Tuesday, 23 May 1989

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

NATIONAL PARKS (AMENDMENT) BILL

This Bill was received from Assembly and, on the motion of the Hon. B. T. PULLEN (Minister for Housing and Construction), was read a first time.

QUESTIONS WITHOUT NOTICE

PUBLIC HOSPITAL BEDS

The Hon. M. A. BIRRELL (East Yarra Province)—The Minister for Health will recall a question on 11 May 1989 from my colleague Mr Knowles, when he asked:

> . . . will the Minister advise the House how many public hospital beds are currently closed throughout the State?

The Minister will recall her reply:

> I do not have the information with me. I will attempt to provide it when next the House sits.

Will the Minister now advise the House how many public hospital beds are closed throughout the State?

The Hon. C. J. HOGG (Minister for Health)—I have not forgotten to try to collect that information, but it is more difficult than one might have assumed.

The Hon. R. I. Knowles—That doesn't tally with your answer last week.

The Hon. C. J. HOGG—I am about to answer the question, but I want to say the following things about registered beds and the availability of beds: apparently there have always been some beds that can be called paper beds; that is, beds which were registered beds but which were never built. There have always been some beds which were built but which are closed at any given time for repair and refurbishment. A number of those beds are presently not available because the government is committed to a gradual upgrading of health facilities.

Some registered beds are put aside for other purposes; for example, some are converted into recovery areas for day surgery procedures. Not much was done in the way of day surgery procedures five years ago and certainly not ten years ago, so those beds represent the changing use and purpose of some hospital areas. Some beds are kept in reserve. For example, Fairfield Hospital—Mr Connard will attest to this—keeps 109 beds available for emergency, disaster and quarantine purposes. The figure I discovered for November 1988—six months ago—was a total of 1463 closed beds. Health Department Victoria believes that somewhere between 450 and 650 beds are closed due to lack of staff or lack of critical care staff, or, in some few cases, because of the need to reconcile budgets and budget amounts. The figure of 1463 encompasses the categories that I have been at some pains to explain.

VICTORIAN ECONOMIC DEVELOPMENT CORPORATION

The Hon. R. M. HALLAM (Western Province)—On 19 April I raised with the Minister Assisting the Treasurer in Budget Expenditure the comment contained in the Fergus Ryan report that the Victorian Economic Development Corporation had extended loans to particular clients beyond 100 per cent of the security held. I pointed out that the Victorian Economic Development Corporation Act required the specific approval of the Minister, after consultation with the Treasurer, before accommodation could be granted beyond 90 per cent of the security held.

I now have the Minister's written response advising that the Treasurer gave no approvals pursuant to the relevant section of the Act. I ask the Minister whether he now concedes that the instances referred to by Fergus Ryan where 90 per cent of the security was exceeded were a direct and blatant contravention of the law.

The Hon. D. R. WHITE (Minister Assisting the Treasurer)—In respect of the matter Mr Hallam has raised, I do not concede the point he has made. However, I am happy to refer his question to the Treasurer for further consideration.

DEAKIN UNIVERSITY

The Hon. D. E. HENSHAW (Geelong Province)—I direct a question to the Minister responsible for Post-Secondary Education and refer to the status of Deakin University, which is a designated distance education centre. Last April the university was advised directly by the Minister's Federal colleague, Mr John Dawkins, that it had been designated as one of the eight distance education centres around Australia. In a recent letter from the Minister to his Federal colleague—the letter was widely distributed—the Minister reported on the state of merger discussions around Victoria.

The letter states:

> I believe that final decisions on these matters . . . for regional Victoria . . . and presumably final agreement on the DEC proposal, be deferred until 30 June 1989 to enable a firm proposal to be finalised.

As this is being interpreted in the Geelong area as a threat to overturn a decision already made, can the Minister allay that fear or defuse the situation in some way?

The Hon. E. H. WALKER (Minister responsible for Post-Secondary Education)—I can certainly give Mr Henshaw assurances on the matter, but let me provide some explanation as well. As is clear from the question, the concern did arise out of the letter I conveyed to the Federal Minister, Mr Dawkins, last week in response to his task force report on amalgamations.

As the honourable member has quoted, in that letter I asked that higher education institutions in the non-metropolitan area, together with the Victorian government, be given until 30 June to explore a number of options regarding the future of higher education in regional Victoria. Honourable members will be aware of current thinking as a result of the debate during the last week of sitting. One of these options is the proposal to establish a State university of Victoria—which is one I support—based on Deakin University and existing non-metropolitan colleges of advanced education, particularly Ballarat, Bendigo, Warrnambool and others, possibly the Victorian College of Horticulture and Agriculture, and at Wodonga. Given that we had a debate on a number of such options, I also requested of Minister Dawkins that final decisions on capital provision for regional Victoria be held over until the same date, 30 June. I also indicated that final agreement on the breadth of distance education provision could be reached only on that date.

I emphasise that whatever options finally emerge the provision of distance education will be centred on Geelong through Deakin University, whether by itself or as part of the State university of Victoria, which is a pattern I prefer. I am looking for leadership from Deakin University in this regard. I hope in the next few days to be able to see some of that leadership.

In conclusion, I indicate that I shall be visiting Deakin University next week by an arrangement with the university so that I can explore possible options, not just with the administration and with the vice-chancellor, but to meet also with staff and students. I hope there will be a good interchange of views so that they can hear me on the matter and I shall certainly be listening to them.

I hope Mr Henshaw's fears are allayed and that he can transmit this answer to the administration of Deakin University.

AUSTIN HOSPITAL

The Hon. B. A. E. SKEGGS (Templestowe Province)—I ask the Minister for Health whether it is a fact that the Austin Hospital has been forced to close twenty surgical and medical beds because of its major financial difficulties. Will the Minister agree now to inject funds into the public hospital sector in order to open closed beds?

The Hon. C. J. HOGG (Minister for Health)—I do not have the precise details on the hospital to which Mr Skeggs refers, but I shall endeavour to obtain those in readiness for another day's sitting.

I suppose the broad answer to the question is that I have tried to explain that the number of beds that are open across the system at any one time is likely to change because of a change of circumstances. On rare and to be regretted occasions that might be a budgetary question but more often than not beds are closed because of changes of circumstances such as refurbishment, because the beds are in fact not needed, or they are needed for something else. It may be as Mr Skeggs suggests, but certainly I will follow up the details and get back to Mr Skeggs later in the week.

HEALTH DEPARTMENT VICTORIA VACANCY

The Hon. W. R. BAXTER (North Eastern Province)—The Minister for Health will be aware that the position of Regional Director of the Goulburn/North-Eastern Region of Health Department Victoria is presently vacant. Is it a fact that the job has been offered to Mr Leigh Barry, a person with a background in the tourist industry and with no experience in the health field? Why has not the position been filled in the normal way?

The Hon. C. J. HOGG (Minister for Health)—The position of Regional Director of the Goulburn/North-Eastern Region has been vacant for some time. I understand that various selection panels have made recommendations absolutely in the normal way—at one stage there was a preferred candidate who perhaps may not have taken the job—and that a final decision is being made this week.

I assure Mr Baxter and all honourable members that to the best of my knowledge the normal Public Service procedure is being followed for the filling of that position.

BUSINESS TRAINING

The Hon. B. E. DAVIDSON (Chelsea Province)—The Minister for Industry, Technology and Resources will be aware that the Small Business Development Corporation has developed a program of specialist training for early retirees and

retrenched executives. Will the Minister inform the House of the benefits available under the program?

The Hon. D. R. WHITE (Minister for Industry, Technology and Resources)—In order to meet current circumstances, the Small Business Development Corporation has taken upon itself the introduction of a six-week training course in recognition of the fact that increasing numbers of people are retiring at comparatively young ages, in many cases with substantial superannuation payments being available to them. Similarly there are significant numbers of senior managers and skilled workers who face retrenchment when businesses are restructured—such as with incidents that occur in the party room.

The six-week course focuses on providing, among other things, a business plan to enable a person who has decided to move outside his or her former employment, either voluntarily or involuntarily, to prepare for some other occupation. Naturally the program is available to those from all walks of life, including those with executive potential, even though they may not have demonstrated that potential in recent years. It is available to people who have been in various industries—including the advertising industry.

The government and the Small Business Development Corporation are also prepared to give consideration to expanding the business training program not only to people who have left the work force but also to those who are about to leave the work force and those who may do so at some future time—in anticipation not only of the prospect of trying to find a job for the former Leader of the Liberal Party, but also of the necessity for the now Leader of the Liberal Party to find a job in twelve to fifteen months time.

One of the features of the Small Business Development Corporation course is the existence of a business plan which focuses on developing policy. It is clear there is an urgent need for the provision of a business plan for retrenched executives—just as there is a need for a business plan and industry policy from the Opposition.

