contained in the schedule. I understand the vendor may incur additional bank charges in obtaining that information which is not really required.

I have been informed by the Attorney-General's advisers that uniformity in these provisions is considered to be all important. However, I ask the Attorney-General to keep this matter under review so that any future amendments to the Act include a provision identifying the paragraphs of the schedule relevant to section 27.

Clause 6 is the cooling-off provision and amends section 30 of the Act to increase the ambit of Part II so that the cooling-off provisions in that part will apply not only to residential land, as is the case at present, but also to all land other than land used for industrial or commercial purposes and land more than 20 hectares in area used for farming. The limit of $125 000, which is the present limit on the value of land, is to be increased to $250 000. The Opposition does not object to that increase. Land values in the period since the amount of $125 000 was inserted in the Act have increased at least in line with the proposal.

The Bill as originally introduced covered farming land, but it was the view of the Liberal and National parties that genuine farming land was more akin to commercial land and should be exempted from the Bill. The Opposition, therefore, suggested that land used for farming be exempted provided it is more than 20 hectares in area. Rural land of 20 hectares or less is covered by Part II.

In conclusion, this is a far better Bill than it was in its original form. The only problem is that although it is targeted at substandard rural blocks, it applies to virtually all land sales in Victoria. I am not satisfied that the Bill is the right solution. Some form of licensing of developers or possibly some changes in the legal position of people who purchase land on a terms basis may have been more effective. It will be interesting to ascertain whether the proposed legislation is effective in meeting the needs that have been identified by the Substandard Rural Development Task Force, or whether the major effect of the Bill will be to create additional work for conveyancers and additional costs for their clients.

Mr ROSS-EDWARDS (Shepparton)—The National Party supports the proposed legislation which will amend the Sale of Land Act. I have somewhat mixed feelings about the measure, but after a fair bit of discussion and horse-trading, we have finished up with the Bill now before the House.

One wonders to what extent one can go to protect John or Jill Citizen when they are making a purchase. The Bill will ensure that more information is given to the purchaser before the sale takes place. If the land is valued at $250 000 or less there is a cooling-off period for a private sale.

Sometimes I become cross when I consider the requirements for a cooling-off period because people can use it for any reason. Instead of withdrawing from a contract because of some misapprehension on their part, they can withdraw after becoming nervous about whether they have made a good commercial deal. However, the cooling-off period is a principle that appears to be accepted. I certainly would not want to see it go any further. In fact, we have probably gone too far already.

A limit of 20 hectares has been applied to agricultural land or land used primarily for farming. It is difficult to specify an amount that might be paid for a farm but I do not believe that limit should be any less.

This is an Upper House Bill. Agreements were reached in that place on the provisions of the proposed legislation. The National Party has agreed to them, and I wish the Bill well.

Mr McCUTCHEON (Attorney-General)—I thank the honourable member for Kew and the honourable member for Shepparton for their comments on the Bill. As has been pointed out, the Bill was introduced in the Upper House and amendments

were made there. I am happy to acknowledge that the Bill has been improved as a result of that process. The Bill has been properly worked over by all parties.

On the issue of protecting people, I advise the House that there have been some shonky attempts to sell land to people before they have a proper opportunity of seeing the land and knowing what they can do with it. This is an important social step in protecting people from the unscrupulous end of the market. There are not many of them, but they are savage in the way they go about some of the deals they inflict on people.

The motion was agreed to.

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

CANCER (CENTRAL REGISTERS) BILL

The debate (adjourned from April 20) on the motion of Mr Roper (Minister for Planning and Environment) for the second reading of this Bill was resumed.

Mr WEIDEMAN (Frankston South)—As the Bill did not require funding, it originated in the other place. Funding has been provided by the Commonwealth and that makes it somewhat easier for the State, but that does not take away the importance of the Bill. The Bill is important for preventive medicine in this State. In some respects, it should go somewhat further. Over the past twenty years the State has lost every three years the equivalent of a Boeing jumbo jet with some 350 passengers aboard. If a jumbo jet were to fall out of the sky every three years, there would be a full inquiry and action would be taken. Over the past twenty years, 2400 women have died from cancer of the cervix and, unfortunately, the tragedy of it is that is could have been prevented.

Twenty years later the government is taking appropriate action. Pap smear screening was available to women in 1965, and since then 2400 have lost their lives unnecessarily. That is to be regretted, and it has taken the government that time to react. Each year some 270 women in Victoria are diagnosed as having advanced cancer and those women have hysterectomies and other treatment, but none of that treatment is a guaranteed cure.

Victoria has never had an organised approach to Pap smear testing. In Victoria, 70 per cent of Pap smears are carried out by the Victorian Cytology (Gynaecological) Service and 30 per cent by private services. The increase in private laboratories has in some ways brought this Bill before the Parliament. Records were kept when the government-provided service was doing most of the screening. In the case of abnormal Pap smears, records were kept for twenty years, and for normal tests, ten years.

Under recent legislation, the Victorian Health Promotion Foundation was established and most of the $23 million to $24 million it expends is spent in the preventive health promotion area. One of the major areas concerns the Anti-Cancer Council of Victoria, which has strongly advertised the "Quit" and "Sun-smart" campaigns.

Dr Nigel Gray and Dr Robin Marks approached the government with regard to cancer of the cervix. They want Pap smears to be made available to all women of the State from the age of eighteen years to the end of their lives. Last week I visited Queensland and the anti-cancer organisation in that State was promoting Pap smears. The promotion depicted a daughter, a mother and a grandmother. It suggested that the mother and the daughter were having Pap smears but the grandmother had not deemed it necessary. It suggested that all women should avail themselves of the service.

The honourable member for Carrum, the Deputy Leader of the National Party and I are the Parliamentary members on the Victorian Health Promotion Foundation. We are delighted that money has been provided for the promotion of Pap smears in Victoria. A major project supported by the Monash Medical Centre will begin in Springvale. It is envisaged some 300 000 to 400 000 women will be tested at that centre.

Dr Heather Mitchell has suggested that a country electorate be selected for a survey where all women over eighteen years of age will receive a letter requesting them to make themselves available for a Pap smear. The survey will ascertain whether women are prepared to present themselves for a Pap smear. Every encouragement should be given for them to do so.

It is quite obvious from the letters we have all received supporting the Bill that there is great concern about this type of cancer which, to a large extent, can be eliminated from women and eliminated as a problem in this State.

Two thousand five hundred women within Victoria are at risk from cancer of the cervix, and I suppose I should declare a special interest in this area at this stage. I have a daughter who works at the Royal Women's Hospital and at present she is involved in a project testing women for cancer of the ovaries. They are also providing Pap smears. The technique they are using, she tells me, has to be provided by qualified people, and if it is properly carried out it is possible to eliminate the cancer that affects women in this way.

The Bill is a double voluntary Bill, as the Liberal Party has already pointed out. It is a case of informed consent. First of all it is voluntary for the patient to go to the doctor, but it is also voluntary for the doctor to provide the information to the register. Also, it is voluntary for the laboratory to provide that information. This is a loose procedure and I have tried to form an analogy between this Bill and another disease in our State. One that came to mind, which was a problem some 40 years ago, is tuberculosis.

Debates took place in this House until 1949 on that subject. In 1948 the Federal government provided to the State—and the State introduced legislation in 1949—the sum of 223 528 pounds to be spent on anti-tuberculosis work, which included the creation of beds at Greswell Rehabilitation Centre, Heatherton Hospital and Greenvale Geriatric Centre. Those honourable members of my age group will recognise those names. Fairfield Hospital and the Austin Hospital were also involved.

By 1952 more than 1000 beds were provided for people suffering from tuberculosis. In reading the debate at the time, a former Minister of Public Health, the Honourable W. J. Beckett, pointed out that even though the State and Federal governments supported the X-ray and testing procedures, less than 50 per cent of adults in Victoria made themselves available for testing, and that meant approximately 1 million adults out of 2 million adults in this State. It was only in the debate of 1951 that the procedures were made compulsory, and it is interesting to read the comments of the Hon. C. P. Gartside because his remarks may be the most pertinent quote for us tonight:

> I was also assured by leading specialists in the treatment of tuberculosis that within one or two decades, even by known methods of treatment, the incidence of TB could be reduced as considerably as have certain other infectious diseases.

He was suggesting that within two decades it would become a thing of the past, and that happened.

Mr Ross-Edwards—I had it!

Mr WEIDEMAN—The honourable member for Shepparton says that he was one of those involved. Let us hope that we can use that same quote tonight and that it is relevant for cervical cancer—that in less than two decades it can be eliminated as a problem within our State, because it affects the lives of nearly 2500 women, and probably more.

In the debate on tuberculosis at that time criticism and opposition came from the Christian Scientists who thought it was an invasion of privacy to give treatment to which one could not refuse, but it seems to me that the same case applied then as applied now—maybe the words are different but certainly the issue is very much the same. It is a preventable disease and it is a case of women having a simple Pap smear.

It has been proven beyond doubt that this works and, although one may argue that the register is not needed, the history of the patient's Pap smears is important. The doctor can compare one Pap smear with earlier Pap smears which may have been abnormal and recorded as such. Therefore, by having a Pap smear every two or three years, the mere fact of having past information on the register will not help to prevent misinterpretation of the slide which could cause anxiety to that person but also mean a clear and precise determination of the slide.

Apparently about half of the women in Victoria visit their general practitioners every twelve months. Of those who submit themselves to a Pap smear 13 per cent or more may have an abnormal smear but they change doctors so readily that either the doctor does not check up or does not follow through or some misinformation is provided and, therefore, the problem is not detected. The register will prevent this problem, particularly in the cases of women with abnormal slides.

In speaking to my daughter on this subject, she stated that the free service at the Royal Women's Hospital is widely advertised, which is a good thing.

I now refer to a letter written by William Chanen from the Australian Society for Colposcopy and Cervical Pathology. A part of the second paragraph is very relevant to the way the public perceives the situation. He states:

> At the Royal Women's Hospital, Melbourne, we have treated some 3500 patients with histologically confirmed precancerous lesions of the cervix. These have been carefully followed up over succeeding years and in this group of high risk patients we have virtually eliminated the subsequent risk of cervical cancer. This contrasts markedly with the experience in New Zealand where these cases were not treated and subsequently in over 25 per cent of patients, they developed invasive cancer of the cervix.

This is probably one of the reasons why government members receive so many letters supporting this important issue. The register for cervical cancer in the future can be extended for other testing procedures, such as mammograms and so forth.

A pilot scheme has been developed at Essendon and District Memorial Hospital with funding of $1·5 million for 5 years for mammogram testing of women in the western suburbs. Perhaps in the future regulations will provide that these women can go back for further tests so that historical records can be kept.

The cancer register will ensure that appropriate action is taken when an abnormality is detected. Currently there is doubt and fear in the minds of women when the Pap smear tests are sent away that they will not receive the appropriate information. The register will have an undoubted advantage.

Quality control will be undertaken in the pathology laboratory. A professional attitude to the register will improve the situation dramatically. Reminder notices will be sent to women to remind them when their next Pap smear tests are due. The problem with many women is the matter of remembering when they had their last tests done. Many find that it is not one or two years but three or four years. This

matter has been highlighted in the letters the Opposition has received; 80 per cent of women who die each year from cervical cancer have not had a Pap smear.

It would be an advantage to run appropriate campaigns to inform women about this problem. Honourable members know it is difficult to educate the community, particularly in a multicultural community. That is why the mammogram testing at Essendon hospital, which will cover the western suburbs area, and the Pap smear testing which will cover another part of Melbourne, are excellent programs.

The problems of getting messages across to all women will be better understood by targeting the numbers that are in those areas. The facts and figures available indicate that targeting this message will be easier when we have completed those programs.

The Minister has indicated that the process of the register will be totally voluntary and that any person who presents herself for a Pap smear and does not want information to be registered must notify her doctor in writing who, on presenting the smear for testing, will indicate that the details should not be sent to the register. I suggest that it will be only a small group of women who wish to use that right.

I understand that a cancer register, which has been ongoing since 1939, has not received complaints about the information that has been provided in the community. No complaints have been received from people who believed their privacy had been invaded in this way. It was suggested that each person should fill in a form that would be provided to the register but that may entail thousands of pieces of paper which would have made the exercise an administrative nightmare. A better approach was to have those persons who did not want results to be registered to do so in writing to their own doctors; it would entail a much smaller group of people.

The administrator of the register will send off letters informing women when they are due for a Pap smear test. Obviously that letter will indicate to the respective women that they are on the register. If they do not want to be on the register they can then take the appropriate action, which would be provided for by regulation.

The Opposition will include in the Bill by amendment that the regulation for disallowance by either House of Parliament be included. I hope after the special education projects have been carried out in the community that another Bill will be introduced, such as was the case with tuberculosis testing, and that women will accept that a mandatory system is needed.

I do not believe initially it is possible to test the entire community of women but the largest group of women at risk are those between 29 years and 39 years—many honourable members have daughters in that age group—and the decision will also affect women in the older age group. The Opposition does not oppose the Bill; it accepts the comments made by the Minister in the second-reading speech. It hopes in the future that the Bill can be strengthened. It is a major improvement in the area of cancer prevention in women.

The Opposition asks that the Minister for Health uses her power in whatever way she can to improve the position of women's health in our community and that within a short time the Bill will be reviewed to include other procedures of cancer detection to be included on the register so that we can honestly say in ten to twenty years, as it was said in 1951 about tuberculosis, that cancer of the cervix has been eliminated from women's health problems in our community.

Mr J. F. McGRATH (Warrnambool)—I add National Party support to the Cancer (Central Registers) Bill. Unlike the Minister for Planning and Environment and the lead speaker for the Opposition, I have not had an association with medicine or pharmacology, but I have been moved by the amount of correspondence, as a local

member, that I have received on this issue from a range of medical people. The Minister's second-reading speech reveals that some 250 persons a year are diagnosed as having cervical cancer and that it is estimated that two out of every five of those diagnosed will subsequently die from the disease. Therefore, we are looking at a significant piece of proposed legislation tonight.

If one considers the continued concern of all parties for road safety and the attempts to do something about the road toll, I suppose we are attempting to do something about a disease in our society that has been an enormous challenge to the medical fraternity.

This Bill will introduce an old traditional proverb that prevention is always better than cure. Preventative medicine, as has been demonstrated tonight, is supported by all members on all sides of the House. The only area of conjecture is to ensure that the proposed legislation is comprehensive enough to be utilised to its maximum potential in the community it seeks to serve.

The proposed register will be invaluable. As the honourable member for Frankston South said, it will be able to collect large volumes of data and one of the attractive, so to speak, aspects of the Bill is the opportunity for people to participate in the reminder program that comes out from the central registry.

It is also important to add that an option has been given to those ladies who would prefer not to participate in the system, whether for confidential reasons or whatever. They do not necessarily have to go into the register. I suggest it is an important part of the ongoing notification system that is built into this proposed legislation. For that reason, we hope not too many people will make a decision not to participate.

I have been approached by many members, as I said before, from the medical profession, largely within the electorate of Warrnambool. In particular I have been approached by one of the gynaecologists speaking on behalf of his colleagues. They were certainly urging me to carry their views to the National Party room to ensure that this legislation proceeded through the House with a minimum of disruption. I am pleased to say that the Liberal and National parties are tonight working to ensure that this Bill goes through Parliament and are seeking to address cervical cancer which, when one reads the statistics, has a significant impact on the community.

Given the lateness of the hour and the fact that I come from a non-medical background and do not have any expertise within the area, I will minimise my comments so this proposed legislation and other pieces of legislation can be expedited. Perhaps I can say to the Minister for Planning and Environment that the government is to be commended on approaching medicine in a preventative way. I hope the support received from Parliament tonight will be acknowledged and that in years to come we can look back and see this proposed legislation as being very significant in dealing with a growing and major health problem within the female population of the State. Hopefully, it will run across State boundaries to become a national proposal. The National Party adds its support to the Bill.

Mr BILDSTIEN (Mildura)—Like the honourable member for Warrnambool, I do not have a medical background but I have been inundated with correspondence from individuals and women's organisations, both in and out of my electorate, on this very important piece of legislation. It has been brought to my attention that approximately 250 women will develop invasive cancer of the cervix each year in Victoria of whom about 100 will eventually die from this disease. It has been estimated that many more times this number, some eight to ten times, will develop pre-cancerous changes which are treated adequately and thus never progress to cancer.

In conjunction with this Bill, I believe it will be necessary for the government to undertake a substantial campaign to encourage more women to have Pap smears. The proposed legislation will register only those who have had Pap smears already and my information is that a substantial proportion of women in the age group of 40 years and over, which is the majority of invasive cancer cases, are not having Pap smears.

As I mentioned at the outset, the level of correspondence into my office on this Bill has been extraordinary. I should like to place on record some of the supportive comments I have received as the member for Mildura. I received a letter from a Mrs L. M. Haeusler of Pasadena Grove, Mildura. She states:

I agree with the Bill wholeheartedly, as it will allow women to feel comfortable about personal records being kept in the wider interest of all women.

The establishment of a Central Registry for Cervical Cytology should be supported by all Victorians as it opens the way for a better system that in the future will save time and money and give women peace of mind.

The most important factors to me:

Access to previous Pap Smears—the knowledge that these records are available for comparison, changes etc.

Reminder notices sent out—takes the pressure off women having to ask doctors—many women find this embarrassing so do not have regular Pap smears as a result.

Board of Management drawn from the relevant professional and interest groups—I hope there is a "housewife" among the interested groups, this category is often overlooked and without their input programs sometimes fail.

Other registries—I hope that Mammography testing is a high priority.

The Country Women's Association of Victoria was very vocal in its support of this Bill. From the North-western Mallee, Mrs M. Ross states:

This Bill has been discussed at State Council and our State President has advised each and every Group President to inform all branch members to totally support this Bill.

She says that she would like me to be aware that 15 000 members of the Country Women's Association throughout Victoria fully support this action and are very happy that members of Parliament feel strongly about this registry Bill.

The Group President of the Mildura Country Women's Association of Victoria, Mrs Marjory O'Donnell, says:

I feel, as you, that if the Bill is passed it will be a wonderful step forward in the fight against cancer, particularly those types that affect women of all ages.

Representations came from all quarters, both in and outside the electorate. The Victorian Cytology (Gynaecological) Service said:

We believe this is a vital piece of legislation to improve cervical cancer screening for Victorian women.

Further on in the letter the service said:

In brief, the registry would improve the accurancy of smear reporting, provide a safety net for women with abnormalities, enable women to receive a reminder letter when their next test was due, and allow evaluation of campaigns to improve the proportion of women who are being regularly screened.

There is strong support among both the community and health professionals for the registry.

The Anti-Cancer Council of Victoria wrote to me and said that it does not envisage any difficulties related to the maintenance of confidentiality of material in this register. It said that the Victorian Cancer Registry which registers details of all people with cancer in Victoria was established in 1939 and it has had no problems with the maintenance of confidentiality over a huge amount of data within the register. The

council also said that there is widespread backing for this Bill from women in the community.

Therefore, given the details that we have received that despite the fact that 80 per cent of women see their general practitioner every year, a great proportion are not having Pap smears, the only comment I make is the one I made at the outset: the government must ensure that there is a substantial public awareness campaign to encourage more women to actually go to their general practitioners and have Pap smears in the future.

Mr ROPER (Minister for Planning and Environment)—I thank honourable members who have taken part in the debate this evening and particularly for the interest they have shown in what is a very significant health problem for women. The material that will be collected as a result of this Bill will assist us enormously in a whole range of epidemiological studies and research and in actually dealing with real problems that many women in our community have.

There has been a significant change in community attitudes in the past five or six years. That change will continue, and we hope this Bill, which is supported by all three parties, will assist in reducing the unnecessary deaths and suffering caused by cervical cancer which have already been mentioned by honourable members.

The motion was agreed to.

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

NATIONAL PARKS (ALPINE NATIONAL PARK) BILL

The message from the Council relating to the amendments in this Bill was taken into consideration.

Council's amendments:

1. Clause 2, line 6, omit "9" and insert "11".
2. Clause 2, line 8, omit "9" and insert "11".
3. Clause 2, line 10, omit "9" and insert "11".
4. Clause 2, line 12, omit "9" and insert "11".
5. Clause 2, line 12, omit "1994" and insert "1999".
6. Clause 2, line 14, omit "9" and insert "11".
7. Clause 2, line 16, omit "or days".
8. Clause 7, page 4, line 1, after "70/1f" insert "and such other areas of part 37 as may be specified in a management plan for the park described in that part".
9. Clause 8, after line 27, insert—

   "Subject to section 25B (except sub-section (7)), once-only logging may be carried on—

   (*a*) in the areas marked A6A and A7A on the plan lodged in the Central Plan Office of the Department of Property and Services and numbered N.P.70/1f until 1 July 1992; and

   (*b*) in the area marked A13A on the plan referred to in paragraph (*a*) until 1 July 1996.".
10. Clause 13, line 31, omit "8" and insert "10".
11. Clause 14, line 9, omit "8" and insert "10".
12. Clause 15, line 20, omit "8" and insert "10".

13. Insert the following new clause to follow clause 6:

New sections 32AD and 32AE inserted

'AA. After section 32AC of the Principal Act insert—

Licences

"32AD. (1) The Minister may grant licences in respect of the alpine and bush grazing licence areas in accordance with the agreement on provisions for alpine and bush grazing licences endorsed by the Minister on 25 May 1989.

(2) A person who—

(*a*) immediately before the commencement of section 7 of the *National Parks (Alpine National Park) Act* 1989, was the holder of a cattle grazing licence in respect of any part of the alpine and bush grazing licence areas; and

(*b*) applies in writing to the Director within 60 days after that commencement—

is entitled to be granted a licence under sub-section (1).

(3) The Minister may grant licences in respect of the park described in part 37 of Schedule Two in accordance with the agreement on provisions for alpine tourism licences endorsed by the Minister on 25 May 1989.

(4) In this section, "Alpine and Bush Grazing Licence Areas" means the land in the park described in part 37 of Schedule Two except—

(*a*) the areas marked with vertical hatching in Map A accompanying the 1983 Land Conservation Council Final Recommendation for the Alpine Area Review; and

(*b*) reference areas C1, C2, C3, C4, C5, C6, C7, C8, C12, C13, C14, C15, C16, C17 and C18 on that Map; and

(*c*) on and after 1 July 1991, the area marked with horizontal hatching on that Map; and

(*d*) the areas covered by licences numbered 38, 39, 41 and 47 held by the owner of Wonnangatta Station before its acquisition by the Crown; and

(*e*) on and after 1 July 1991, the former Wabonga Plateau State Park; and

(*f*) that part of the former Cobberas–Tingaringy National Park east of the Snowy River."

Advisory Committee

"32AE. (1) There shall be a Committee known as the Alpine Advisory Committee.

(2) The function of the Alpine Advisory Committee is to assist with the development of a management plan for the park described in part 37 of Schedule Two.

(3) The Alpine Advisory Committee shall consist of—

(*a*) five persons nominated by the Minister, one of whom shall be appointed by the Minister as chairperson; and

(*b*) eight persons, each of whom shall be appointed by the Minister from a panel of three persons nominated by each of the following:

(i) Victoria National Parks Association;

(ii) Conservation Council of Victoria;

(iii) Victorian Federation of Bush Walkers;

(iv) Victorian Farmers' Federation;

(v) Mountain Cattlemen's Association of Victoria Inc.;

(vi) Victorian Field Naturalists Club;

(vii) Australian Deer Association Inc.;

(viii) National 4 Wheel Drive Council; and

(*c*) one person who is engaged in commercial tourism activities in the area nominated by the Director of the Victorian Tourism Commission; and

(*d*) two persons appointed by the Minister from a panel of six persons nominated by the Municipal Councils whose municipalities adjoin the park described in part 37 of Schedule Two.".'

14. Insert the following new clause to follow clause 7:

New section 47D inserted

'A. After section 47C of the Principal Act insert—

Management plan to be tabled

"47D. (1) The Minister must cause a copy of a management plan for the park described in part 37 of Schedule Two to be laid before each House of the Parliament before the expiration of the seventh sitting day of that House after the plan is received by the Minister.

(2) A management plan may be disallowed by resolution of both Houses of the Parliament.

(3) Notice of a resolution to disallow a management plan may be given in a House of the Parliament on or before the eighteenth sitting day of that House after the copy of the plan is laid before that House.

(4) A resolution to disallow a management plan must be passed on or before the twelfth sitting day of that House after notice of the resolution is given.

(5) If a House of the Parliament is prorogued or dissolved, the calculation of sitting days shall be determined as if there had been no prorogation or dissolution.".'

On the motion of Mr ROPER (Minister for Planning and Environment), the amendments were agreed to.

PRESCRIBED WEAPONS BILL

The message from the Council relating to the amendment in this Bill was taken into consideration.

Council's amendment:

Insert the following new clause to follow clause 4:

Sunset provision

"A. This Act and the amendments made by this Act to any other Act continue in force until the day which is 12 months after the day on which this Act comes into operation and no longer and on and after that day any Act amended by this Act has effect as if this Act had not been enacted.".

Mr ROPER (Minister for Planning and Environment)—I move:

That the amendment be agreed to.

I should point out that the amendment made by the Legislative Council is to provide a sunset clause for the operation of the Bill. Although the government would certainly prefer not to have this sunset clause, it is happy to have the benefits of the Bill on the basis on which the Legislative Council has provided it.

Mr COOPER (Mornington)—The Opposition is pleased that the government is accepting the amendment. As it pointed out during the second-reading debate, the Opposition believes the provisions of this Bill are inappropriate for the Firearms Act, and this amendment gives the government the opportunity over the next twelve months of being able to clean it up and put it into some other legislation that is more appropriate.

The motion was agreed to.

SECOND-HAND DEALERS AND PAWNBROKERS BILL

The message from the Council relating to the amendments in this Bill was taken into consideration.

Council's amendments:

1. Clause 3, lines 20 to 26, omit all words and expressions on these lines and insert—

"sale under or in conjunction with which he or she gives the vendor the right to repurchase the goods; and

(*b*) in such a case, the price at which the goods are sold shall be deemed to be the principal sum advanced and the difference between that amount and the price at which the goods may be repurchased shall be deemed to be the total amount of interest payable.".

2. Clause 13, line 33, omit "may" and insert "must".

3. Clause 23, line 3, omit "apparently".

4. Clause 23, line 15, after "interest" insert "(calculated in the prescribed manner)".

5. Clause 27, line 29, after "have" insert "been".

On the motion of Mr ROPER (Minister for Planning and Environment), the amendments were agreed to.

ESTATE AGENTS (AMENDMENT) BILL

The message from the Council relating to the amendments in this Bill was taken into consideration.

Council's amendments:

1. Clause 2, line 5, after this line insert—
"2. (1) Sections 7 and 10 come into operation on 1 January 1990".

2. Clause 2, line 6, omit "2." and insert "(2) The remainder of".

3. Clause 2, line 6, omit "or days".

4. Clause 5, lines 6 and 7, omit "a special account established under an arrangement made under section 60 or".

5. Clause 15, lines 29 to 31, omit the words and expressions on these lines and insert—

'(ii) in paragraph (*b*), sub-paragraph (ii) and the word "or" preceding it are repealed.'

6. Clause 16, lines 13 to 16, omit the words and expressions on these lines.

7. Clause 16, line 17, omit "(*d*)" and insert "(*b*)".

8. Clause 16, line 19, omit "(*e*)" and insert "(*c*)".

9. Clause 16, line 20, omit "(*f*)" and insert "(*d*)".

10. Clause 16, lines 36 to 42, and page 8, lines 1 to 20 omit the words and expressions on these lines and insert—

Arrangements with financial institutions

"60A. (1) The Board must cause to be published in the *Government Gazette* a summary of the terms and conditions of an arrangement entered into under section 60.