It is clear why the Opposition has not got an industry policy when one looks at those who make up the front bench in this House. We hope the new Liberal Party leadership will give consideration to producing a business plan. The Opposition does not have an industry policy because on the front bench the Opposition in this place has a Leader who is a lawyer, a deputy who is a lawyer, a deputy's deputy who is a lawyer and the shadow Minister for Industry, Technology and Resources, Mrs Tehan, who is a lawyer. At the end is the veteran from the Boer War who will be 65 before the next election. Only 1 per cent of the community are lawyers, yet on the front bench the Opposition in this House has four lawyers. It is no wonder that the Opposition does not have a business plan or an industry policy. We shall see whether that remains the case when the new Leader of the Liberal Party announces his shadow Ministry next week.

NATIONAL GALLERY OF VICTORIA

The Hon. HADDON STOREY (East Yarra Province)—I ask the Minister for the Arts whether it is a fact that the National Gallery of Victoria has asked for a deferral of the payment of its electricity bill and, if that is so, whether it has something to do with the failure of the gallery to appoint a new director. What action will the Minister take to rectify this state of affairs?

The Hon. E. H. WALKER (Minister for the Arts)—I must be honest: I was not aware that the National Gallery of Victoria asked for a deferral in paying its electricity bill. I shall examine that matter and inform Mr Storey of the details as soon as I can.

A proper procedure is being followed in appointing a director of the gallery, which will ensure the appointment of the highest quality director at the earliest opportunity.

RECYCLED PAPER

The Hon. D. M. EVANS (North Eastern Province)—I direct to the attention of the Minister for Local Government the sudden surge of interest worldwide in the recycling of paper and the use of recycled paper in the manufacture of writing materials. Is the government aware of the important role local government can play in collecting paper for reprocessing and, if so, what assistance will it give to local government to achieve the targets and environmental responsibilities communities will set in the recycling of paper? If the government does not intend to assist local government, why not?

The Hon. M. A. LYSTER (Minister for Local Government)—Yes, of course I am well aware of the important role that is played by local government in all forms of rubbish collection, of which the recycling of paper and glassware is an important part.

Local government has been most creative in the way it has approached this matter. Councils, like the government, are sensitive to the communities they serve and are hearing the concerns expressed by the community about the need to approach these matters in the appropriate way.

This is not a local problem but a global problem, and some municipalities have taken very commendable measures not only in respect of recycling paper but in the appropriate collection and reuse of glass. Last week I visited the recycling station at the City of Knox. It has a commendable program not only for the recycling of paper but also for the recycling of glass. The program is conducted in conjunction with the private sector and is an exemplary program for other municipalities in the State. Although the action of the City of Knox is commendable in itself, I can say that it is not alone in creating initiatives like this.

The government encourages municipalities to take up these concerns. It has been demonstrated quite obviously that it is possible for municipalities to have favourable arrangements with the private sector to address this community concern, and it is an issue that I raise and shall continue to raise with municipalities as I travel around Victoria.

PUBLIC HOSPITALS

The Hon. T. C. THEOPHANOUS (Jika Jika Province)—I listened with interest to the response of the Minister for Health to an earlier question asked by Mr Birrell, the surviving Leader of the Opposition in this Chamber. Will the Minister for Health provide information about the performance of public hospitals in relation to throughput and the use of available beds for inpatients?

The Hon. C. J. HOGG (Minister for Health)—Information on throughput in public hospitals is a good indication of the way the hospital system is working and says a lot about the emphasis on patient care.

I am advised that in 1987–88 there was an increase of 11 per cent in patient throughput on the preceding year.

The Hon. M. A. Birrell—You know that is not true. Table your statistics; include the surgical breakdown; that is a con.

The Hon. C. J. HOGG—Up until March 1989, those figures are known to have been exceeded by 5·1 per cent. They are good figures, and indicate an increased level

of throughput and hospital activity during times when hospitals have had to demonstrate considerable efficiencies. It is not easy to obtain that level of throughput; it is something of which the government is pleased and proud and the hospital system has every reason to be proud of that.

It is important for the House to take note of the different features of the hospital system. I stress that day surgical procedures, along with a shorter number of bed days, have assisted in achieving that level of throughput.

In answer to Mr Theophanous, I state that the government believes the level of throughput has been good and is a substantial indication of the improvement in the health care system.

LOCAL GOVERNMENT COMMISSION

The Hon. B. A. CHAMBERLAIN (Western Province)—What future role does the Minister for Local Government intend for the Local Government Commission to justify the considerable cost of maintaining that body?

The Hon. M. A. LYSTER (Minister for Local Government)—Over the past few years the Local Government Commission has been doing excellent work in cooperating closely with a large number of municipalities throughout Victoria. Honourable members would be surprised at the number of municipalities that have voluntarily worked with the commission to realign internal and external boundaries. I am confident that the commission will continue to work closely with local government throughout Victoria to ensure that municipalities are able to operate within efficient and effective boundaries.

LOCAL GOVERNMENT HOUSING

The Hon. JEAN McLEAN (Boronia Province)—Will the Minister for Housing and Construction inform the House what steps he has taken to encourage local government to develop housing options for low-income earners in Victoria?

The Hon. B. T. PULLEN (Minister for Housing and Construction)—Consultation with local government occurs in both the formal and informal senses. Local government is involved through planning processes in almost every housing project. It is important to improve consultations with local government in that area.

The more formal way, though, is through the operation of the local government community housing program, which is funded through the Commonwealth–State Housing Agreement administered jointly by my Ministry and the Municipal Association of Victoria. That program has grown to become extensive. For instance, in the past three years approximately $4·3 million has been expended, with $2·2 million of that being allocated from community and local government sources; 83 housing units have been completed in that period.

The expenditure will be more than $2 million in 1989–89, and a number of combined projects will be completed. The sorts of projects that can be handled jointly between the State government and local government with that approach include, for example, the conversion of a council-owned house to two single-bedroom units in Port Melbourne to house single older women; the construction of self-contained flats for single adults in Kyneton; a purpose-built group house for the elderly in Wangaratta; and the construction of a two-bedroom unit for single-parent families in Western Port.

All projects have been achieved within the Ministry's expenditure limits and represent a significant ongoing saving to the State government in management and maintenance.

In the future, I look forward to developing a regional approach with local government. From time to time honourable members have indicated interest in certain types of housing programs and forward targets in their provinces. In a forward planning sense, a role can be played by linking with local government. In the future, I shall proceed to work with those local government areas that are interested in forward planning and hope those honourable members who are interested in developing a forward planning approach to housing and the contribution local government can make will take the opportunity of having some input.

STOP-WORK MEETING OF STATE ENROLLED NURSES

The Hon. R. I. KNOWLES (Ballarat Province)—I refer the Minister for Health to the stop-work meeting planned by State enrolled nurses for 25 May 1989. The issue at the centre of this dispute is the promise made by the former Minister for Health, Mr White, that a pilot program to trial the upgraded SEN curriculum would begin in early 1989. Why was the promise broken?

The Hon. C. J. HOGG (Minister for Health)—That promise has not been broken.

The Hon. M. A. Birrell—This is still early 1989.

The Hon. C. J. HOGG—Any trial or pilot program referred to an intake in October of this year at the earliest, and October is some months away. A number of details have still to be worked out. I have been in regular consultation with the Hospital Employees Federation of Australia (No. 1 Branch) and also with the Australian Nursing Federation.

COLLAPSE OF SWIMMING POOL WALL

The Hon. C. F. VAN BUREN (Eumemmerring Province)—Can the Minister for Local Government inform the House whether any additional matters have arisen from the investigations concerning the collapse of the swimming pool wall at the City of Dandenong, which was of direct concern to local people, together with other matters arising from the collapse?

The Hon. M. A. LYSTER (Minister for Local Government)—Following the disastrous accident at the W. G. Wright swimming pool, I have been advised that additional concerns have been brought to the attention of my department following investigations conducted by the police.

These matters relate to the pecuniary interests of particular councillors and the relationship between those councillors and the city engineer. The three councillors concerned, Powell, McDonald and Holohan, are all property developers.

It appears from preliminary investigations that Cr Powell possibly may have breached the Local Government Act in relation to the disclosure of pecuniary interest on his returns. It appears also that the Act may have been further breached by Cr Powell in that on certain occasions he did not declare a pecuniary interest in a matter before council and subsequently voted on the matter in question.

My department is continuing its investigations together with the police, and I shall certainly report the outcome to the House on the completion of the investigation of these serious matters.

SITTINGS OF THE HOUSE

The Hon. E. H. WALKER (Minister for the Arts)—I desire to make a few comments about the sittings of the House this week and about the amount of work ahead of us. There are approximately 34 Bills, which include those presently on the Notice Paper, to be dealt with this week. I hope we shall be able to manage those Bills in the four remaining sitting days without any late nights—and by "late nights" I mean without having to sit beyond midnight—which has been the usual practice over the years that I have led the House. I believe that practice can be maintained.