(2) The Board must not refuse to enter into an arrangement under section 60 with any financial institution which offers the Board terms and conditions no less favourable to the Board than any other existing arrangement.".

11. Clause 17, lines 22 to 24, omit all words and expressions commencing with "received by the Board" and ending at the end of the clause and insert ' "deposits" substitute "interest" '.

12. Clause 18, lines 30 and 31 omit the words and expressions on these lines and insert—

"(*b*) paragraph (*ca*) is repealed.".

13. Clause 20, omit this clause.

14. Clause 24, line 16, after this line insert—

"(3) Despite the commencement of section 4 of this Act, any rules made pursuant to section 10 (1) (*b*) (ii) of the Principal Act which were in operation immediately before the commencement of section 4 of this Act continue in operation until the appointed day.".

15. Insert the following new clause to follow clause 19:

"A. (1) In section 75 (1) of the Principal Act, paragraph (*ha*) is repealed.

(2) In section 76 of the Principal Act, omit "but excluding any contingent liability arising by virtue of section 60 (3).".

On the motion of Mr ROPER (Minister for Planning and Environment), the amendments were agreed to.

CONSTITUTION (SUPREME COURT) BILL

This Bill was returned from the Council with a message relating to amendments.

Council's amendments:

1. Clause 2, lines 7 and 8, omit sub-clause (1).
2. Clause 2, line 9, omit "(2) The rest of".
3. Clause 4, omit this clause.
4. Clause 5, lines 18 and 19, omit "the commencement of this section" and insert "1 July 1989".

Mr ROPER (Minister for Planning and Environment)—I move:

That the amendments be agreed to.

This matter has been the subject of considerable discussion over the past four weeks or so, and I have pleasure in moving the motion.

Mr ROSS-EDWARDS (Shepparton)—This has been a most complex Bill. We have had advice from every second Queen's Counsel in Victoria at least. I do not know how many of them are charging, and I should imagine it would be most of them, but I believe the best advice we gave the Attorney-General was not to put it through the House on the very first day. He was keen to do that and said it had to be passed that afternoon. We talked him out of that.

I know the delay has cost him money, but I believe, in another way, the delay has enabled honourable members to obtain the best advice possible. There is no point plugging a hole if one does not intend to do so properly. We have spent the best part of four or five weeks in trying to obtain an answer to a difficult problem. We believe we have a problem, but there may not be a problem at all. However, the general considered view is that there is a problem; we have dealt with it, and it is hoped we have learned a lesson for the future. There will very much be a need for Parliamentary Counsel, and with due respect, also the officers, from henceforth on to watch for this particular problem.

The Bill is an interesting one and one hopes the necessary action has been taken to validate its provisions, as has occurred in many pieces of legislation over recent years.

Mr TANNER (Caulfield)—The Liberal Party has grave reservations about the agreement reached by the government and the National Party on this Bill. I am aware of the extensive discussions that have occurred in recent weeks about the Bill. Nevertheless, the Liberal Party is not satisfied with the resolution achieved between the National Party and the government, and the matter should be further considered in the other place where, if the National Party wishes to join forces with the government, no doubt it can force its will upon the State.

Mr ROSS-EDWARDS (Shepparton) (*By leave*)—I do not want the honourable member for Caulfield to get upset. A tremendous effort has been made to reach agreement. There is no question of voting against each other in the other place—we will vote together. The Liberal Party has been worried about the Bill. I assure the honourable member for Caulfield of support.

Mr TANNER (Caulfield) (*By leave*)—I did not wish to express in my comments any contempt of the efforts the National Party has made in this matter. I have no doubt it has in its view approached the Bill in the best interests of the Victorian public.

Mr ROPER (Minister for Planning and Environment) (*By leave*)—It has been agreed that there must be a return to the basic item of 1975, which was the Constitution Act, as amended. It is intended that the Legal and Constitutional Committee should do that so that a long-term solution can be reached for what is now a short-term problem.

The SPEAKER—Order! The question is that these amendments be agreed to. I am of the opinion that these amendments need to be agreed to by an absolute majority.

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

The required number of members having assembled in the Chamber—

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

FIRE AUTHORITIES BILL

This Bill was returned from the Council with a message relating to amendments.

Council's amendments:

1. Clause 3, line 2, omit "(1)".
2. Clause 3, lines 18 to 24, omit sub-clause (2).
3. Clause 9, omit this clause.

Mr CRABB (Minister for Police and Emergency Services)—I move:

That the amendments be agreed to.

The Bill has two effective amendments as moved by the Legislative Council. The first deletes the provision allowing an employee representative on the board of the Country Fire Authority. I am disappointed that the opposition parties will not accede to that provision.

The second amendment of the Council deletes the provision which provides a definition of "volunteer". I regret that the opposition parties have not acceded to that definition because, although it would not accommodate the circumstances of volunteers who are paid for performing fire service duties, at least it would have accommodated the situation of volunteers who are paid for pursuing their trade or profession.

It is a particularly blinkered view on the part of both opposition parties that they have not acceded to this view. Nevertheless, the Bill is of some value to the fire authorities. The government will be accepting the Bill as it is.

I support the motion that the House acquaint the Legislative Council with our agreement to its amendments.

Mr COOPER (Mornington)—The Opposition agrees with the amendments, and supports the motion. The question involving amendments Nos 1 and 2 was heavily canvassed during the second-reading debate and the Committee stage of the Bill in this House. The effect of the two amendments will enable the government to go away and consult with the Victorian Urban Fire Brigades Association in a way that should have been done prior to bringing the Bill before the House.

The Opposition expects that early in the next sessional period the government will be able to return an amendment to this place which will meet the full needs of the volunteer officers and members of the Country Fire Authority, and particularly of the urban brigades which the proposal in the Bill, as printed, does not do. Therefore, the amendment of the Legislative Council is an important one. The Opposition is pleased to be able to support it.

The third amendment deletes clause 9 from the Bill. That prevents a dilution of the volunteer representation on the board of the County Fire Authority. The Opposition regards that as an important measure. It does not believe that the representation of volunteers on the CFA board should be diluted in the way the government has attempted to do. The Opposition is delighted to be able to support the amendments of the Council.

The motion was agreed to.

SMALL CLAIMS TRIBUNALS (AMENDMENT) BILL

This Bill was returned from the Council with a message relating to an amendment.

Council's amendment:

Clause 1, line 4, omit "(*a*)" (where secondly occurring).

On the motion of Mr McCUTCHEON (Attorney-General), the amendment was agreed to.

EGG INDUSTRY BILL

This Bill was returned from the Council with a message relating to amendments.

Council's amendments:

1. Clause 26, after line 30 insert—

"(*c*) to promote the efficient and effective marketing of eggs; and".

2. Clause 28, line 23, after "Minister" insert "from panels of names submitted by bodies that in the Minister's opinion represent the interests of producers".

3. Clause 28, line 30, omit "(*a*) or".

4. Clause 28, line 30, after "in" insert "the".

5. Clause 28, lines 30 to 34, omit ", in case of sub-section (1) (*a*), by bodies that in the Minister's opinion represent the interests of producers, and, in the case of sub-section (1) (*b*),".

6. Clause 51, line 3, omit "the hen quota of each person" and insert "each hen quota entitling a person to own or keep 2000 or more hens".

7. Clause 51, line 7, after "holding" insert "such".

8. Clause 53, line 22, omit "80 000" and insert "100 000".

9. Clause 55, after line 16 insert—

"(2) Sub-section (1) applies only if a person's hen quota exceeds 2000 hens and only to the number of hens in excess of 2000.".

10. Clause 55, line 18, omit "90" and insert "21".

11. Clause 63, line 11, omit "61" and insert "60".

12. Clause 66, line 24, omit "80 000" and insert "100 000".

13. Clause 80, page 24, lines 6 and 7, omit "80 000" and insert "100 000".

14. Clause 82, page 26, line 1, omit "Before 1 April in each year" and insert "Within three months after the end of each financial year within the meaning of section 47".

15. Clause 82, page 26, line 2, omit "preceding 31 December" and insert "end of that financial year".

16. Clause 82, page 26, line 10, omit "Auditor-General" and insert "limited company".

17. Clause 82, page 26, line 11, after "Treasurer" insert "and the Minister".

18. Clause 87, lines 24 and 25, omit all words and expressions on these lines and insert "Board may, by instrument, appoint the applicant if it considers he or she is a fit and proper person to be a producer agent and if the Board considers that the appointment is necessary or expedient to give effect to the Board's functions under section 26".

19. Clause 111, lines 33 and 34, omit paragraph (*b*) and insert—

"(*b*) one person appointed by the Minister from panels of names submitted by bodies that in the Minister's opinion represent the interests of producers; and

(*c*) one person with commercial expertise appointed by the Minister.".

20. Clause 111, line 35, after "(*b*)" insert "or (*c*)".

21. Clause 111, after line 39 insert—

"(3) Each panel under sub-section (1) (*b*) must consist of the number of names specified by the Minister.

(4) The failure of a body to submit a sufficient panel of names by the date specified by the Minister does not prevent the Minister making the appointment.".

22. Clause 112, line 3, after "(*b*)" insert "or (*c*)".

23. Clause 131, line 27, omit "80 000" and insert "100 000".

24. Clause 137, lines 32 and 33, omit the words and expressions on these lines.

25. Clause 137, page 45, after line 6, insert—

"(3) Regulations made under this section may be disallowed in whole or in part, by resolution of either House of Parliament in accordance with the requirements of section 6 (2) of the *Subordinate Legislation Act* 1962.

(4) Disallowance under sub-section (3) is deemed to be disallowance by Parliament for the purposes of the *Subordinate Legislation Act* 1962.".

26. Clause 143, line 43, omit "80 000" and insert "100 000".

Mr ROWE (Minister for Agriculture and Rural Affairs)—I move:

That amendments Nos 1 to 3 be agreed to.

The motion was agreed to.

Mr ROWE (Minister for Agriculture and Rural Affairs)—I move:

That amendment No. 4 be disagreed with.

The motion was agreed to.

Mr ROWE (Minister for Agriculture and Rural Affairs)—I move:

That amendments Nos 5 to 26 be agreed to.

The motion was agreed to.

It was ordered that the Bill be returned to the Council with a message intimating the decision of the House.

PAPERS

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

State Superannuation Board—Report for the year 1987–88—Ordered to be printed.

Statutory rules under the following Acts:

Police Regulation Act 1958—SR No. 109.

Public Account Act 1958—SR No. 110.

ROOMING HOUSES BILL

Mr McCUTCHEON (Attorney-General)—I move:

That this Bill be now read a second time.

Rooming houses accommodate large numbers of single people on a long-term basis due to a lack of affordable alternatives. They are also a cheaper way to house a number of households under the one roof. Nevertheless, in the context of the commitment of this government to the reform of residential tenancy legislation, boarders and lodgers remain the one segment of the tenancy market as yet untouched by legislative action. The proposed legislation is intended to remedy this situation.

The rights and duties of landlords and boarders and lodgers have been the subject of discussion for years. As early as 1983–84 much work had been done by the Residential Tenancies Bill Steering Committee, convened by the Ministers for housing and construction and consumer affairs, which produced a set of instructions to Parliamentary Counsel on this issue.

However, the inclusion of rights of boarders and lodgers into the 1985 rewrite of the existing Residential Tenancies Act—RTA—was not proceeded with. The extensive controversy within the community over the 1985 RTA rewrite as a whole not only caused deferment of extension of legislative coverage to caravans and boarding situations but also saw this reforming legislation defeated in the Legislative Council in April 1986.

In 1987, in the context of a decision to introduce further amendments to the RTA, it was decided that implementation would be facilitated by separate pieces of legislation, with priority for caravan park dwellers, followed then by boarders and lodgers.

The Caravan Parks and Movable Dwellings Act was passed by Parliament during the 1988 autumn sessional period. Simultaneously, the Ministerial Rooming House Program Advisory Group—PAG—which has representation from the Boarders and Lodgers Union, the ALP Housing Policy Committee, and Shelter Rooming House Management Groups reopened discussions about legislation to cover boarders and lodgers. This Bill is a product of that consultation.

The reasons people live in rooming houses vary. They often include one or more of the following:

they are relatively inexpensive to move into;

affordable rents include cleaning and energy costs;

they may not be able or wish to be encumbered by the various tasks involved in living in self-contained flats;

a desire or need for only one room for exclusive occupancy; and

the option of independent living combined with the opportunity for company in the common areas such as kitchens, dining rooms and lounges.

The problems encountered by boarders and lodgers include substandard conditions due to inaction on essential repairs, lack of reasonable privacy due to the actions of landlords and tenants, lack of proper notice of rent increases and eviction without

notice by landlords—with or without police assistance. In a general sense, boarders and lodgers lack the legal protection of the obligations of a landlord to tenants covered by the Residential Tenancies Act, and there is ample evidence of harassment where they have claimed equivalent rights.

The exact number of rooming houses currently operating in Victoria is difficult to determine. However, a decline is clearly evident. In 1947 there were almost 5000 rooming houses in the then metropolitan Statewide district. In 1983 the total number of rooming houses in Victoria was 917, comprising 730 apartment houses and 187 boarding houses—the latter differ from apartment houses in that meals are provided. However, in St Kilda alone, the municipality with the greatest number of rooming houses during the 1980s, the period from 1984 to 1988 has seen a drop in rooming house numbers from 144 to 100, serving a population of 2100 persons. Projecting that rate of decline across Victoria as a whole, it is estimated that there are now fewer than 600 rooming houses remaining in Victoria. Allowing for non-registered premises up to 15 000 people may be housed in rooming house facilities.

This decline has occurred as a result of various factors including poor returns, investment pressures, strata subdivision, inability to meet fire safety or health regulations, retirement of ageing owner-managers and conversion to offices, holiday flats or homes. Conversion of homes for existing owners or new purchasers is clearly the greatest single cause of closure for smaller rooming houses resulting in more than 60 per cent of closures, while fire damage and neglect are often associated with the closure of larger rooming houses.