I have made arrangements with the Leaders of the other parties and yourself, Mr President, for the House to sit again at 11 o'clock tomorrow morning. Of course, General Business will take place for the 2 hours as agreed, but it will mean tomorrow will be a longer day than usual. I hope a sufficient number of Bills can be dealt with on each of the sitting days to complete the program.

The Hon. Haddon Storey—But will we get them?

The Hon. E. H. WALKER—Of course, this House is dependent on the Legislative Assembly for its legislative business for the week, but I hope the other House will continuously be sending that business across to us. I ask for the cooperation of all honourable members, as usual, in this last week of the sitting. I hope the week will not be too difficult; but it will be a four-day week, finishing, I hope, around dinnertime on Friday.

PETITION

Oncology treatment unit, Geelong

The Hon. D. E. HENSHAW (Geelong Province) presented a petition from certain citizens of Victoria praying that an oncology treatment unit at Geelong be commenced in 1989 and finished by 1990. He stated that the petition was respectfully worded, in order, and bore 109 signatures.

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

LEGAL AND CONSTITUTIONAL COMMITTEE

Charitable trusts

The Hon. JOAN COXSEDGE (Melbourne West Province) presented a report from the Legal and Constitutional Committee upon the law relating to charitable trusts together with appendices, extracts from the proceedings of the committee and minutes of evidence.

The Hon. JOAN COXSEDGE (Melbourne West Province)—I move:

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

Before the motion is put, I should like to take this opportunity of saying a few brief words. The report makes more than 30 recommendations for reform of the law on charitable trusts. Victoria is fortunate to have the largest number of charitable trusts of any State in Australia. At least 80 per cent are based here, running into more than 500 in Melbourne today with an annual income available for distribution of almost $12 million.

The last major legislative change to the law in Victoria in this regard was made in 1981. In this report the committee's recommendations include the expansion of the

circumstances in which trust purposes can be changed, a review of the lack of uniformity of tax exemptions for charitable trusts and organisations in State legislation, and the expansion of the jurisdiction of the small trusts scheme established in 1978, including the raising of the jurisdictional ceiling of this system from $50 000 to $200 000.

This will allow more charitable trust matters to be handled without resort to the expense and delays of the Supreme Court. It has also recommended the establishment of a single specialised office to deal with the problems of these smaller trusts and to liaise with the public.

Much of the work of this inquiry was performed by a subcommittee of the previous Legal and Constitutional Committee and, on behalf of the present members, I should like to express my appreciation of that work. I also want to thank the responsible research officer, Anne Mullins, who worked with both the old and the new legal and constitutional committees.

The committee believes the recommendations contained in this report will assist in clarifying and making more widely understood the principles of the law on charitable trusts and the work which they facilitate. I commend the report to the Parliament.

The motion was agreed to.

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.

Film Victoria—Report and statement of accounts for the year 1987–88.

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

Eltham Planning Scheme—Amendments L2 Part 1 and L3.

Keilor Planning Scheme—Amendment L10.

Metropolitan Region Planning Schemes—Amendments R26, R51, R54 and RL34.

Preston Planning Scheme—Amendment L7.

Richmond Planning Scheme—Amendment L2.

Romsey Planning Scheme—Amendment L7.

South Melbourne Planning Scheme—Amendments L4 and L8.

Sunshine Planning Scheme—Amendment L1 Part 2.

Tambo Planning Scheme—Amendment L22.

Victoria—State Section Planning Schemes—Amendment S1.

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

Statutory Rules under the following Acts of Parliament:

Associations Incorporation Act 1981—No. 102.

Fisheries Act 1968—No. 103.

Hospitals and Charities Act 1958—No. 98, together with a copy of the Commonwealth Health Insurance (Variation of Fees and Medical Services) Regulations which, by section 32 of the *Interpretation of Legislation Act* 1984, is also required to be laid upon the table.

Optometrists Registration Act 1958—No. 73.

Professional Boxing Control Act 1985—No. 105.

Public Service Act 1974—PSD Nos 16 to 18.

Sport and Recreation Act 1972—No. 106.

Supreme Court Act 1986—Nos 100 and 101.

Proclamations of His Excellency the Governor in Council fixing operative dates in respect of the following Acts:

Agricultural Acts (Amendment) Act 1988—Section 14—22 March 1989 (*Gazette* No. G.11, 15 March 1989).

Borrowing and Investment Powers (Amendment) Act 1988—27 April 1989 (*Gazette* No. S.21, 27 April 1989).

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

Community Services Act 1987—Items 1 to 13 of Schedule 2—15 March 1989 (*Gazette* No. G.11, 15 March 1989).

Crimes (Custody and Investigation) Act 1988—15 March 1989 (*Gazette* No. G.11, 15 March 1989).

Health (Amendment) Act 1987—Section 9—1 October 1989 (*Gazette* No. G.19, 17 May 1989).

Health (General Amendment) Act 1988—Section 7—1 July 1989; section 17–31 December 1989; section 45—1 October 1989 (*Gazette* No. G.19, 17 May 1989).

Health Services Act 1988—Sections 18 to 69 (except section 27), 135 to 138, 140 to 142, 144 to 154, 156 to 159, 166 to 176, 177(1) except paragraphs (*b*) and (*c*), 178, 180 and 182 to 192—14 May 1989; section 27—1 July 1989 (*Gazette* No. G.17, 3 May 1989).

National Parks (Amendment) Act 1981—Section 3(5)—19 April 1989 (*Gazette* No. G.15, 19 April 1989).

Sale of Goods (Vienna Convention) Act 1987—Part 2—1 April 1989 (*Gazette* No. G.12, 22 March 1989).

On the motion of the Hon. HADDON STOREY (East Yarra Province), it was ordered that the reports tabled by the Clerk be taken into consideration on the next day of meeting.

DANGEROUS GOODS (AMENDMENT) BILL

The Hon. D. R. WHITE (Minister for Industry, Technology and Resources)—I move:

That this Bill be now read a second time.

The Bill aims to enhance the enforcement capacity of the Dangerous Goods Act and to improve certain administrative requirements under the Act. This reflects the government's intention to look to ways of improving enforcement of industrial safety in all its forms. The government wants to change the mix of its activities in this area of safety. To date resource allocation has emphasised information, advice and consultation; it is now time to give more weight to enforcement programs.

An additional motivation for the Bill is the fact that recent years have seen a disturbing increase in the number of chemical spills and fires, primarily centring on the western suburbs of the city. At the end of last year the government initiated an investigation into potential remedies to the situation. After extensive consultation with the local communities of Footscray and Kensington, local councils, emergency services and concerned agencies, it was agreed there was a need for improved enforcement of the Dangerous Goods Act generally and, specifically, a need for stronger enforcement provisions in the Dangerous Goods Act. The Bill now under consideration goes a substantial way towards meeting the need. At the same time it was clear that penalties under the Occupational Health and Safety Act 1985 were proving to be an inadequate deterrent. Accordingly, a penalty structure was developed that mirrored the correlation between offences under the Dangerous Goods Act and offences under

the Occupational Health and Safety Act. It is intended that corresponding amendments to the Occupational Health and Safety Act will occur this sitting.

In addition, there has been considerable discussion on the Bill between the government and major employer groups. This discussion has resulted in a number of amendments which the government proposes to move in Committee. I shall leave further comments on those amendments to that time.

I shall now address the major provisions of the Bill.

PENALTIES

The main feature of the Bill is an increase to a range of penalties under the Act. The changes to penalties will provide for minimum penalties for certain offences and increasing maximum penalties generally. Serious offences under the Act are to be deemed indictable offences. The maximum fine under the Act will increase from $12 500 to $250 000. The government believes the community expects there should be a capacity for more substantial penalties to apply under the Dangerous Goods Act.

An additional penalty for people who have been previously convicted of an offence under the Act will also apply. It is proper that the courts should be able to apply an additional penalty to people who have demonstrated a reluctance to comply with the Act. It is expected this will prove to be, and be used as, a significant deterrent for recidivist offenders.

A system of on-the-spot fines is also proposed. The specific offences and size of the penalty to attract this type of fine will be prescribed by regulation. It is proposed these fines will be used only for minor offences. The on-the-spot fine system will provide another option in the mechanisms available to ensure compliance with the Act.

These changes to penalties do not alter the existing character of offences under the Dangerous Goods Act; that is, the Act and regulations, regardless of whether they are of a performance or prescriptive nature, are absolute requirements, unless specifically stated otherwise.

The combination of on-the-spot fines, increased penalties generally and further increased penalties for serious offences will ensure that breaches of the Act and regulations are dealt with in a balanced way. This balanced approach will provide for more efficient administration of the Act.