Lack of clarification of the legal status of tenants in regard to residential tenancies legislation has been detrimental to the rooming house industry and has proven a negative influence on investment decisions. Owners fear undefined increasing levels of regulation. Accordingly, this Bill will:

define the rights and duties of the owners of rooming houses and persons living therein; and

provide for the fair and quick resolution of disputes between owners and residents of rooming houses.

The latter will be achieved by providing those residents with legislative protection comparable to that available to renters of detached dwellings under the Residential Tenancies Act. Thus the Act will, inter alia:

establish residency rights and formalise the mode for their termination;

introduce procedures for the charging of rents and taking of bonds which parallel the procedures in the Residential Tenancies Act;

provide for the resolution of disputes by the Residential Tenancies Tribunal; and

specify the duties of residents and owners.

In as much as the Act relates only to residents occupying rooms as their only or main residence, it will not impact upon the tourist industry. Similarly, the limitation of application of the Act to situations involving at least four residents, excludes the situation where, for example, a family makes a private agreement to rent a spare room to a student from the country seeking lodgings in the metropolitan area. All in all, this Act will simply formalise the provision of tenancy protection to the only segment of the tenancy market as yet untouched by legislation. It is an important initiative essential in the interests of social justice, which completes this government's program of tenancy reform first outlined in 1982 and repeated prior to the 1988 State election.

I commend the Bill to the House.

On the motion of Mr COOPER (Mornington), the debate was adjourned.

It was ordered that the debate be adjourned until Friday, June 9.

MURRAY VALLEY CITRUS MARKETING BILL

Mr ROWE (Minister for Agriculture and Rural Affairs)—I move:

That this Bill be now read a second time.

The Bill has three major purposes:

1. to combine the Citrus Fruit Marketing Board of Victoria and the Murray Valley (NSW) Citrus Marketing Board;
2. to ensure the effectiveness, efficiency and accountability of the new citrus board; and
3. to exclude a small group of disaffected citrus growers in the Cobram–Barooga area from the control of the board.

I shall provide some background on the Bill and then deal briefly with its major proposals.

BACKGROUND

The Citrus Fruit Marketing Board of Victoria was established in 1973 to promote the marketing of the State's citrus crop other than lemons, and to provide marketing services to its grower members. Although the board's jurisdiction extends across the whole State, most of Victoria's citrus is produced in the irrigated areas along the River Murray from Mildura to Wodonga. It is in this area that the board's activities are concentrated.

The Murray Valley (NSW) Citrus Board represents citrus growers on the other side of the River Murray. The State boundary artificially divides the Murray Valley production area and complicates the promotion of a uniform product by each board. In an attempt to operate as a single entity, the two boards provide their services through a jointly owned holding company.

In 1986 the Victorian and New South Wales boards asked their respective Ministers to form a single two-State board. The Victorian and New South Wales Ministers set up a review to examine the proposal. The review supported the amalgamation on the basis of cost savings and general support by the citrus industry. The Public Bodies Review Committee considered the report of the joint Ministerial review, held discussions with the Victorian board and also supported the proposed amalgamation on the basis that it would improve the efficiency and effectiveness of citrus marketing in Victoria.

During 1987 and 1988 all relevant industry groups were extensively consulted on the details of amalgamation, and this Bill is supported by the majority of citrus producers in the Murray Valley. Complementary legislation will be required in New South Wales to form the joint board. I understand that a complementary Bill will be introduced into the New South Wales Parliament during its sittings in July and August.

AMALGAMATION OF VICTORIAN AND MURRAY VALLEY (NSW) CITRUS BOARDS

The two existing boards represent growers on either side of the River Murray and provide similar promotional and marketing support. Current arrangements to enable the boards to operate as a single entity are expensive for the industry to fund and are

also administratively complex. A joint board ensures much simpler administrative arrangements.

To ensure continued complementarity of each State's marketing arrangements, it is proposed that each State's legislation contain a declaration of intention that no legislative changes will be made except on the joint recommendation of the Ministers.

IMPROVEMENT TO VICTORIA'S CITRUS BOARD

The Victorian board is established under the Marketing of Primary Products Act 1958. This legislation is complex and out of date. The Bill provides the joint board with forthright guidelines for its operation and greater accountability in line with the government's current requirements and industry needs.

DISAFFECTED GROWERS IN THE COBRAM–BAROOGA AREA

For many years the majority of the 30 or so citrus growers in the Cobram–Barooga area have strongly opposed their inclusion in the citrus board's marketing arrangements.

There is general industry support for this group to be excluded from the board's control, but there is no provision under Victoria's current legislation for this to be achieved. The Bill excludes the Cobram–Barooga area from the jurisdiction of the joint board but enables individual growers in this area to obtain the services of the board on a contract basis. It also enables the area to rejoin the board at a later date. Further, there will be provision for polls to be conducted to enable other areas to join or be excluded from the board.

This Bill represents the successful cooperative efforts of the Victorian and New South Wales Ministers and their government departments, the two citrus boards and grower organisations within the areas controlled by the current boards.

I commend the Bill to the House.

On the motion of Mr COOPER (Mornington), the debate was adjourned.

It was ordered that the debate be adjourned until Friday, June 9.

FISHERIES (AMENDMENT) BILL

Mrs SETCHES (Minister for Conservation, Forests and Lands)—I move:

That this Bill be now read a second time.

This Bill amends the Fisheries Act 1968 and repeals the Victorian Fishing Industry Council Act 1979. Honourable members will be aware that in 1986 Mr Michael Arnold reported to the government after conducting an extensive review of commercial fisheries licensing in Victoria. Most of the recommendations contained in the Arnold review were endorsed by the government and many have already been implemented. Other recommendations requiring the backing of legislation are included in the Bill.

Existing provisions in the Fisheries Act empowering the Minister to give written permission for persons catching fish for research or scientific purposes or for stocking other waters will be extended to facilitate fishing activities for management or education purposes.

The fish traders licence, which was introduced in 1984 to provide funds to the Victorian Fishing Industry Council for promoting the sale of raw fish is to be repealed. This follows a recommendation from the Auditor-General that all aspects of the licence should be reviewed by the Department of Conservation, Forests and Lands.

The small amount of revenue generated by the licence has produced little funding for promotion and does not warrant the level of support given to its administration by the Department of Conservation, Forests and Lands.

There has been a growing concern in the fishing industry at the number of inexperienced persons obtaining master fisherman licences who have little or no intention of making a long-term commitment to the fishing industry. It is believed that a significant number of applicants for master fisherman licences simply use the licence as a means of gaining taxation benefits on fishing and boating equipment purchased or to allow them to sell their catch taken under their amateur entitlement. There are also concerns about the competency of applicants to be in charge of a fishing boat and crew. It is proposed that the Minister will be able to issue special instructions requiring any class of applicants for a master fisherman licence to hold a certificate recognised by the Marine Board of Victoria and satisfy the director-general that he or she proposes to operate a registered fishing boat licensed for a particular fishery.

The fishing industry and financial institutions have for some time been anxious for the government to give some recognition to the collateral value of commercial fishing licences. As most commercial fishing licences are transferable and hence attract a value, recognition of the collateral value of the licence in the Fisheries Act will make it easier for fishermen to obtain finance to enter a fishery or to upgrade their fishing operations.

The repeal of the Victorian Fishing Industry Council Act implements the government's intention to have the council replaced with a broad-based industry advisory body with improved representation from all sectors of the industry. The Victorian fishing industry has been seeking this representation for some time and the new industry body would operate so as to deal directly with the government. The repealing provisions will not come into operation until 29 November 1989 to coincide with the expiration of the terms of office of the current members of the Victorian Fishing Industry Council.

The existing 15 per cent levy on commercial fishing licences, which presently goes to the Victorian Fishing Industry Council for fish promotion, will be redirected towards the industry body that in the opinion of the Minister best represents the interests of all sections of the industry. This will allow the new peak industry body to be financially viable. A minor amendment will remove the 15 per cent surcharge from holders of a fish culture permit who raise prescribed aquarium-type fish.

Poaching by unlicensed persons is a continuing problem, particularly in relation to the taking of high-value species such as abalone, snapper and whiting. A substantial increase in the penalty for commercial fishing without a licence is proposed.

With the growth of our aquaculture industry the need to facilitate experimental operations connected with establishing an aquaculture operation has been recognised. Existing provisions in the Act were drafted at a time when virtually the only commercial fish culture activity practised in Victoria was trout farming. These provisions are not ideally suited to the more recently developed mariculture industry.

Since early this century commercial fishers have been required to submit monthly returns providing information on fish catches. Compliance with this requirement has been poor from some sections of the industry and it is now proposed that, in cases where the holder of a commercial fishing licence fails to provide satisfactory returns for all fishing entitlements, his or her licence will not be renewed until those returns are submitted.

A fisheries notice procedure to allow for rapid changes to certain categories of commercial fisheries regulations is provided for in the Bill. A fisheries notice will

come into operation on the date it is published or from any later date specified in the notice. For example, the opening and closing of the scallop fishing season could be implemented through a fisheries notice. A fisheries notice, unless sooner revoked, will be revoked twelve months after the day on which it first comes into operation. The provision of a fast-track mechanism for changing certain commercial fishing regulations is strongly supported by the fishing industry.

I commend the Bill to the House.

On the motion of Mr COOPER (Mornington), the debate was adjourned.

It was ordered that the debate be adjourned until Friday, June 9.

ADOPTION (AMENDMENT) BILL

Mr SPYKER (Minister for Community Services)—I move:

That this Bill be now read a second time.

Some of the amendments proposed in the Bill represent significant changes to an Act that has attracted strong community interest and debate. Hence the Bill is for introduction only in order to promote community discussion about the release of adoption information. The Bill, with necessary and appropriate amendments, will be brought back to Parliament in the spring sessional period and I look forward to a positive debate through the Committee stage.

The Bill introduces changes to a number of areas within the Adoption Act 1984. When the Adoption Act was passed in 1984 it represented a significant development in the provisions guiding the delivery of adoption services in this State. The legislation was and still is recognised as the leader in the field across Australia. Several other States have recently moved to reform their adoption legislation in terms similar to those endorsed by the Victorian Parliament.

The amendments included in the Bill build upon the experience that has been gained through the operation of the Adoption Act 1984, especially in the adoption information area. The Act incorporated significant new approaches to the release of adoption information. It is pleasing to be able to say that overall the changes have been well received by the broader community as well as by the people directly affected by adoption. It is, however, important to recognise the sensitivities surrounding the release of adoption information, especially those concerning the position of relinquishing mother and personal privacy generally.

Part VI of the Adoption Act 1984 provides the parties to an adoption with rights to information about the adoption in which they were involved. Although there have been concerns about delays in the service, there has been wide recognition of the importance and quality of the service provided. The reforms to the Adoption Information Service approved by the government in September and December last year are now being implemented and I am determined to see the estimated eleven-year waiting period, for those seeking adoption information, reduced to six weeks by 3 June this year.

The amendments proposed in the Bill provide the natural parents of an adopted person who has turned eighteen years of age with a right to information about the adopted person even if the information would identify others involved in the adoption. This provision will provide natural parents with rights to information reciprocal and consistent with those currently available to adult adopted people.

This change will eliminate the discrimination which currently exists as a result of the historical view that natural parents have less need and right to information than

do adopted persons. The experience of both Community Services Victoria and non-government adoption information services is that natural parents feel deeply the loss of their child and want, in a responsible way, to have information about the child and on some occasions to have contact with their child.

Experience in adoption information services has demonstrated a further concern. Currently the sons and daughters of adopted people have no right to gain access to information about their natural grandparents or other natural relatives in the records held by adoption services. These amendments provide these people with a right to information when they turn eighteen. The Adoption Information Service will be required to inform the adopted person—the applicant's parent—of the application and their intention to release the information. This provision will ensure that the children of adopted people are able to find out about their biological background.

The amendments will also give natural relatives the right to receive information about an adopted person who is eighteen years or older whether it will identify the parties to an adoption or not. These provisions are consistent with those applying to the children of adult adopted people.

The provisions applying to natural parents and relatives seeking information about an adopted person under eighteen years will not change. An Adoption Information Service is required to consider the wishes of the adopted person under eighteen years and gain permission from the adoptive parents before releasing any identifying information. These important safeguards should be retained.

These amendments introduce significant increases in penalties for some offences under the Act. In recent months, a number of examples of abuses in these areas have come to both departmental and public attention. The government seeks to strengthen the protections provided to children and others involved in adoption. Hence penalties are increased for offences relating to advertising and publicity, fraud, forging of documents, unauthorised arrangement of adoptions and unauthorised payments.

The publicity provision of the principal Act has been redrafted to clarify its intention of preventing publicity when an adoption application is before the court but allowing legitimate media attention on adoption issues.

I look forward to discussing these amendments within the community and bringing them back to Parliament for debate in the spring sitting.

I commend the Bill to the House.

On the motion of Mr COOPER (Mornington), the debate was adjourned.

It was ordered that the debate be adjourned until Friday, June 9.

WATER BILL

Mr WALSH (Minister for Water Resources)—I move:

That this Bill be now read a second time.

The Water Bill is a complete rewrite of the law relating to water resources and water authorities in Victoria. It provides for integrated management of water resources in all their forms and it covers all the functions of authorities: water supply, sewerage, regional drainage, floodplain management, waterway management and irrigation. This Bill is the keystone of a reconstructed water management framework which will serve this State for decades to come.

Between 1980 and 1984 the Public Bodies Review Committee laid a foundation for a new approach to water management. The outstanding work of that committee was

reflected in the Water and Sewerage Authorities (Restructuring) Act 1983 and the Water (Central Management Restructuring) Act 1984.

The two restructuring Acts improved water industry structure. The number of public bodies has been reduced from almost 400 to about 170. We can expect to see further voluntary amalgamations in the future. The water industry has become less dependent on subsidies from general taxation revenues. The sector has a new sense of direction and it is already enjoying a new level of managerial autonomy. However, industry restructuring is only half the story.