EXTENDED DELEGATION POWERS

The diverse locations of dangerous goods storage and use demand better options for appointment of inspectors under the Act. The Bill proposes that any person who is a Crown or municipal employee may be appointed as an inspector. As is now the case for delegated inspectors, the powers that can be exercised may be limited to reflect the expertise of the person to be appointed.

WRITTEN DIRECTIONS

A major initiative in the Bill is the introduction of provisional directions which are intended for use by persons delegated limited inspectorial powers. It is important that delegated inspectors are able to bring identified problems to the notice of the person responsible. The provisional direction system codifies this process and contains a control mechanism, being a right of appeal to an inspector with full powers under the Act.

The Act recognises that many persons who are employed by the Crown and by municipalities have significant roles to play in ensuring dangerous goods safety and can provide early advice of problems to the inspectorate.

It is intended that the provisional direction will be a major legislative tool for delegated inspectors. The objective is to enhance the enforcement of the Dangerous Goods Act by use of the provisional directions as an early warning system and, as a consequence, provide an improved level of safety to the community.

Currently the Act provides for an inspector to issue written directions to people in charge of premises to take action as specified to ensure a potential danger is removed. It is proposed to delete from the Act the implied requirement that an immediate danger must exist before a direction can be given.

PROVISION OF INFORMATION

The final major amendment is the provision allowing the Director-General of the Department of Labour to specify how frequently information required under the Act should be supplied. In addition the director-general will be given the power to require that certain prescribed information be simultaneously supplied to prescribed positions or people. The thrust of these amendments is to allow critical information on the nature and methods of storage and use of dangerous goods to be made available to the people who need the information to avert disasters. Naturally the confidentiality of information released under these amendments will be safeguarded.

I commend the Bill to the House.

On the motion of the Hon. G. R. CRAIGE (Central Highlands Province), the debate was adjourned.

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

OCCUPATIONAL HEALTH AND SAFETY (MISCELLANEOUS AMENDMENT) BILL

The Hon. D. R. WHITE (Minister for Industry, Technology and Resources)—I move:

That this Bill be now read a second time.

The amendments to the Occupational Health and Safety Act contained in the Bill will strengthen the compliance and enforcement aspects of the Act. The substantial increases in maximum penalties under the Act will serve to remind all Victorians of the government's commitment to securing the health, safety and welfare of persons at work.

The Bill provides for increased maximum penalties for the three offences regarded more seriously under the Act; that is, assault, obstruction and so on of an inspector; failure to observe a prohibition notice issued by an inspector; and discrimination against employees for taking action under the Act. The maximum penalty for each offence is to be increased from $50 000 to $250 000 for a body corporate and in any other case from $10 000 to $50 000.

The Bill provides for increased maximum penalties to apply to repeat offenders. This broadens the scope of the existing provision, in recognition that the notion of wilful repetition of the same offence is unduly restrictive. Accordingly, the Bill provides for judicial discretion to impose a further penalty. The Bill also provides for an increase in penalties for offences other than the three serious offences. Here the penalty will be increased from $25 000 to $40 000 for a body corporate and in any other case from $5000 to $10 000. Complementary amendments to the Magistrates' Courts Act will allow for penalties to be imposed in the Magistrates Court to the levels specified in the Bill.

The Bill provides for infringement notices to be prescribed by regulation. This is an enabling provision which provides for regulations to prescribe infringement notices with a fixed penalty of not more than $1000 for an offence against the Act.

A further amendment in the Bill concerns the obligation on employers to nominate a representative of appropriate seniority to coordinate management activity relating to occupational health and safety. It is intended that the role of the employer's representative will be to assist the employer to comply with the employer's obligation under the Act.

This provision does not stop the occupational health and safety representative from carrying out his or her powers and functions under the Act. The provision does not alter the employer's duties under the Act. The provision reflects the existing emphasis on the consultative process under the Act and will assist employers and employer associations to promote a planned approach to improved health and safety performance.

I believe the Bill reflects and will extend community awareness of the preventive approach to occupational health and safety. It should be supported by all Victorians who are concerned about the incidence of death, injury and disease in our workplaces.

I commend the Bill to the House.

On the motion of the Hon. G. R. CRAIGE (Central Highlands Province), the debate was adjourned.

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

NATIONAL PARKS (AMENDMENT) BILL

The Hon. B. T. PULLEN (Minister for Housing and Construction)—I move:

That this Bill be now read a second time.

The National Parks (Amendment) Bill amends the National Parks Act 1975 to:

prohibit mining and exploration in national parks, State parks and wilderness areas;

make specific provision for wilderness areas;

create five new parks;

make minor alterations to the boundaries of several existing parks; and

make several other amendments.

This historic piece of legislation ranks alongside other landmark conservation legislation introduced by the Cain Labor government—legislation to establish the Flora and Fauna Guarantee, to protect whales and other cetacea, and to establish the outstanding national park areas in East Gippsland and the Alps.

The Victorian government is the first in Australia to have developed such a comprehensive conservation strategy. This legislation is an important step in its implementation and will help redress the damage done to the natural environment of Victoria since European settlement.

The growing community concern about global environmental problems such as the greenhouse effect and the loss of major forests demonstrates that the time has come to protect what we have left.

The key elements in the Bill, including the limitation on mining, were major planks in the government's environment policy at the last election and form part of our mandate in government. The opposition parties have voted against national park Bills in the past. However, on this occasion they have a debt to future generations of Victorians to give their support and ensure wilderness areas are protected and national and State parks are not damaged by mining.

MINING

This government has always considered mining and mineral exploration to be an inappropriate use of significant natural areas. Since 1983 there has been a ban on any new exploration or mining in national parks. This policy is now being extended into legislation and will cover national parks, State parks and wilderness areas. The legislation will provide long-term safeguards to protect the integrity of our parks system.

The government has recently concluded negotiations with a mining company, which has resulted in the withdrawal of its lease applications within the 38 000-hectare unproclaimed portion of Cobberas–Tingaringy National Park. This area will now be proclaimed and the entire Cobberas–Tingaringy National Park will be included in the proposed Alpine National Park.

The company, Macquarie Resources, has indicated its intention to proceed with a mine at the Wilga prospect outside the park, and to proceed with further exploration in areas outside the Cobberas–Tingaringy National Park. This will be a welcome boost to the economy of the Benambra district.

The added protection being given to State parks recognises that their role, along with national parks, is to protect the major ecosystems of this State. There is no difference in national and State parks in terms of conservation value and the way the parks are managed; the main difference is in area, as State parks have a smaller average size. Protection of wilderness areas from mining is necessary to ensure that the very qualities for which they are established are maintained.

A number of active titles and applications in final stages of consideration exist for mining in State parks. The Bill will preserve the rights already held and enable the processing of applications under the old rules to provide equity to these operators. Any subsequent activity will, of course, need to be fully considered and an assessment made of any effects on the environment or other park values before any approval for mining is granted.

As a result, national parks, State parks and wilderness parks covering some 7 per cent of the State will be unavailable for mining or exploration. A great deal of this area has in fact been unavailable for many years due to the operation of the existing provisions of section 40 of the National Parks Act, which require consent of the Minister administering that Act.

The economic impact of putting the issue beyond doubt in legislation is arguably nil, but the benefits for the people of Victoria and for the tourism industry are quite tangible. Furthermore, mining companies will benefit from having a clearer set of guidelines as to where they may operate and what requirements will be expected of them in environmentally sensitive areas.

WILDERNESS

The government's clear commitment to wilderness protection is set out in the State's conservation strategy, and this legislation arises from that commitment.

The Bill is the first in Victoria, and only the second in Australia, to make specific and detailed provision for the protection, enhancement, use and management of areas

reserved as wilderness. It reflects the growing concern around the nation for the future of our remaining wild places; a concern that led to the Australia-wide Council of Nature Conservation Ministers establishing a working party to report on the reservation and management of wilderness reserves.

Since the European settlement of Australia in 1788 most of Australia's natural environment has undergone massive change. Large-scale clearing for agriculture, urbanisation, mining activity, timber harvesting, grazing by introduced hard-hoofed herbivores, the introduction of exotic plants and animals, extensive road and vehicular track construction, as well as pressures from large numbers of recreationists, has left few areas that are relatively unaffected by European settlement. Such areas warrant protection for their wilderness qualities.

The two key features of wilderness areas as set out in the Bill are the minimal extent to which they were disturbed by 200 years of European occupation and the fact that they will be managed to provide for remote, self-reliant forms of recreation.

The protection and proper management of such areas provides significant benefits: firstly, wilderness contributes to the diversity of environments in the world by marking one end of the urban-natural environment spectrum. Secondly, such areas have very high value for nature conservation, particularly in providing the opportunity for natural systems to evolve with minimal disturbance from modern technological society. Thirdly, such areas have high natural landscape value and are valuable in protecting water catchments.

Fourthly, wilderness provides a benchmark for studying natural systems and comparing changes in modified environments. Fifthly, wilderness can provide self-reliant visitors who enter it on its own terms with the opportunity to experience solitude and the feeling of remoteness from modern technological society. It provides a contrast to other recreation settings that are more developed or more intensely used. Finally, wilderness, because of its contrast with the developed world, provides enjoyment even for those who might not actually visit it.

The Bill establishes a schedule in which wilderness parks, as recommended by the Land Conservation Council, would be placed. It also establishes the principles by which these areas and proclaimed wilderness zones within national and other parks would be managed.

While aiming to maximise the extent to which these wilderness areas are undisturbed by the activities following from the European settlement of Australia, the Bill also provides for uses that are generally compatible with that objective. These include certain types of recreational activity and scientific study.

The Bill also recognises that wilderness requires management to ensure that its qualities are maintained and enhanced—for example, the control of pest plants and animals—and that wilderness cannot be managed in isolation from surrounding land. The Bill therefore, provides for certain activities such as fire management to be carried out.

NEW PARKS

The Bill is also significant because it adds five new parks to the State's world-class system of parks and reserves. Its doing so means that nearly all of the Land Conservation Council recommendations for national and State parks accepted by various governments over the years will have been implemented. The five new parks will be valuable additions to the parks system, from both conservation and recreation viewpoints.

Paddy Ranges State Park is an important 1670-hectare park in north central Victoria, south of Maryborough. It contains fine examples of one of that region's most distinctive

vegetation types—the box-ironbark forests. The Paddy Ranges are well known and highly regarded for their colourful wild flower displays and abundant bird populations.

Mount Buangor State Park, of 2400 hectares and situated north-west of Beaufort, contains impressive granite landforms, waterfalls and stands of mature messmate-stringbark, candlebark and blue gum. The park is a very popular area for outdoor recreation, and includes a series of picnic areas and walking tracks leading to many of the area's features.

Dergholm State Park, covering 10 400 hectares, is located in the far west of the State near the township of Dergholm. Its open forests, woodlands, heathlands and swamp communities support a diverse range of fauna, including the threatened red-tailed black cockatoo, and the common wombat, which is almost extinct in western Victoria. The park adds an important recreation and tourism asset to south-western Victoria. The interesting and diverse environments in the park offer considerable potential for walking, picnicking and nature study.

Bunyip State Park, covering 13 900 hectares, is a very significant area on the south-western corner of the eastern highlands, east of Gembrook. It contains many features of botanical significance, and a rich fauna. Its proximity to Melbourne and its attractive and varied vegetation—including a wide range of wild flowers—make it a popular recreation venue.

Gembrook Regional Park, covering 2650 hectares, lies adjacent to Bunyip State Park. Its attractive forest is popular for picnicking, horse riding and car touring. Its proximity to expanding urban areas will make it an increasingly valuable asset and will help to protect the sensitive areas of Bunyip State Park from overuse.

The Bill also extends several existing parks. Warby Range State Park will be almost doubled in size to include a substantial area north to Mount Killawarra. Other, smaller additions are made to Point Nepean, Morwell and Burrowa–Pine Mountain national parks, Chiltern and Mount Arapiles–Tooan State parks, and Beechworth Historic Park. The additions to Point Nepean National Park include land near Gunnamatta, and Defence Road, with an easement for its use by the Commonwealth. A small area adversely affected by extensive gravel extraction operations is being excised from the Beechworth Historic Park.

OTHER AMENDMENTS

The Bill provides for extended periods for commercial permits in parks. Permits will be available for up to three years, instead of the present six months, giving tour operators the security required for accepting advance bookings. Other amendments are described in the clause notes accompanying the Bill.

I commend the Bill to the House.

On the motion of the Hon. M. T. TEHAN (Central Highlands Province), the debate was adjourned.

It was ordered that the debate be adjourned until the next day of meeting.

ROAD SAFETY (MISCELLANEOUS AMENDMENTS) BILL

The debate (adjourned from May 10) on the motion of the Hon. B. T. Pullen (Minister for Housing and Construction) for the second reading of this Bill was resumed.

The Hon. ROBERT LAWSON (Higinbotham Province)—We are at it again, Mr President. We are still fiddling around with the Road Safety Act. From the number of

times this Act has been amended in the House, altered, and improved, it seems that the Road Safety Act is made up of a group of interlocking loopholes.

No matter what we do to amend the Act, smart lawyers get hold of it and find some way of getting their clients off on drink-driving charges or the like. Of course, this is reported back to the Minister and the Minister goes to the Parliamentary Counsel and says, "Draw me up a foolproof amendment Bill". This is happening constantly. I have no doubt that in the next session of Parliament honourable members will be back again to repair the holes discovered in this new set of amendments.

As the House will be aware, the Liberal Party has been advocating for some years now the reactivation of the former Road Safety Committee. On 4 March 1987, Mr Chamberlain moved:

> That a joint Select Committee be appointed to inquire into and report upon and make recommendations to the Council and the Assembly upon the question of road safety in Victoria and, in particular . . .

In his motion, Mr Chamberlain specified a number of different points that could be investigated by the proposed road safety committee.

At present, the question of road safety is under the care of the Social Development Committee. That committee is a very worthy committee and I do not criticise it, but I point out that in its references that I hold in my hand, the first is the role and welfare of companion animals in society; the second is community violence; and the third deals with vehicle occupant safety. A report on companion animals has just been presented, and it is an excellent report, too. The point is that this committee is very busy and it can devote only a small part of its time to road safety, yet road safety is of paramount importance in our community.

I direct to the attention of the House an article that appeared in the *Age* on Monday, 22 May. It was in the right-hand column and had just a small headline: "Eight deaths take road toll to 312". We have reached a point where we can dismiss these eight deaths in a single column and a short report in the newspaper. If someone were to take a gun and walk down Hoddle Street, Collins Street or any other street in Melbourne and shoot eight people, there would be enormous headlines. However, if that were to happen next week and again the week after, the headlines would get smaller and smaller. This is what has happened in respect to road safety.What happened to those eight people? The report states:

> Eight people were killed on Victorian roads at the weekend, taking the road toll to 312, 27 more than for the same period last year.
>
> A man and woman were killed last night after two cars collided . . .
>
> A motorcycle sidecar passenger was killed early yesterday after the vehicle struck a tree at Woodvale . . .
>
> Agatha Halkias, 24, of Mount Waverley died when a car hit a power pole in Neerim Road, Carnegie . . .
>
> Lisa Hawkless, 22, of Mooroolbark, was killed when her car hit a tree about 4 a.m. yesterday . . .
>
> A pedestrian, about 50, died early yesterday after he was hit by a car while crossing the Princes Highway, Officer. A male driver was killed after he lost control of his car on the Cann Valley Highway, near Cann River, and hit several trees . . .
>
> A man, 68, was killed when the car in which he was a passenger overturned in Mincha Road, Mincha, near Kerang . . .

What is extraordinary about this is that only two people were killed in a collision and a pedestrian was knocked over and killed by a car; the others died when their cars hit roadside objects. This small news item about the eight people who were killed and the road toll being 27 more than for the same period last year would justify, on its own, the establishment of a Select Committee of the Victorian Parliament to inquire into the cause of road crashes.

As I said, the Liberal Party has advocated this for some time, and it will continue to do so. When the Liberal Party is returned to government, one of the first items of business will be for this Parliament to establish a road safety committee.

I point out that Tasmania has a Select Committee on road safety; New South Wales has a Joint Standing Committee on road safety; the Federal Parliament has a Select Committee on road safety; and Victoria has the Social Development Committee.

There seems to be a fixation on the matter of alcohol. It is said in the second-reading speech that present indications are that the levels of fines are likely to be set at at least $200 for a blood alcohol content offence of zero up to ·05, $250 for any offence over ·05 to ·10, and $350 above ·10 but below ·15.

It is not really known whether people who drink to that extent are actually incapable of driving a motor car or whether they constitute a danger on the road. It is a matter that has never really been determined. We just assume that these people are dangerous and we are laying down severe penalties for anyone found with those levels of alcohol in his or her bloodstream. Can anyone say that these people are a definite menace on the road? They may or may not be.

I have always been puzzled by the statistic that 40 per cent of road accidents are caused by people who have some blood alcohol content reading. The implication is that 60 per cent of accidents are caused by sober people. The business of Parliament is not to raise income for the government by way of fines; its business is to discover the truth about the road toll and its causes and determine how the effects of the road toll can be alleviated.

Honourable members had better be careful about the zero blood alcohol content suggestion. A person will not be able to have any wine jelly before going out for a drive because of its effect on a blood alcohol content reading.