In a major statement on 2 December 1983 the then Minister for Water Resources, the Honourable David White, MLC, foreshadowed both the Water (Central Management Restructuring) Bill and an overhaul of all water legislation. He described the existing statutes as a maze of out-dated, imprecise, overly complex and often inconsistent legislation. He pointed out that they are concerned with matters better suited to administrative manuals than to Acts of Parliament. They do not set management objectives or define the proper relationship between the Minister and agencies within the water portfolio. The Bill now before the House replaces fifteen existing Acts, and over 1000 pages of out-dated statute law with about 200 pages of plain, clear language. The Bill is focused on resource management. It defines the Minister's executive powers clearly where present Acts do not. When private interests are at stake, avenues are provided for due process where for the most part none previously existed. Government bodies and also the Minister are made properly accountable. The Bill responds to the requirements which the Honourable David White foreshadowed.

The existing body of water legislation is a product of the rich and colourful history of this State. The gold rushes produced a spate of legislation to provide for drainage and for the water supplies to the goldfields and their boom towns. Later, as the rural areas of Victoria were developed for more intensive use, water supply was needed for the dry and sparsely settled rural lands and legislation was passed to make this possible. Local bodies with the necessary powers and resources were set up, often under special legislation for individual cases. As urban centres developed, authorities were created to develop water supplies and dispose of urban wastes.

Until the 1940s, virtually all water legislation passed by the Victorian Parliament was intended to remove common law obstacles to State development. Since then our focus has gradually changed. More recent legislation aims for conservation and environment protection as well as economic development.

The water legislation now on the statute book reflects its origins, but does not provide a coherent framework for managing an increasingly scarce resource.

The Department of Water Resources was created in July 1984 under the Water (Central Management Restructuring) Act. Early in 1985, departmental officers, assisted by specialist consultants and industry working groups, analysed the material which had accumulated about difficulties with the existing water legislation. Their work led to proposals for a modern legislative framework, published as a discussion paper in September 1986, and distributed widely. A series of six issues papers was published in the following few months. Each paper covered a particular aspect of the review in some depth.

The original proposals were amended in the light of the comments received during extensive public consultation, and were published in statute form as draft proposals for a water Bill in July 1988. An independent committee of review was established, its membership including people with industry, rural, conservation and legal expertise. The committee was asked to provide an independent assessment of the water law review after some four years of department-led progress.

The committee report strongly endorsed the basic philosophy of the draft Bill, and in particular, commended the coherent legislative framework upon which it was based. However, on a number of matters of major substance the committee queried the approach taken in the draft Bill. The Bill now before honourable members has been redrafted in the light of the committee report, and embraces most recommendations of the committee.

I turn now to the major reforms proposed. To do so I shall describe the philosophy which underlines the Bill, and then the key changes of substance which it contains. The first premise is that new legislation is needed even if no changes of substance were intended. The disorganised body of existing statute law is, in itself, a costly impediment to water management.

The second premise is that the Bill should not merely by its passage and proclamation, interfere with any existing private rights. It does change the way many things will be done in future but it has no retrospective effects and does not confiscate any rights.

Thirdly, government powers should be used sparingly, strategically, and only when required. The Bill presumes that anything is legal that is not explicitly controlled by statute. Where powers are created their uses are generally triggered by specific events or circumstances and not by the mere existence of these powers.

Fourthly, the Bill recognises the unity of the natural water cycle which means that all aspects of water should be administered together. At present, we have different statutes for different aspects as a legacy from the English origins of our statutes and of the disconnected events which caused the Victorian Parliament to legislate at different times for surface water, ground water, and other aspects of water.

I come now to the key matters of content contained in the Bill. Rights in water are sharply defined by Part 2. As in the Water Act 1958, the Crown has the primary right and responsibility for water and private rights are derived from the Crown. This principle is similar to the legal principles which support private rights in land. The Crown's formal right to water gives the Crown a duty to act in the interests of all who have rights to water. The principle appears time and again in the Bill. For example, in Part 4 the Minister must consider all possible interests when granting a licence to take water from a waterway.

Private rights to take and use water and to construct works are protected in Part 2. Landowners near a waterway continue to have the long-established statutory right to use water free of charge, for domestic, stock and household garden purposes and this right is now clearly extended to occupiers. These first few clauses of Part 2 are a finely balanced statement which forms the basis for all other rights and powers in the Bill.

A key provision protects drainage systems. It requires any authority empowered to authorise development to insist upon protection of drainage, waterways and aquifers, through conditions on the development approval. If this power had been present in earlier legislation, many of our contemporary environmental problems would have scarcely arisen.

Part 4 ensures that rights to take water are granted on sound resource management principles, replacing existing administrative systems with more modern licences and entitlements which can be adjusted to different needs.

The new kind of formal instruments for bulk entitlements specify authorities rights in terms of the quantity allocated and other valuable key variables. The bulk entitlement will be able to specify authorities rights to water in a new way as a "capacity share". Such shares can be operated independently of other authorities holding entitlements

in a shared storage system. Shared storages will become more common in the years to come.

Environmental interests in water are formally recognised for the first time in Victorian legislation. An environmental custodian, generally the Minister for Conservation, Forests and Lands, will be able to apply for an environmental allocation on the same basis as supply authorities and have the entitlement specified in terms which protect the downstream flow of a river, or the inflow to lakes, wetlands and estuaries.

The courts will be required to consider impacts upon the entire drainage system when deciding disputes between neighbours. This recognises that, although there may be only two parties to a dispute, drainage is a community concern. Another part of the Bill provides directly for community-based solutions to drainage needs which will particularly assist salinity management.

Water authorities will be given powers to protect their supplies. These correspond with powers of authorities to protect their assets and do not compete or conflict with the powers of the Environment Protection Authority.

The provisions for water supply protection areas are designed to ensure equitable distribution of water supplies in overcommitted catchments. In the past, only ground water has been protected in this way. Where overcommitment of a catchment threatens the continued availability of water the Minister will have power to declare a water supply protection area. The declaration can be made only upon local application, and after notification and possible appeals. A local committee will draw up a plan of management for the areas water supply, and objections to the plan can be taken to the Administrative Appeals Tribunal. The whole process is designed to maximise local involvement, to achieve a solution which is local rather than centrally imposed, but is supported by Ministerial sanction.

The Bill transforms the statutory arrangements governing authorities in the water sector. In Part 13 the financial accountability and autonomy of authorities are encouraged by obliging them to develop long-term business plans. Each authority will be able to adopt the tariff structure most suitable to its circumstances and its consumers. In most cases the period of the business plan will be five years or longer. This will foster long-term planning at authority level. Once the Minister has seen an authority's business plan, the authority will operate freely within the scope and duration of its plan. However, the Minister will have a new direction power to resort to in extreme circumstances.

A simple mechanism in Part 6 allows for additional functions to be assigned to authorities as and when required. The legislation is intended to foster the gradual emergence of catchment-based regional management. I hope that in the long term we will see water industry arrangements move toward multifunctional, whole-of-catchment authorities. These have benefits for water management and environmental protection and for regional employment.

The Bill provides for the better management of irrigation entitlements. Temporary transfers of these entitlements have been available for two years and a proposal for permanent transfers was canvassed but was opposed by half the submissions received about transfers. Instead, longer temporary transfers are included. Transfers will be allowed for up to five years with renewable options negotiable between the parties.

Transfers of bulk entitlements will also be available between water supply authorities. An authority will be able to transfer a major allocation either permanently or temporarily to another authority or person. However, direct transfers of irrigation water to town supply authorities are not permitted. This, like all other aspects of the

Bill, will be open to further review in the years to come. For the time being, however, we will hasten slowly with transferable rural water entitlements.

Until now Victoria has had no direct powers to ensure the safety of large dams. The Minister will in future be able to direct that a proposed dam will be resited or built to an acceptable standard. He will also be able to direct that an existing dam which is a potential hazard to life, property or services downstream must have remedial works done, be resited or even removed. A dam owner will be able to appeal to the Administrative Appeals Tribunal against any direction by the Minister.

Two offences in the Bill, dealing with interference to an authority's works or water, reverse the onus of proof. Both offences are found in the present Water Act, and their extension into the Bill has the approval of the Attorney-General.

The Bill, and a later consequential Bill, will ensure that all existing rights, authorities and functions continue, despite the repeal of the old legislation.

I hope honourable members will receive the Water Bill in the bipartisan spirit in which it has been conceived and developed. The existing Victorian legislation cleared the way for development of the State, but it did little enough to protect many of the resources that modern society now values increasingly. More remains to be accomplished, but we can ill afford further gratuitous losses. The Bill offers a basis for the long-term stabilisation of our water resources. It holds the promise that this can be achieved in an efficient, equitable and environmentally sound fashion.

The authority will have powers under the provisions of the Bill which deal with particular functions and, to make it easier to follow the clauses, they are numbered according to the Parts of the Bill rather than by the usual sequential method.

I commend the Bill to the House.

Mr EVANS (Gippsland East)—On a point of order, Mr Speaker, I refer to the point just made by the Minister and the fact that the clauses are not numbered sequentially, as has been the practice over many long years. I wonder on what authority this change has been made. It marks a significant change in the procedure that has been adopted over many years and it has yet to be demonstrated that this will be an improvement on past practice.

I have a recollection that some years ago a residential tenancies Bill was numbered in an unconventional manner and a ruling was given that it was out of order. An order was made for the Bill to be reprinted in the conventional way.

The House has a right to have some input into any decision to make changes to the traditional method of numbering clauses. Mr Speaker, I ask your advice on whether you intend to take any action in this regard and to give some thought to ordering that the Bill should be reprinted in the conventional way.

The SPEAKER—Order! On the point of order, I had the opportunity of considering this matter before the second reading of the Bill. As the honourable member for Gippsland East points out, this concerns the method of numbering of the clauses. The method would seem to anticipate adoption of certain proposals of the Law Reform Commission, which have not yet been considered generally or by this House.

It is a long standing practice for Bills presented to this House to be structured in such a way as to provide for the consecutive numbering of clauses. Although the method used on this occasion departs from that practice, I consider the Bill as presented is not out of order. However, I consider that the format of the Bill should conform to the pattern accepted by this House in the past and that future Bills should be prepared in that way until the House decides otherwise.

With the concurrence of the House, I direct that the Bill be reprinted and circulated with the clauses renumbered consecutively together with consequential renumbering of references before the Bill is further considered by the House. Furthermore, it should also indicate the corrections that have been made in handwriting and circulated to honourable members.

Mr LIEBERMAN (Benambra)—I move:

That the debate be now adjourned.

The Opposition seeks an adjournment—an adjournment that Alfred Deakin would have wanted. This is a major Bill. It reduces approximately 1000 pages of exiting law into approximately 200 pages. Before we consider the question of time, I ask the Minister to assure the House that the government will undertake to all honourable members——

The SPEAKER—Order! The honourable member is out of order.

Mr LIEBERMAN—I am foreshadowing——

The SPEAKER—Order! I suggest the honourable member deal with that matter on the question of time. The first matter to be resolved is whether the Bill is to be adjourned.

The motion for the adjournment of the debate was agreed to.

Mr WALSH (Minister for Water Resources)—I move:

That the debate be adjourned until Tuesday, August 8.

Mr LIEBERMAN (Benambra)—On the question of time, the Opposition is prepared to accept the adjournment of the debate until that date provided the Minister is prepared to assure the House that the Bill will be prepared in the form directed by you, Mr Speaker, and distributed within a minimum period of seven days from today.

Mrs Hirsh interjected.

Mr LIEBERMAN—The government Whip says that that cannot be done. In that case the adjournment of the debate will have to take account of that and additional time will be needed.

I ask the Minister to also undertake that the Bill, printed in accordance with your direction, Mr Speaker, be distributed to all water authorities and statutory authorities involved in this law within the same period.

Thirdly, I ask the Minister to confirm—and I am sure he will be able to do so because of the bipartisan approach he and I have had to this Bill—that he will make available officers of his department to advise members of the Opposition.

Mr Walsh interjected.

Mr LIEBERMAN—I think the Minister might need a rest. I should like the Minister to confirm that he will make available, as he has done in the past, officers to advise and instruct the Opposition on this matter and also to be available to provide information to water authorities and agencies throughout the State, which will undoubtedly wish to discuss the final form of the Bill before debate resumes in August.

The Minister will need, before the motion on time is put, to advise the House how much time he needs to distribute to all members of Parliament a Bill that accords with your direction, Sir. If it can be done within seven days, I am happy that the matter be adjourned to 8 August. However, if, as the Whip says, that is impossible, the Opposition says that the time needed to be added to the adjournment will be the time it will take

the government to produce the Bill in the way that it should be printed and have it delivered to the House.

Mrs Hirsh interjected.

Mr LIEBERMAN—I did not intend to say this but I shall say it now. Insufficient copies of the Bill have been made available to members in the House tonight. That is a disgraceful position because we have been waiting for this Bill for weeks. I, therefore, ask for your guidance on the position, Sir. I have tentatively agreed to 8 August but I ask for your assistance.

The SPEAKER—Order! Before calling the next speaker, I point out that the production of further copies of the Bill is now a matter for Parliament. The Bill is now the property of Parliament and it is no longer a matter for the Minister. I give an undertaking that copies of the Bill in the form I have directed will be printed and made available as quickly as possible.

Mr EVANS (Gippsland East)—I raise another aspect that concerns me about the numbering of the Bill and the confusion that may arise. I am relieved to hear that only limited copies of the Bill are in circulation because I had the experience with a marine Bill some eighteen months ago that had numbering similar to this Bill. I was endeavouring to consult by phone with a constituent and I was unaware that he had a Bill with entirely different clause numbers from the Bill I had in my possession.

I am relieved that the circulation of this Bill is limited and I hope no steps are taken to circulate this Bill among the general public. It will be a help if new copies of the Bill with the corrected numbering are printed and circulated as soon as possible so that people in the community, especially in rural areas, who are concerned with wide-ranging aspects of the Bill can have the opportunity of perusing it.