The government has decided that blood tests should be allowed to be taken in hospital grounds as well as in hospitals. Apparently some clever lawyer has found a loophole in the law through which people can wriggle if the blood test is taken in the hospital grounds or in the booze bus and not in the hospital itself.

On 13 April 1988—just a year ago—the Minister for Transport, now a member in the other place, made a lengthy Ministerial statement to this House. Among a number of points made in the statement, the Minister said:

> Of every 100 persons who die on Victoria's roads, 44 are drivers, 24 are passengers, 20 pedestrians, 9 motorcyclists and 3 are bicyclists. At special risk are:
>
> young drivers—18–25 years—who account for 40 per cent of driver fatalities and yet hold only about 20 per cent of licences;
>
> elderly pedestrians—70 years or over—who comprise 30 per cent of pedestrians killed while constituting only about 8 per cent of Victoria's population;
>
> deaths resulting from truck-involved crashes; about 1 in 7 road deaths occurs as a result of this type of crash; and
>
> motorcyclists, who comprise 9 per cent of fatalities while motorcycles represent only 3 per cent of vehicles registered.

The Minister said further:

> We must . . . continue to make inroads but it will not be easy. There are no magic wands. The problem cannot be tackled from only one direction, nor with a few isolated measures.

The Minister mentioned accident black spots, bicycle helmet wearing, a revised motorcycle learner permit system, and high levels of random breath testing.

Like the Opposition, the government is aware of the road toll, which has been with us for many years. There have been some successes in reducing the road roll. However, at present, the number of accidents and fatalities seems to be on the increase. Honourable members will be aware that not only do accidents result in deaths, but also there are horrors attendant upon road crashes: people suffer brain damage and some are disabled for many years, possibly for life; victims are maimed and some have to spend the rest of their lives as quadriplegics or paraplegics.

It is in an attempt to reduce the road toll and all its effects, and not because the Opposition will achieve any political advantage, that we propose an all-party road safety committee be reactivated. The question of facing up to the road toll has never been a political issue for any party in Victoria. All honourable members are equally concerned to alleviate the road toll and to do something to help people who are maimed or disabled.

In the Ministerial statement of 13 April 1988, the Minister for Transport mentioned random breath testing, traffic infringement notices, an intensive public education campaign, and a significant increase in funds allocated to deal with the accident black spot program. The Minister said also:

> A special program of safety treatments at unprotected bridge abutments, culverts and embankments will be introduced. Collisions with fixed roadside objects account for some 27 per cent of fatalities and approximately 12 per cent of reported casualties.

The Minister dealt with the question of future developments and referred to safety at intersections, young driver accident involvement, protection for pedestrians and cyclists, speed control, and motor cycle safety.

The Road Safety (Miscellaneous Amendments) Bill represents another attempt to tighten up the law so that speed limits will not be exceeded. People have a tendency to exceed speed limits when they are driving in modern fast motor cars. Many roads provide a positive temptation to exceed the speed limit because people are driving in comfortable cars that are capable of travelling at high speeds and yet are relatively safe. Generally it is the driver who causes the accident and not the motor car.

The Minister for Housing and Construction said in his second-reading speech:

> The Bill therefore extends the mandatory one-month licence suspension requirement to any case where a driver is detected driving at a speed of 130 kilometres per hour or more.
>
> In cases involving very high speeds, it is considered that the minimum licence suspension period should be increased.

These provisions are all admirable, but the point the Opposition makes and will continue to make is that the Bill merely nibbles around the edges of the problem. Honourable members are dealing with a social problem in respect of drinking alcohol. The government is not treating the subject adequately. An all-party committee should be convened to deal exclusively with road safety. That committee performed an admirable task in the past.

For many years Victorians have boasted that the State road toll was falling. We have been proud that various measures were introduced in our State to reduce the road toll. I do not need to mention all of them: as honourable members will be aware, the compulsory use of seat belts was introduced in Victoria, with immeasurable benefits.

Parliament must discover whether the number of accidents is actually increasing in relation to the number of kilometres travelled and the number of vehicles on the roads. It may be that the accident rate is holding steady and that the increase in the road toll is a reflection of the fact that there are more vehicles on our roads than there

were just a few years ago. From observation, it appears to me that the number of vehicles on our roads is increasing every day. Streets that were quiet in the past are now streaming with vehicles of all kinds, and highways are virtually clogged. Honourable members need only consider the recently completed South-Eastern Arterial Road, where it is obvious that it has already reached near saturation point during peak-hour travel with the road being clogged up for kilometres.

Such issues must be considered. The recommended road safety committee would also report on freeways, arterial roads and other roads. At present we are running as hard as we can and yet standing still because the more freeways or arterial roads that are put in, the more vehicles are attracted to those roads. The answer may lie elsewhere. I recommend that honourable members consider the matter.

I have instructions that the Liberal Party will not oppose the Bill and will move no amendments to it; it will not seek to remove any of the clauses in the Bill because it has the same concern as the government to ensure that people are saved from themselves. The Liberal Party is seeking to ensure that hospitals have fewer badly injured people coming into casualty sections.

However, members of the Liberal Party express grave doubts about the efficacy of the provisions of the Bill. All that we can do is allow the Bill to be passed, as I believe the National Party will, although we have grave doubts whether the Bill will be effective, just as the previous Bill was not effective.

The Hon. P. R. HALL (Gippsland Province)—Members of the National Party are only too aware of the large number of road accidents and fatalities that occur in Victoria, and of the injuries and property damage that are a consequence of those accidents.

The effects of the carnage on our roads are felt more keenly by members of the National Party because we represent the rural areas of the State. All too often when a road fatality occurs in our electorates we know the people involved or, if we do not know them personally, we know of their families. Members of the National Party are only too aware of the problems caused by road accidents.

The National Party supports the measures outlined in the Bill and hopes they will go some way towards reducing the number of road accidents that occur in the State each year. The Bill attempts to reduce the number of road accidents by providing for more stringent deterrents for those people who offend in the areas of drink-driving, speeding and other minor but related traffic offences. I applaud the measures outlined in the Bill and I hope that, together with other measures outlined in the Minister's second-reading speech, they will prove effective.

The human factor is said to account for approximately 90 per cent of road accidents. If drivers are encouraged to drive more safely and to change their attitudes towards road use, perhaps a substantial reduction in the number of accidents will occur.

I feel more strongly about drink-driving than Mr Lawson. I believe there is a strong correlation between the amount of alcohol consumed by drivers and road accidents. I believe Mr Lawson said that he is a teetotaller, but I am not. There have been times when, had I driven after consuming alcohol, my driving ability would have been impaired. Certainly there is a strong correlation between the consumption of alcohol and its effect on driving. I fear for the safety of young people, because statistics show that they are more likely to be involved in alcohol-related road accidents than older, more experienced drivers. I am concerned that the age at which a person can legally drive coincides with the legal drinking age. I like to think that it is not so long ago that I turned eighteen, and I remember that one of the first things I did after obtaining my licence—and I am sure other people have done the same—was to drive my mates

down to the pub in my car to celebrate. I am sure that practice still occurs. Honourable members may laugh, but that is the case.

The wheel has turned almost full circle. My son is seventeen years of age; it will not be long before he is driving. Certainly he is at an age where he is beginning to mix in social circles and to attend functions where alcohol is consumed. My wife and I are concerned that, like many people of their age, our son and daughters may one day consent to be driven by a person who is affected by alcohol. This is a serious problem, and it is a shame that there are not more honourable members in the House to participate in this debate.

The National Party welcomes the tougher measures contained in the Bill, measures that will impose harsher penalties for drink-driving offences. Only time will tell whether those deterrent measures are adequate; at least they are a step in the right direction. I hope that, along with the $1 million package announced by the Minister in his second-reading speech on a publicity campaign, the measures proposed to combat drink-driving offences will reduce the number of alcohol-related road accidents.

The campaign sponsored by the Victorian Health Promotion Foundation is another positive step. It is noteworthy that sporting clubs such as the Richmond Football Club promoted the campaign, and the players of that club wear ·05 logos on their guernseys. The Latrobe Valley Football League also takes part in such a campaign, again sponsored by the Victorian Health Promotion Foundation. In that regard, I pay tribute to a local road safety officer with the community road safety program, Mrs Robyn Hahn, who has worked tirelessly to publish articles in the local football record and weekly newspapers. Such publicity campaigns about the drink-driving problem will increase public awareness and will at least go some way towards addressing the problem and reducing the number of road accidents.

Another important measure in the Bill concerns penalties for speeding, a measure that the National Party welcomes. Members of the National Party spend more time travelling on our roads than do honourable members who represent metropolitan electorates. I never cease to be amazed by the speed at which vehicles pass me when I am travelling throughout my electorate. I do not profess to be an angel in this regard; usually I drive on the speed limit, and I am continually overtaken by speeding cars. Of great concern is the speed at which heavy vehicles and trucks travel on our roads.