I agree with the honourable member for Benambra that the time involved in circulating reprinted copies will be critical to the general public's understanding of the implications of the Bill and for members of Parliament to properly confer with their constituents so that they properly understand their constituent's attitudes to the Bill.

I make the plea that the current copies of the Bill in the hands of honourable members should be gotten rid of as soon as possible to avoid the confusion that could occur with copies of the Bill having different numbers.

Mr PLOWMAN (Evelyn)—On the question of time, Mr Speaker, and in support of my colleague, the honourable member for Benambra——

Mr Micallef—You're wasting time.

Mr PLOWMAN—The honourable member for Springvale might think this is wasting his time, but it is an important matter to a great number of people throughout Victoria. I pay credit to the Minister for Water Resources and his predecessor, now the Attorney-General, for the amount of work and consultation that has been done on this Bill, and on the thousands of submissions that have been received. A working party has examined the provisions of the Bill and there has been an intensive study of a major water law reform.

I am grateful to you, Mr Speaker, for your indication that the matter is no longer in the hands of the Minister—and that is no reflection on the Minister—and your assurance that you will ensure that copies of the Bill will be available as soon as possible.

I point out to you, Mr Speaker, and to the Minister, that all those thousands of people who have a real interest in the Bill—every landholder in Victoria, every municipality, every water board, and a variety of other people who have a tremendous

interest in the measure—will want to see what is in the Bill. No assurances have been given by the Minister or yourself, Sir, although you have indicated that you will do your best, that adequate copies of the Bill can be distributed to those interested people throughout Victoria.

I appeal to the Minister because if there is a delay in the reprinting of the Bill—following the submission by the honourable member for Gippsland East—and sufficient copies of the Bill are not able to be distributed in the necessary period, there may not be sufficient time for the Minister to do the adequate job that I am sure he wants to do.

The Minister has the whole of the spring sessional period ahead of him and I hope he considers the request of the honourable member for Benambra that additional time be made available. It is not an unreasonable request. If the Minister is prepared to give that undertaking, I am sure the opposition parties will be happy with that assurance.

Mr WALSH (Minister for Water Resources) (*By leave*)—The draft Bill was widely distributed. Many water boards have written to me and to honourable members on both sides of the House demanding that the proposed legislation be debated quickly and that the Bill be implemented as soon as possible. Many people have waited for a long period for these provisions to become law. The draft Bill was circulated before I was the Minister for Water Resources. A review committee received hundreds of submissions and the people making submissions received copies of the draft Bill, as did the honourable member for Benambra.

I do not understand why honourable members opposite have difficulty with the Bill. The numbers have to be changed, but I know honourable members opposite cannot count.

Mr LIEBERMAN (Benambra)—On a point of order, Mr Speaker, the Minister is defying your ruling that the Bill is to be reprinted and renumbered in the manner you stipulated. The Minister, in responding on the question of time, is ignoring your direction.

With great respect, the hour is getting late and the Minister's response should be based on the question of time; he should not defy your ruling.

The SPEAKER—Order! All honourable members are getting a bit tired and are probably not concentrating too well. The Minister may be the exception. I do not uphold the point of order. I understood the Minister to be explaining the background to the introduction of the Bill, rather than defying my ruling, as suggested by the honourable member.

Mr WALSH (Minister for Water Resources) (*By leave*)—On the question of time, Mr Speaker, the opposition parties may consult with officers of my department, who are available for consultation. Every cooperation will be given because it is an important Bill. The water boards around Victoria and the farmers are crying out for the proposed legislation to be implemented. I have no doubt that all honourable members agree with that. I am sure that all parties will be ready to debate the measure by 8 August. The honourable member well knows that if there are any difficulties they can be discussed at that time.

The motion was agreed to, and the debate was adjourned until Tuesday, August 8.

The SPEAKER—Order! I advise the House that I direct that no further copies of the Bill in its present form be distributed from the Papers Room.

Mr LIEBERMAN (Benambra)—On a point of order, Mr Speaker, as a result of what has just occurred and your earlier ruling, Mr Speaker, it appears that honourable members are in possession of a Bill such as I have in my hand which is an unauthorised Bill in the sense that all Bills in the Papers Room are not be distributed. In view of the blunder by the government, will honourable members who have possession of the Bill now be required to hand them back?

Mr Fordham interjected.

Mr LIEBERMAN—If I am going to be dropped I shall not be dropped so far as the honourable member for Footscray has been dropped and, what is more, I shall bounce back, unlike him.

Mr Speaker, are the Bills to be returned because of the blunder of the Minister or will the Minister provide a massive shredder for the use of honourable members?

The SPEAKER—Order! Copies of the Bill that have already been circulated may be used as honourable members see fit. I shall make the appropriate arrangements for the earliest possible circulation of the reprinted Bill.

Mr LIEBERMAN—On a further point of order, Mr Speaker, in relation to the direction that further copies of the Bill are to be reprinted and distributed, I ask you to indicate whether a further second-reading speech will be required or whether there will be a certificate, under your hand, on those further copies of Bills indicating that the second-reading speech tonight is a second reading relating to the new Bill to be printed and circulated. I do not know what the new Bill will contain.

The SPEAKER—Order! The content of the Bill when reprinted, will not change, only the numbering. There is no point of order.

GUARDIANSHIP AND ADMINISTRATION BOARD (AMENDMENT) BILL

The debate (adjourned from May 4) on the motion of Mr McCutcheon (Attorney-General) for the second reading of this Bill was resumed.

Mrs WADE (Kew)—Although the legislation establishing the Guardianship and Administration Board was passed in 1986, the board itself has been operating for approximately two years. I recall being at the board's opening party and meeting the newly appointed members of the board. If anyone had suggested at that time that I would be speaking in this Chamber on the amendment to the Guardianship and Administration Board Act I would have believed he or she was in need of a guardian.

Over the two years of the board's operation some deficiencies in the legislation have come to light and those matters are covered in the Bill, which is largely of a housekeeping nature.

One matter covered by the Bill involves the arrangements for the hearing of cases. At present the board can sit in divisions of three or five members. In fact, the board has never been constituted with five members for a hearing. All hearings have been conducted by divisions of three members.

The SPEAKER—Order! The time appointed by Sessional Orders for me to interrupt business has now arrived.

On the motion of Mr ROPER (Minister for Planning and Environment), the sitting was continued.

Mrs WADE (Kew)—It is proposed in future that divisions of the Guardianship and Administration Board will comprise one or three members.

The board has significant powers over people's lives, and if the Medical Treatment (Enduring Power of Attorney) Bill, which has been introduced in the other place, is passed, the amendments to the principal Act will give the board even more power. Even without the proposed amendments to the Act, the board's decisions may mean life or death for the people involved. Recently I was heavily involved in such a case relating to a former constituent. A division of three members should provide some safeguards. Although, in the case in which I have been involved, it did not seem to me that it did so—an impression subsequently confirmed by the Administrative Appeals Tribunal which overturned the board's decision.

I note that in his second-reading speech the Attorney-General said:

> In a significant number of cases, matters requiring resolution by the board are simple and straightforward and could be dealt with by a one-member division.

The Attorney-General also said that the advantages of a single-member board would be that:

> the board will be able to deal with a greater number of cases in a shorter time frame;
>
> the board will be able to conduct more hearings in non-metropolitan areas . . .

He also said—and I agree with him:

> single member divisions are less intrusive and less psychologically threatening . . .
>
> single member divisions are less expensive.

On that basis the Opposition will not oppose the amendment to be made to the constitution of divisions of the board, but it trusts that the president of the board will exercise care in the choice of cases to go before single member divisions.

It is also proposed that the notice required to be given to parties prior to a hearing will be reduced from fourteen to seven days. It has been claimed that the present requirement imposes considerable resourcing and scheduling pressures for the board. It seems there is no real problem about those provisions, provided adjournments are granted in cases where seven days notice is not sufficient for parties to properly prepare their cases.

I also note that the amendments to the Act do not have any provision for shorter notice in urgent cases. There is a provision that notice can be dispensed with in respect of all persons who should receive notice other than the Public Advocate. However, that means seven days notice would have to be given to the Public Advocate in all cases. Again, if the Medical Treatment (Enduring Power of Attorney) Bill goes ahead, the provisions regarding notice will have to be revised.

Clause 6 also makes changes to the method of service of notices. At present notices are required to be served personally on represented persons, but the Bill provides that the board may dispense with that requirement if notice would serve no useful purpose.

Clause 7 inserts proposed section 58A which authorises the Governor in Council to make regulations prescribing annual fees to be paid in respect of estates which are the subject of an administration order. Proposed section 58A replaces the current provisions in section 58 which require the Attorney-General to determine amounts to be contributed towards the operation of the Guardianship and Administration Board and Public Advocate by the State Trust Corporation of Victoria and private administrators. These provisions have apparently proved to be unworkable.

The Opposition will be moving amendments to permit either House of Parliament to disallow regulations made under proposed section 58A. I make it clear that the

Opposition considers that fees should reflect the cost of board services to a particular estate.

The proposal in the Bill is for an annual fee. In many estates the administration order will be straightforward and will not involve much expense being incurred by the board. It would be a once-only application, and it would not be appropriate for the estate to pay more than one annual fee. The fee provisions may not be used so some estates subsidise other applications to the Guardianship and Administration Board.

Clause 9 is an amendment to the Mental Health Act with respect to community-treatment orders. Community-treatment orders are used as an alternative to involuntary detention and treatment in a psychiatric hospital. They may be made for a period not exceeding twelve months. At the end of that period the persons subject to those orders are required to be reassessed.

In his second-reading speech the Attorney-General said:

> There are approximately 150 of these orders which are due to expire within the next few months. In order to make new community treatment orders for these people it would be necessary, under existing law, to readmit them to psychiatric hospitals as involuntary patients and then make a new community treatment order. This procedure will entail considerable expense to the government through the readmission to hospital of these patients and it will also greatly inconvenience the persons concerned. The amendment contained in the Bill will permit the authorised psychiatrist at the psychiatric hospital supervising the community treatment order to extend the order for a period not exceeding twelve months. The Mental Health Review Board will then review the order within four to six weeks of it having being made.

If these community-treatment orders are to be extended beyond twelve months it is important to ensure that clients are made aware that the position can be reviewed by the Mental Health Review Board within four to six weeks of the order being extended. I ask the Attorney-General to take up that matter with the appropriate authorities to ensure that people who are subject to this new procedure are aware of the review provisions.

It has been suggested to me that this extension brings to light a more general problem with the Act. If the Act is amended, a person would be reviewed after spending two years out in the community. It appears that person might then be reviewed by staff who had not had contact with him or her for two years. I ask the Attorney-General to ascertain whether this review can occur in the community at the local mental health clinic rather than requiring the person to attend a psychiatric hospital.

The Bill is largely of a housekeeping nature. Subject to the matters I have raised, it is supported by the Opposition.

Mr McCUTCHEON (Attorney-General)—As the honourable member for Kew has pointed out, the Bill largely involves housekeeping matters that have occurred during the operation of the Guardianship and Administration Board. The matters arise out of practical experience. The use of one-member divisions has been seen to be necessary in practice, yet the legislation did not provide for that to occur. A five-member division has never been used.

In discussions with the president of the board, Mr Lawson, it appears that it will be a practical way of allowing members of the board to cover a wider range of cases. Considerable savings may accrue in the operation of the Guardianship and Administration Board which will make its operations more flexible and, therefore, give a better service to more clients.

The provisions altering the requirements for giving notice are logical. Their application will need to be monitored to ensure that no anomalies occur from such changes, that people's rights are adequately protected and that they receive proper

notice. It has been acknowledged that the reduction from fourteen days to seven days notice will enable a more effective operation.

The determination of fees has been considered unworkable. It has been difficult to establish what contribution should be made by, for example, the State Trust Corporation of Victoria. Consequently, no contribution has been made, because of the difficulty of making a fair determination. It is intended to have those fees determined by the Minister after consultation with the board and the Public Advocate along the lines of no fee being payable by smaller estates for guardianship orders, and any fee set will be means tested so that no person with a small income or limited assets——

Mr Ross-Edwards interjected.

Mr McCUTCHEON—I am unsure how it will affect the corporation, but the operation of fees is to be carefully tailored to the capacity of people to pay.

So far as the community-treatment orders are concerned, the provisions of the Bill will stop people having to be readmitted to a psychiatric hospital for that reassessment to be made. I am interested in the suggestion made by the honourable member for Kew, and I shall discuss that matter with the board in an endeavour to find out whether that is a suitable way of helping those reviews to take place.

Only one amendment to the Bill has been foreshadowed, and it deals with the disallowance of regulations. The government will accept the amendment.

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 to 6 were agreed to.

Clause 7

Mrs WADE (Kew)—I move:

Clause 7, page 4, line 5, after this line insert:

'(4) Regulations made under this section may be disallowed in whole or in part by resolution of either House of Parliament in accordance with the requirements of section 6 (2) of the *Subordinate Legislation Act* 1962 which disallowance is deemed disallowance by Parliament for the purposes of that Act.'.'.

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

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

CREDIT (AMENDMENT) BILL

This Bill was returned from the Council with a message relating to amendments.

Council's amendments.

Clause 2, line 13, omit "1990" and insert "1991".

Clause 3, lines 15 to 17, omit sub-clause (1) and insert—

"(1) A statement of the amount financed in a regulated loan contract entered into in consideration of the discharge of one or more other regulated contracts shall be deemed not to have contravened section 36 of the *Credit Act* 1984 by the reason only that the amount due under the discharged contract

or contracts was not calculated in accordance with that Act if the extent to which the statement of the amount due contravenes that Act is solely attributable—

(*a*) in the case of a regulated loan contract entered into before 1 January 1988, to the use of the method known as the Rule of 78 to calculate that amount; or

(*b*) in the case of a regulated loan contract entered into on or after that date, to the use of that method before that date to calculate an amount due under any other regulated loan contract.".

Clause 3, page 2, lines 1 to 6, omit sub-clause (2).

Clause 3, page 2, line 7, omit "(2)" and insert "(1)".

Clause 3, page 2, line 11, omit "this Act" and insert "the *Credit Act* 1984".

Clause 7, line 7, omit "Principal Act" and insert "*Credit Act* 1984".

On the motion of Mr ROPER (Minister for Consumer Affairs), the amendments were agreed to.

WHEAT MARKETING BILL

This Bill was returned from the Council with a message relating to amendments.

Council's amendments:

Clause 11, line 17, after "11." insert "(1)".

Clause 11, after line 20, insert—

"(2) Regulations made under this section may be disallowed in whole or in part, by resolution of either House of Parliament in accordance with the requirements of section 6 (2) of the *Subordinate Legislation Act* 1962.

(3) Disallowance of a regulation under sub-section (2) must be taken to be disallowance by Parliament for the purposes of the *Subordinate Legislation Act* 1962.".

On the motion of Mr ROPER (Minister for Planning and Environment), the amendments were agreed to.

The sitting was suspended at 11.17 *p.m. until* 5.17 *a.m. (Saturday).*

LAND (MISCELLANEOUS MATTERS) BILL

This Bill was returned from the Council with a message relating to amendments.

Council's amendments:

1. Clause 3, omit this clause.
2. Clause 4, omit this clause.
3. Schedule 1, omit Items 1 and 2.

Mr ROPER (Minister for Planning and Environment)—I move:

That the amendments be agreed to.

The motion was agreed to.

Mr ROPER (Minister for Planning and Environment)—I move:

That the following consequential amendments be made in the Bill:

1. Clause 1, lines 5 and 6, omit "Crown grants and Certificate of Title" and insert "and Crown grants".
2. Clause 2, line 2, omit "24" and insert "22".
3. Clause 2, line 4, omit "8" and insert "7".
4. Clause 2, line 5, omit "18" and "21" and insert "16 to 19".

5. Heading preceding clause 3, line 8, omit "PART 2—RICHMOND LANDS".

6. Clause 5, lines 19 and 20, omit "3 and 4" and insert "1 and 2".

7. Clause 6, line 23, omit "3 and 4" and insert "1 and 2".

8. Clause 18, line 31, omit "17" and insert "15".

9. Clause 18, page 6, line 9, omit "17" and insert "15".

10. Clause 19, line 21, omit "17" and insert "15".

11. Clause 19, line 23, omit "17" and insert "15".

12. Clause 20, line 33, omit "17" and insert "15".

13. Clause 21, line 4, omit "17" and insert "15".

14. Clause 21, line 9, omit "17" and insert "15".

15. Clause 22, line 14, omit "8" and insert "7".

16. Schedule 1, in the heading omit "CROWN GRANTS AND CERTIFICATE OF TITLE" and insert "AND CROWN GRANTS".

17. Schedule 1, omit "or Certificate of Title".

18. Long title, omit "Crown Grants and Certificate of Title" and insert "and Crown Grants".

Mr MACLELLAN (Berwick)—The Opposition has no objection to the amendments proposed by the Minister, which are to correct an omission in another place where certain clauses were removed from the Bill by amendment and certain consequential amendments were not carried out. It has now become the function of this House to be a House of review!

The motion was agreed to.

It was ordered that the Bill be returned to the Council with a message intimating the decision of the House.

MAGISTRATES' COURT BILL

This Bill was returned from the Council with a message relating to amendments.

Council's amendments:

1. Clause 3, page 3, line 17, omit "$40 000" and insert "$25 000".

2. Clause 9, lines 18 to 20, omit all words and expressions on these lines and insert "has previously held the office of magistrate and has not attained the age of 65 years."

3. Clause 16, line 31, omit "(4)" and insert "(5)".

4. Clause 16, page 9, line 10, omit "by Parliament" and insert "in whole or in part by resolution of either House of Parliament in accordance with the requirements of section 6 (2) of the *Subordinate Legislation Act* 1962.

5. Clause 16, page 9, after line 10 insert—

"( ) Disallowance under sub-section (2) (*b*) is deemed to be disallowance by Parliament for the purposes of the *Subordinate Legislation Act* 1962."

6. Clause 100, page 46, line 36, omit "other than" and insert "including".

7. Clause 103, line 23, after "magistrate" insert "or, if the Rules so provide, by a registrar".

8. Clause 103, lines 35 to 41 and page 49, lines 1 to 9, omit all words and expressions on these lines and insert—

"( ) The Court must determine according to law any question that arises for determination in an arbitration.

( ) If the Court is satisfied that a party to an arbitration does not have a knowledge of the English language that is sufficient to enable the party to understand, or participate in, the arbitration, the Court may allow a competent interpreter to interpret the arbitration.".

9. Clause 104, after line 18 insert—

"( ) If the Court does not include in an award a statement of the reasons for making the award, the Court must, if requested to do so orally or in writing by a party to the arbitration within 28 days after the making of the award, furnish to that party within a reasonable time after receiving the request a statement in writing of the reasons for making the award.".

10. Clause 105, omit this clause.

11. Clause 115, line 10, omit "65" and insert "72".

12. Clause 115, line 20, omit "65" and insert "72".

13. Clause 115, line 32, omit "65" and insert "72".

14. Clause 138, line 34, omit "or".

15. Clause 138, lines 35 and 36, omit all words and expressions on these lines.

16. Clause 140, lines 28 and 29, omit all words and expressions on these lines.

17. Clause 140, page 66, lines 10 and 11, omit all words and expressions on these lines.

18. Clause 140, page 66, after line 17 insert—

"( ) Regulations made under this Act may be disallowed in whole or in part by resolution of either House of Parliament in accordance with the requirements of section 6 (2) of the *Subordinate Legislation Act* 1962.

( ) Disallowance under sub-section (4) is deemed to be disallowance by Parliament for the purposes of the *Subordinate Legislation Act* 1962.".

19. Clause 144, page 71, line 4, after "peace" insert "or a bail justice".

20. Clause 144, page 71, lines 9 and 10, omit all words and expressions on these lines and insert—

"( ) The prothonotary or a deputy prothonotary of the Supreme Court, the registrar or a deputy registrar of the County Court, the principal registrar of the Magistrates' Court or a registrar or deputy registrar of the Magistrates' Court;

( ) The registrar of probates or an assistant registrar of probates;".

21. Clause 144, page 71, line 29, omit "teacher or".

22. Clause 144, page 71, line 30, omit "or accountant".

23. Clause 144, page 71, line 33, after "Accountants" insert "or the National Institute of Accountants".

24. Clause 144, page 71, lines 37 and 38, omit all words and expressions on these lines.

25. Clause 144, page 71, lines 39 to 42, omit all words and expressions on these lines and insert—

"( ) A person who holds an office in the public service that is prescribed as an office to which this section applies.".

26. Clause 144, page 72, line 35, after "peace" insert "or a bail justice".

27. Clause 144, page 72, line 37, omit all words and expressions on this line and insert—

' "(*d*) The prothonotary or a deputy prothonotary of the Supreme Court, the registrar or a deputy registrar of the County Court, the principal registrar of the Magistrates' Court or a registrar or deputy registrar of the Magistrates' Court;

(*da*) The registrar of probates or an assistant registrar of probates;";'.

28. Clause 144, page 73, lines 9 to 11, omit all words and expressions on these lines.

29. Clause 144, page 73, after line 11 insert—

"(*gd*) A person registered as a patent attorney under Part XV of the *Patents Act* 1952 of the Commonwealth;";".

30. Insert the following new clause to follow clause 104:

Costs

"AA. (1) If an arbitration relates to a complaint under which monetary relief is sought and the Court awards a party less than $500, the Court must not award costs unless satisfied that special circumstances make it appropriate to do so.

(2) Subject to sub-section (1), the Court may, in accordance with the regulations or, if there are no relevant regulations, then in accordance with the Rules, award costs to a party in respect of an arbitration under this Division.".

31. Sehedule 4, items 1 and 2, omit these items.

32. Schedule 4, item 6, omit this item.

33. Schedule 4, item 9, omit this item.

34. Schedule 4, item 20, omit "$40 000" and insert "$25 000".

35. Schedule 4, item 21, omit "$40 000" and insert "$25 000".

36. Schedule 4, item 22, omit "$40 000" and insert "$25 000".

37. Schedule 4, item 23, omit "$40 000" and insert "$25 000".

38. Schedule 4, item 24, omit "$40 000" and insert "$25 000".

39. Schedule 4, item 25, omit "$40 000" and insert "$25 000".

40. Schedule 4, item 26, omit "$40 000" and insert "$25 000".

41. Schedule 4, item 27, omit "$40 000" and insert "$25 000".

42. Schedule 4, item 30, omit "$40 000" and insert "$25 000".

43. Schedule 4, item 31, omit "$40 000" and insert "$25 000".

44. Schedule 4, item 33, omit "$40 000" and insert "$25 000".

45. Schedule 4, item 34, omit "$40 000" and insert "$25 000".

46. Schedule 4, item 35, omit "$40 000" and insert "$25 000".

47. Schedule 4, item 36, omit "$40 000" and insert "$25 000".

48. Schedule 4, item 37, omit "$40 000" and insert "$25 000".

49. Schedule 4, item 39, omit "$40 000" and insert "$25 000".

50. Schedule 4, item 40, omit "$40 000" and insert "$25 000".

51. Schedule 4, item 41, omit "$40 000" and insert "$25 000".

52. Schedule 4, item 61, omit "60" and insert "56".

53. Schedule 4, item 62, omit "60" and insert "56".

54. Schedule 4, item 63, omit "60" and insert "56".

55. Schedule 4, item 64, omit "60" and insert "56".

On the motion of Mr ROPER (Minister for Planning and Environment), the amendments were agreed to.

MAGISTRATES' COURT (CONSEQUENTIAL AMENDMENTS) BILL

This Bill was returned from the Council with a message relating to amendments.

Council's amendments:

1. Clause 1, line 8, after "persons" insert "eligible to be".

2. Clause 1, page 2, lines 1 to 4, omit all words and expressions on these lines.

3. Clause 4, lines 15 to 18, omit all words and expressions on these lines and insert—

"(2A) Despite sub-section (2) (*b*), a court is not required to refuse bail in the case of an accused person who is serving a sentence of imprisonment for some other cause but any bail granted must be subject to

the condition that the person will not be released on bail before he or she is entitled to be released under a parole order made, or which may be made, in respect of him or her".

4. Clause 5, omit this clause.

5. Clause 6, page 4, after line 29 insert—

'( ) In section 89A (6) (*b*) and (7) (*d*), for "an information laid" substitute "a charge filed";

( ) In section 89B—

(i) in sub-section (1), for "a Magistrates' Court" substitute "the Magistrates' Court";

(ii) in sub-section (3) (*d*)—

(A) for "Part VIIA. of the *Magistrates (Summary Proceedings) Act* 1975" substitute "Schedule 7 to the *Magistrates' Court Act* 1989"; and

(B) for "that Part" substitute "that Schedule";

(iii) in sub-section (3) (*f*), for "an information laid" substitute "a charge filed";

(iv) in sub-section (4), for "an information referred to in sub-section (3) (*f*) may be laid" substitute "a charge referred to in sub-section (3) (*f*) may be filed";'.

6. Clause 6, page 4, line 30, omit "89D (1)" and insert "89E (1)".

7. Clause 6, page 4, line 36, after "(*e*)" insert "and (*g*)".

8. Clause 6, page 4, line 38, omit "89D (2)" and insert "89E (2)".

9. Clause 6, page 5, line 1, omit "89D (3)" and insert "89E (3)".

10. Clause 6, page 5, after line 6 insert—

'( ) In section 89E (4), for "Part VIIA. of the *Magistrates (Summary Proceedings) Act* 1975" substitute "Schedule 7 to the *Magistrates' Court Act* 1989".'

11. Clause 6, page 5, after line 11 insert—

'( ) In section 17 of the *Dangerous Goods (Amendment) Act* 1989—

(*a*) for "57" substitute "53";

(*b*) in proposed item 57A of the *Magistrates' Court Act* 1989 for "57A" substitute "53A".

'( ) In section 35 (5) of the *Second-hand Dealers and Pawnbrokers Act* 1989 for "54" substitute "50".

12. Schedule, page 27, after item 58 insert—

"59. *Drugs, Poisons and Controlled Substances Act* 1981

59.1 In section 37 (1), for "a magistrate" substitute "the Magistrates' Court".

59.2 In section 37 (2)—

(*a*) for "magistrate" (where first occurring) substitute "Court"; and

(*b*) omit all words and expressions commencing "and for that purpose" and ending "*Magistrates' Courts Act* 1971"; and

(*c*) for "his" substitute "its".

59.3 In section 43 (2), for "clerk of the magistrates' court" substitute "registrar at the proper venue of the Magistrates' Court".

59.4 In section 43 (3), for "any magistrates' court who" substitute "the Magistrates' Court which".

59.5 In section 44 (5) (*a*), for "a magistrates' court" substitute "the Magistrates' Court".

59.6 In section 45—

(*a*) for "An information" substitute "A charge"; and

(*b*) omit "pursuant to this Act"; and

(*c*) for "laid" substitute "filed"; and

(*d*) for "information" (where secondly occurring) substitute "charge".

59.7 In section 76 (1)—

(*a*) for "a magistrates' court" substitute "the Magistrates' Court"; and

(*b*) for "recognisance mentioned in section 80 (1) of the *Magistrates (Summary Proceedings) Act* 1975" substitute "bond mentioned in section 83 (3) of the *Penalties and Sentences Act* 1985".

59.8 In section 81 (1)—

(*a*) omit "or justice" (where first occurring); and

(*b*) for "information upon oath laid by" substitute "evidence on oath or by affidavit of"; and

(*c*) for "stipendiary magistrate or justice issuing the warrant or some other justice to be dealt with by him" substitute "Court so that the matter may be dealt with".

59.9 In section 81 (4) (*b*), for "clerk of the magistrates' court" substitute "registrar of the Magistrates' Court at the venue".