Honourable Members—Hear, hear!

The Hon. P. R. HALL—What annoys me more than anything else when I am driving on the open road is that, although I slow down when I approach the outskirts of a town, invariably I am passed by a heavy vehicle or a truck that continues through the town at high speed. I always shake my head in amazement. I recall from my study of year 12 physics the law that states that force equals mass times velocity—which I think is Newton's law. I shudder to think what would happen if a pedestrian, a cyclist or another vehicle got in the way of a heavy vehicle travelling at high speed. Because of the tremendous power and force it generates a heavy vehicle would have no hope of stopping suddenly. There must be a clamp down on speeding offences. I am pleased that the Bill provides for increased penalties, which I hope will act as a deterrent against speeding.

Another major cause of road accidents is the poor attitude of many drivers, particularly driver impatience. All honourable members will have seen examples of driving impatience. When traffic builds up impatient drivers take extreme risks, often passing on double lines and on blind bends. It is common practice for some motorists to see how many vehicles they can pass at the same time. What annoys me about such impatient drivers is that they not only risk injury or death but also put others at risk.

Too often innocent people suffer as a consequence of driver impatience. The 1987 figures show that 44 per cent of road accident fatalities were drivers; 24 per cent were passengers; and 32 per cent were either cyclists, motorcyclists or pedestrians—all innocent parties. Those figures highlight the fact that more than 50 per cent of road accident fatalities are innocent parties, and often their deaths are caused by irresponsible driving behaviour.

While talking about the level of road accidents and the need to improve safety on our roads it is important to consider driving skills and driver training. The standard of driver training in Victoria is far from adequate. Every driver education program should include lectures and films on road fatalities, because such visual evidence has a greater impact on the minds of young drivers than their simply being told about such events and the laws they must obey.

I believe this visual impact should be provided to all drivers before they obtain their licences. The same applies to night driving abilities. At present there is no assessment in our pre-driver education programs to measure a person's night driving ability. Honourable members will be aware that the skills of night driving are vastly different from those required in normal daytime driving. It is a proven fact that there is a greater risk of accident at night-time than in daylight. It is a deficiency in our education programs that there is not a component of pre-licence testing to assess night driving skills.

The terms "advanced driving skills" and "defensive driving skills" crop up more in the media today, and special programs are available for licensed drivers to improve their abilities. Victoria has only one recognised driver education centre in Shepparton, in Northern Victoria, which allows people to practise or to obtain these advanced or defensive driving skills. These centres are essential and more of them should be placed at strategic points around Victoria so that all drivers may have the opportunity of improving their skills.

Only two weeks ago I referred the Minister for Industry, Technology and Resources to a proposal by the Yallourn College of TAFE to build such a driver centre in the Latrobe Valley. I hope the Minister will take note of the comments on road safety and driver education made in the debate and, when the time comes for approving the funding, will favourably consider the proposal.

Another important aspect related to the Bill is road conditions. Royal Automobile Club of Victoria Ltd figures have proved that there is a strong correlation between the state of a stretch of road and the number of accidents occurring on that road, yet for years country Victorians in particular have suffered from a lack of funding for local roads. Many roads that honourable members have to travel on in moving around their rural provinces are in a terrible state because local governments have insufficient funds to maintain them. Country Victorians are sick to death of hearing that only 4·9 cents of the 23 cents or 24 cents fuel excise tax is put back into road funding. That is an unsatisfactory position and the poor state of roads will only increase the number of accidents in country areas. I can assure the government that country Victorians feel strongly about this issue. If the government were serious in adopting all measures in an attempt to reduce the number of road accidents, one of its first actions would be to ensure that more money was provided for local roads.

The most effective deterrent to irresponsible driving is the presence of the police on our roads. I am sure all honourable members react as I do when they see a police vehicle on the road. My first reaction, no matter at what speed I am travelling, is to take my foot off the accelerator and to look at the speedometer. The most sobering sight of all is to notice a car half hidden behind a tree with a radar gun poking out of the window. That should bring every driver to his or her senses, and for the next 30

minutes at least it should make the driver stringently observe all road laws. The presence of police on the roads is the biggest deterrent to speeding drivers and to drivers who break other road laws.

It has been said in the House on other occasions and I shall repeat it: the government has not made sufficient effort to increase the number of police officers. Perhaps this Bill, which provides for more on-the-spot fines, will reduce the time police officers spend in court and enable them to spend more time on the roads. The government should make a bigger commitment to providing more police, especially on Victorian roads.

The National Party welcomes the provisions in the Bill, but it recognises that this is only the first step towards increasing road safety. As the Minister said in his second-reading speech, other measures such as increasing breathalyser testing, public education campaigns and providing funds to eradicate accident black spots are necessary.

If the government considers some of the issues raised in the debate, Victoria will have a better opportunity of reducing its road toll. Only by a concerted effort and the use of all available means will there be a reduction in the daily carnage on our roads. That is something all honourable members want to see achieved.

The Hon. R. A. MACKENZIE (Geelong Province)—The main purposes of the Bill are to amend the Road Safety Act 1986, to provide new measures to combat drink-driving, to curb excessive speed and to strengthen the driver licence demerit points system.

In nearly every Parliamentary sessional period a road safety Bill is introduced, yet the carnage on Victorian roads, although decreasing at times, is generally on the increase. It is obvious that, although we can to some degree control problems involving road safety matters, we are limited in controlling them by legislation. I have listened with interest to the previous two speakers who raised some valid points and offered suggestions to the government. An important feature of any debate is the ideas put forward by members of Parliament to the government for consideration.

Mr Lawson was correct in suggesting that because of the immensity of the carnage on our roads, Victoria should have a separate Parliamentary committee devoted to considering road safety issues. I am a member of the Social Development Committee and from time to time that committee receives briefs to consider road safety measures. However, it is a busy committee and is involved in other social issues. I agree with Mr Lawson that a separate committee would be of benefit to the State.

One of the main problems in the road safety area is alcohol. I am privileged to have been provided with information by Dr Vernon Plueckhahn, probably the leading forensic scientist and pathologist in Australia. When he was Director of Pathology at the Geelong Hospital he conducted a study on the effects of alcohol and the range of problems involved in road safety. Dr Plueckhahn states:

> Alcohol is a drug which has the unique distinction of being the only potent pharmacological agent which is freely and legally available to all persons in Australia who are aged eighteen years and older and with which self-induced intoxication is usually socially acceptable and is very often sought after.
>
> Alcohol is a potent dependence-producing drug. The opinion of the World Health Organization Expert Committee on Drug Dependence in 1974 is as follows:
>
> "In many parts of the world, problems associated with the use of beverage alcohol far exceed those associated with the non-medical use of less socially acceptable dependence-producing drugs, such as those of the amphetamine, cannabis and morphine types."

A national symposium was held in Adelaide in 1985 on "Drugs and Alcohol: A Conspiracy of Silence". Following the symposium, Professor David Hawks, of Western Australia and an international authority on alcohol and drug abuse, said:

"Opiate abuse is a serious problem but let it be said quite clearly—if the sum total of the harm associated with alcohol were added up, that associated with any other drug, including tobacco, would pale into insignificance".

That is one of the enormous problems associated with road trauma.

Statistics show that 80 per cent of Australian men drink and that the drinking pattern is established by the age of twenty years. In 1977 a Senate Standing Committee estimated that 250 000 Australians could be classified as chronic alcoholics. The alcohol problem is a problem in itself, even before it is tacked on to road safety. It is a social problem that must be addressed when road safety is being considered.

Road accidents are the most prominent cause of accidental injury and death in Australia and are responsible for more than 50 per cent of all accidental deaths in the 15 and 25-year age group. In 1982 some 3252 people died on our roads and a further 30 000 were injured. The cost each year to the community of such accidents is estimated at approximately $3 billion. When honourable members talk about measures to counteract road accidents, we must not think about what it will cost to introduce new measures but what it will cost if we do not do something about this horrendous problem.

The cause of road accidents is multidimensional. More than 85 to 90 per cent of accidents are due principally to human error. If consumption of alcohol is involved, the chances of human error increase dramatically. Over 25 years Dr Plueckhahn and his staff carried out a series of investigations in the Geelong area. He compiled statistics from the autopsy reports of victims of road accidents in Geelong. The study showed that 54 per cent of all deceased drivers aged between 17 and 50 years had an autopsy blood alcohol concentration of more than double the legal limit. It is also interesting to note that evidence of the prior consumption of alcohol was rarely observed in deceased female drivers. Another disturbing factor that came to light was that 63 per cent of pedestrians who were killed in that period had blood alcohol concentrations either twice or three times more than the legal limit for drivers.

A range of factors are involved with road safety. As Mr Lawson pointed out, if these deaths occurred in any other way there would be a public outcry. Honourable members should recall the public outrage when seven people were killed in the Hoddle Street shootings, but we read statistics about the number of people killed on the roads during the Easter period and they hardly rate a second thought.