59.10 In section 81 (5)—

(*a*) for "a magistrate of the magistrates' court" substitute "the Magistrates' Court at the venue"; and

(*b*) for "magistrate" (where secondly and thirdly occurring) substitute "Court".

59.11 In section 83 (1), for "a magistrates' court consisting of a magistrate sitting alone" substitute "the Magistrates' Court".

59.12 In section 83 (1A), for "A court" substitute "The Magistrates' Court".

59.13 In section 83 (4), for "magistrate" substitute "Court".

59.14 In section 90 (2), for "a court" substitute "the Magistrates' Court".

59.15 In Schedule Ten—

(*a*) omit "*Justice of the Peace" (where twice occurring); and

(*b*) for "information on Oath" substitute "*evidence on oath or *by affidavit"; and

(*c*) for "me or some other Justice to be dealt with" substitute "the Magistrates' Court so that the matter may be dealt with".".

13. Long Title, omit "and the *Corrections Act* 1986".

On the motion of Mr ROPER (Minister for Planning and Environment), the amendments were agreed to.

CHILDREN AND YOUNG PERSONS BILL

This Bill was returned from the Council with a message relating to an amendment.

Council's amendment:

Clause 280, page 149, after line 10 insert—

"(3) Regulations made under this Act may be disallowed, in whole or in part, by resolution of either House of Parliament in accordance with the requirements of section 6 (2) of the *Subordinate Legislation Act* 1962.

(4) Disallowance under sub-section (3) is deemed to be disallowance by Parliament for the purposes of the *Subordinate Legislation Act* 1962.".

On the motion of Mr ROPER (Minister for Planning and Environment), the amendment was agreed to.

CODE OF FOREST PRACTICES FOR TIMBER PRODUCTION AND INSTRUMENT OF APPROVAL

A message was received from the Council relating to amendments to the Code of Forest Practices.

Council's amendments:

1. Section A, paragraphs headed "BACKGROUND", omit the 1st paragraph.

2. Section A, paragraphs headed "BACKGROUND", in the 2nd paragraph omit "in achieving this vision by".

3. Section A, paragraph headed "WHY A CODE OF FOREST PRACTICES?" after "• Government initiatives to ensure the best use of wood withdrawn from forests;" insert "• State Conservation Strategy;".

4. Chapter 2.2.2, 1st paragraph, after "vegetation age classes." after this line insert "ensure sufficient and safe extraction of forest products".

5. Chapter 2.2.5, 4th paragraph, after "scheduled to occur." insert "Such areas must then be resown to appropriate species to control soil erosion.".

6. Chapter 3, 1st paragraph, omit ", including where wood is sold or traded as a result of land-clearing operations".

7. Chapter 3.1.2.1, 2nd paragraph, omit "on public land" and insert "under the *Flora and Fauna Guarantee Act* 1988".

8. Chapter 3.2.1, 2nd paragraph, after "through prescriptions for flora and fauna protection" insert "under the *Flora and Fauna Guarantee Act* 1988".

Mr ROPER (Minister for Planning and Environment)—I move:

That the amendments be agreed to.

Mr MACLELLAN (Berwick)—Perhaps the Minister for Conservation, Forests and Lands could, at another time, answer this question: I should be pleased if she could advise whether the Code of Forest Practices will be printed with these amendments in the right places at a convenient time for circulation.

The motion was agreed to.

ADJOURNMENT

Mr ROPER (Minister for Planning and Environment)—I move:

That the House, at its rising, adjourn until a day and hour to be fixed by Mr Speaker, which time of meeting shall be notified in writing to each member of the House.

The motion was agreed to.

The House adjourned at 5.27 *a.m.* (*Saturday*).

QUESTIONS ON NOTICE

The following answers to questions on notice were circulated—

WORKCARE AND SUPERANNUATION PAYMENTS IN DEPARTMENT OF MANAGEMENT AND BUDGET

(Question No. 143)

Mr AUSTIN (Ripon) asked the Treasurer:

In respect of each department, agency or authority within his administration since the commencement of the WorkCare program, how many former government workers, who were entitled to superannuation, are currently on WorkCare, indicating—(*a*) how many have been completely paid out of superannuation; and (*b*) have any agreements been drawn up in relation to these matters; if so—(i) what formulae have been used; (ii) what are the terms of these agreements; and (iii) on whose authority were they negotiated?

Mr JOLLY (Treasurer)—The answer is:

The information has been provided under the Freedom of Information Act.

GEELONG TRAFFIC SAFETY CENTRE

(Question No. 205)

Mr DICKINSON (South Barwon) asked the Minister for Education:

In respect of the Geelong Traffic Safety Centre:

1. What submissions the Ministry has received and acted upon in relation to—(*a*) additional staff; (*b*) funding; and (*c*) further development of the centre?

2. Whether she will visit the centre; if so, when?

Ms KIRNER (Minister for Education)—The answer is:

The Barwon South-Western Regional Office has received a request from the principal of the Geelong East Technical School for support in obtaining additional staffing for the Geelong Traffic Safety Centre.

The general manager at the Barwon South-Western Region is not prepared to offer support on the ground that the school is currently staffed significantly in excess of establishment.

The principal has been informed in writing by the general manager that he should interview excess staff to effect some redeployment to the traffic centre.

I have no plans to visit the centre in the immediate future.

SPECIAL NEEDS TEACHERS IN RESERVOIR

(Question No. 206)

Mr SIMMONDS (Reservoir) asked the Minister for Education:

In view of the decision to reduce the allocation of special needs teachers by at least 25 per cent for the 1989 year, compared with the allocation for 1988, in most of the twelve primary schools in the electoral district of Reservoir:

1. What action, if any, is proposed to assess the impact of this decision, compared with the statistics contained in the 1981 and 1986 census, on—(*a*) the incidence of single-parent families; (*b*) the labour force data statistics; and (*c*) persons born in non-English speaking countries who do not speak English fluently or at all?

2. Whether the Ministry of Education has statistics to substantiate the decision to reduce special needs teachers on the basis of the Ross methodology index based on the 1981 census; if so, will she make these

statistics available; if not, on what basis did she decide to reduce the allocation of special needs teachers by at least 25 per cent?

Ms KIRNER (Minister for Education)—The answer is:

1. In December 1988 I established a Ministerial working party chaired by Mr Tony Sheehan, MP, to advise me on socioeconomic indicators for resource allocation. Part of the working party's brief was to review the methodology used for the allocation of the socioeconomic component of special needs staff for 1989. The working party considered the factors raised in the honourable member's question as well as a large number of other factors related to socioeconomic disadvantage. The working party has produced a draft report which provides a detailed coverage of the area and includes recommendations for future directions. The draft report has been distributed widely throughout the education community and comments on the report have been invited. This consultative stage will be completed shortly. After that stage I will receive the final report of the Ministerial working party and will consider its recommendations.

2. The Ministry of Education does have statistics upon which the allocation of special needs teachers were based. Each school can obtain these statistics applying to itself on request. I am happy to provide these figures to the honourable member if he wishes to have them.

ENERGY AUTHORITIES APPRENTICESHIPS

(Question No. 219)

Mr SIMMONDS (Reservoir) asked the Treasurer, for the Minister for Industry, Technology and Resources:

1. What the total intake was of apprentices by the State Electricity Commission and the Gas and Fuel Corporation, respectively, in each of the past five years?

2. How many applications were received for apprenticeships by each authority during each of those years?

3. What the proposed intake of apprentices is for the commission and corporation, respectively, for 1989, indicating the number of interviews, if any, that have been conducted for these positions?

Mr JOLLY (Treasurer)—The answer supplied by the Minister for Industry, Technology and Resources is:

1. The total intake of apprentices in the past five years:

	State Electricity Commission	*Gas and Fuel Corporation*
1984	364	—
1985	277	45
1986	217	43
1987	266	53
1988	221	43
1989	N/A	55

2. The number of applications received for apprenticeships in the past five years:

	State Electricity Commission	*Gas and Fuel Corporation*
1984	7143	—
1985	4858	1613
1986	4144	1951
1987	3794	1202
1988	3256	1200
1989	N/A	1600

3. The proposed intake of apprentices for 1989:

State Electricity Commission	*Gas and Fuel Corporation*
283	55

The State Electricity Commission has conducted 707 interviews with the appointment of 221 apprentices to date.

The Gas and Fuel Corporation has conducted 275 interviews with the appointment of 55 apprentices for 1989.

QUESTION ON NOTICE

The following answer to a question on notice was circulated—

GEELONG URBAN OPEN SPACE AREAS

(Question No. 33)

Mr DICKINSON (South Barwon) asked the Minister for Property and Services:

Whether he will provide details on all areas of urban open space in the Geelong region which the government proposes to sell and redevelop as part of its asset sale program, including—(*a*) a description of each area of land; and (*b*) dates on which they are to be sold?

Mr WALSH (Minister for Property and Services)—The answer is:

There are no areas of urban open space in the Geelong region included in the asset sales program.

QUESTIONS ON NOTICE

The following answers to questions on notice were circulated—

WORKCARE AND SUPERANNUATION PAYMENTS IN DEPARTMENT OF SPORT AND RECREATION

(Question No. 153)

Mr AUSTIN (Ripon) asked the Minister for Sport and Recreation:

In respect to each department, agency or authority within his administration since the commencement of the WorkCare program, how many former government workers, who were entitled to superannuation, are currently on WorkCare, indicating—(*a*) how many have been completely paid out of superannuation; and (*b*) have any agreements been drawn up in relation to these matters; if so—(i) what formulae have been used; (ii) what are the terms of these agreements; and (iii) on whose authority were they negotiated?

Mr TREZISE (Minister for Sport and Recreation)—The answer is:

The information in relation to this question has been provided in response to a request under the Freedom of Information Act.

BLACK ROCK SEWAGE OUTFALL

(Question No. 167)

Mr DICKINSON (South Barwon) asked the Minister for Water Resources:

1. Whether the government has carried out an independent impact study of the Geelong Black Rock outfall following continual reports of surf pollution in the Barwon Heads and Ocean Grove areas?

2. Whether the government is aware of reports that plant life in these regions is being retarded because of pollution from the Black Rock outfall; if so, what action has been taken to remedy this situation?

3. How many trees have been planted and maintained in the Black Rock region by the Geelong and District Water Board since the commissioning of the new treatment plant?

Mr WALSH (Minister for Water Resources)—The answer is:

1. It is not the government's responsibility to carry out an independent impact study of the Geelong Black Rock outfall.

I am advised that the Geelong and District Water Board—GDWB—had carried out extensive environmental, oceanographic and engineering studies around the vicinity of the old outfall and a wider area before adopting the current method of disposal.

In response to recent concerns, I am advised that the GDWB has staffed its control station 24 hours a day in lieu of automatic operation of the works. It has also been constantly monitoring the quality of the water. Even at this early stage, bacteria levels on nearby beaches are almost completely within limits set in the board's Environment Protection Authority—EPA—licence.

The GDWB is commissioning a review of its sewage disposal strategies. It will examine the current method of disposal and its effectiveness. The cost of alternative disposal methods will also be looked at. My department will be monitoring the progress of this review.

2. As stated, the GDWB had carried out studies prior to the adoption of the current disposal option. It is continuously monitoring the effects of the discharge on the environment.

Under the EPA licence for discharge, the GDWB is required to report its monitoring data to the EPA. Should monitoring reveal in future that the new outfall is unable to meet environmental objectives, further works would be required of GDWB.

With the new outfall system, the problem of detergent and general pollution should be greatly reduced. This is expected to allow the vegetation damaged by the old outfall to be regenerated.

3. I have been informed by the GDWB that it has a tree planting program around its Black Rock area. It is anticipated that a great number of trees will be planted in the area throughout a period of time.

BUSINESS PLANNING SYSTEM

(Question No. 188)

Mr LIEBERMAN (Benambra) asked the Minister for Water Resources:

1. How many reviews of the business planning system have been undertaken by the Department of Water Resources since the system was introduced for water boards and authorities in Victoria?

2. What other reviews are proposed for the future and what has been the cost of the reviews to—(*a*) the department; and (*b*) water boards and authorities?

Mr WALSH (Minister for Water Resources)—The answer is:

1. The business planning system was introduced for the 1987–88 financial year and has been updated for 1988–89 and 1989–90. It seeks to ensure that authorities plan at least up to five years ahead compared with the previous annual estimate program. The need for planning is paramount given that expenditure by non-metropolitan water authorities is at least $359 million per annum.

Updates have been undertaken to ensure that the system satisfies the needs of both the water industry and the government and have followed extensive consultation with industry representatives. The reviews seek to establish good financial and operational planning in the industry and to increase autonomy and accountability. The new system will overcome the lack of sound business management techniques that had existed in the years before this government came to power.

2. The business planning system will continue to be reviewed to ensure that it keeps pace with modern business management principles. Only changes that will benefit the industry and its customers will be made.

(*a*) Cost to the department:

The total cost of reviews has been in the order of $121 000 over the past three years. This figure includes:

all staffing costs

printing

the cost of industry training sessions.

(*b*) Cost to water boards–authorities:

The department has borne the cost of these reviews and has no reason to believe that a cost has been incurred by authorities, other than the time their officers have spent in consultation. It is stressed that the authorities sought to participate in consultative processes that are part of the review.

QUESTION ON NOTICE

The following answer to a question on notice was circulated—

WERRIBEE SEWERAGE FARM OUTLETS

(Question No. 166)

Mr DICKINSON (South Barwon) asked the Minister for Water Resources:

In view of the multi-million dollar works program to cap the Werribee sewerage farm outlets to diminish odours, what is the expected benefit to people living on the Bellarine Peninsula?

Mr WALSH (Minister for Water Resources)—The answer is:

The western trunk sewer currently under construction between Brooklyn and Werribee will replace the old open main outfall sewer and is expected to be operational by 1993. The new sewer is totally enclosed and will incorporate odour control facilities along its entire length.

Concurrent with the construction of the western trunk sewer the Melbourne and Metropolitan Board of Works is proceeding with other odour control measures involving improvements in the treatment processes undertaken at Werribee farm.

All of these works will be of benefit to the general community.