Since the beginning of the decade some 23 000 people have been killed on Australia's roads. Road accidents are the single largest cause of death of people aged less than 45 years; they cause more deaths than heart disease, cancer or anything else. As I said, road accidents cost the Australian community something in the vicinity of $3 billion a year.

Another factor that must be considered is the enormous number of vehicles on the roads. In 1969 some 4·7 million vehicles were registered in Australia and that number had increased by 1987 to 9 million. Alcoholism, the number of cars on the roads, speed and human error all contribute to the number of road accidents. Each factor requires attention in its own way. Other countries with a similar number of registered vehicles have better safety records than Australia; I refer to countries such as Canada, Japan, Sweden and Germany.

Another factor which contributes to road accidents and which must be addressed is the ever-increasing power of car engines. It is beyond my comprehension why

manufacturers produce cars capable of travelling at 200 kilometres an hour when the legal limit is only 110 kilometres an hour. In the November 1970 issue of *Royal Auto*, Mr McPhee made some pertinent points:

> It is our job as parents or uncles, senior men at work or friends to encourage young men to start their driving in a conventional-type car which is controllable, not one that is very highly powered and needs an extra-competent driver to control.
>
> After all, a man in charge of a riding stable would be virtually guilty of manslaughter if he put an absolute novice on a spirited horse.

That is right. If one were in charge of a riding stable, one would not put a rank novice on the most spirited horse in the stable. However, we allow young lads and girls straight out of driving school to drive high-powered cars. What flying school would put a person with only 40 hours experience in a Tiger Moth in the pilot seat of a jet aircraft? Yet that is basically what is happening on the roads. Inexperienced drivers in high-powered cars endanger not only themselves but also many other people.

The Bill is important and the government is to be commended for it; however, it is only a small step in dealing with all the issues that are involved. Another factor touched upon by Mr Hall was the attitude and courtesy of drivers on the roads. I do not know how many honourable members have driven overseas; I have not done so a great deal but I have had some experience in the United Kingdom, Canada and Scandinavia. It amazed me how courteous drivers in those countries were compared with Australia. In this country we drive as competitors; everyone tries to get in front and beat everyone else to the lights. That is a terrible attitude. In England, drivers are far more courteous. They allow a person to move into the line of traffic and it makes a great deal of difference.

I do not know how we bring about change in that regard but it is something that needs to be addressed. It may need to start at a very early age in our schools. It has to be a general attitude, I suppose, which goes beyond that. Sir James Darling was quoted in the *Age* newspaper as saying:

> Man himself, with his unique capacity for adjustment, must learn to adjust himself, unless we are prepared to accept not only a world gone mad but a world also of madmen . . .
>
> . . . young men are killing themselves and their girl friends daily at a rate which no society should tolerate, but which our society apparently does.
>
> The causes for this are fairly obvious, inexperience in driving, bad manners, inexperience in drinking which is often quite excessive, and a general social irresponsibility.
>
> These are weaknesses which cannot be corrected by road safety measures, but only by the reform of society itself.

That is what we have to address. We can do something by legislation and we are doing it, but we must realise, and the public out there must realise, that we are limited, that it is the responsibility not only of members of Parliament but of society as a whole to come to grips with the problem. We cannot have this carnage continuing and being accepted by society, which is a tragedy. We have become so blase about the road toll.

I strongly support the government in its endeavours with this proposed legislation. I hope it will bring about some improvements to change the terrible road accident figures that are currently before us.

The motion was agreed to.

The Bill was read a second time.

The Hon. B. T. PULLEN (Minister for Housing and Construction)—By leave, I move:

> That this Bill be now read a third time.

In doing so, I thank honourable members who have contributed to the debate for their support for the proposed legislation. In response to Mr Lawson, I indicate that I support his views on the value of an all-party committee addressing a question like this. As I foreshadowed in the second-reading speech, the government will very soon be responding to the reports of the Social Development Committee on the management of drink-drivers apprehended with high blood alcohol levels. That will be an important additional step forward.

I thank Mr Hall for his support and for his frank comments about a number of significant factors relating to road safety. I share two of his concerns quite strongly that is, the correlation with alcohol, which is well proven, and the concern about heavy vehicles, the difficulty in halting them and the distance required to do so.

I also thank Mr Mackenzie for his comments and strong support for the proposed legislation.

The motion was agreed to, and the Bill was read a third time.

OCCUPATIONAL HEALTH AND SAFETY (AMENDMENT) BILL

The debate (adjourned from May 11) on the motion of the Hon. D. R. White (Minister for Industry, Technology and Resources) for the second reading of this Bill was resumed.

The Hon. G. R. CRAIGE (Central Highlands Province)—There are two Bills on occupational health and safety before Parliament. One wonders whether there is safety in numbers and also why these two Bills have come up together! One may ask: is one Bill ready for defeat and is there a winner or a loser in all this? It has certainly confused the situation for people who are involved in occupational health and safety. The real question that needs to be asked is: why the need for this change? Will these proposed changes create a safe Victoria? Will our workplaces become safer? Will employees and employers create a harmonious relationship on industrial safety?

In the second-reading speech the government says that the purpose of the Bill is to enable matters dealt with by three specific Acts to be transferred to the Occupational Health and Safety Act 1985. One then has to ask: where are the government's priorities on safety if that is the only purpose? Surely the object of amendments to legislation in an important matter like safety should be to ensure and create a safer environment.

The Bill amends the Occupational Health and Safety Act 1985 to extend that Act to include health and safety in the public arena, domestic workplaces, lifts and cranes, boilers and pressure vessels, scaffolding and amusement structures.

The Opposition believes there is a need for specialist legislation administered by specialist people who have been properly trained in the area of health and safety. Like the Boilers and Pressure Vessels Act, the Lifts and Cranes Act and the Scaffolding Act, the provisions of the Occupational Health and Safety Act were developed for the workplace and these workplaces have clearly been defined within the Act. The question needs to be asked whether in fact this Act is extending to public safety the same area provisions that apply to specific workplaces.

Section 21 of the Occupational Health and Safety Act requires that workplaces must be as safe as practicable. We have no problems with that. We also agree that employees and people involved in the health and safety area should receive proper and appropriate training and that workplaces need to be supervised by these qualified people.

The Act also defines certain areas where equipment in the public arena must be designed specifically to be sold and be used safely by untrained and unsupervised

people that is, that equipment which goes out into our community is made as safe as practicable so that untrained people can use it without the risk of endangering their lives. The Bill seeks to include equipment which is sold, with public safety in mind, where there are strict rules already in force in respect of safety. For example, exploding barbecue gas bottles have received quite a deal of attention in the media.There are regulations which the Department of Labour enforces already. It also includes ski tows and amusement structures such as ferris wheels.

The Opposition acknowledges the importance of safety in the workplace and that regulations are necessary to ensure that people are not injured. Employees should be trained adequately in safety and health and also in the use of the equipment in the workplace. The Occupational Health and Safety Act 1985 prescribes requirements for the workplace which are different from those in the public safety arena. The Opposition does not discount the importance of safety in the public arena because it is important that people who use ordinary equipment are also protected by regulation.

The Bill defines workplaces and also designated work groups. These groups have elected representatives who have enormous powers under the Act. They are able to issue notices that can halt work on a premises until the necessary work is carried out to make the workplace more safe. The Act requires employers to meet standards that have been set down. If that in fact is the case that applies under the Occupational Health and Safety Act 1985, one may wonder whether the same rules will apply for safety representatives and the issuing of orders that apply in the public safety areas. It is nonsense to extend these provisions into the public safety arena.

The Bill appears to be another example of the government and members of the trade union movement doing deals on health and safety. The employers were not fully briefed during the formulation of the Bill. It is typical, as it happens all the time in the industrial relations and occupational health and safety areas.

The Occupational Health and Safety Act provides an appeal mechanism for an arbitrator to decide on a dispute that has occurred in the workplace. The Industrial Relations Commission has dealt with this area and one can see that the decisions will certainly favour the trade unions, as the government has appointed most of its friends and colleagues to the commission.

The Occupational Health and Safety Act shows the strength and faith that the government had in this area when it introduced the original Bill in 1985 during the period of the Nunawading Province debacle. The government pushed through the the Occupational Health and Safety Bill. The Opposition believed that proper consultation had not taken place and that the Bill was flawed. This Bill is also flawed!

Has the government figures which indicate that since 1985, when the Act was passed, accidents have reduced and that Victoria is a safer place? One need only examine the WorkCare figures to find that accidents in the workplace are increasing. The Occupational Health and Safety Act has failed; it has not created a safer workplace in Victoria. The Bill is doomed to suffer the same fate, especially with public safety. How will the Bill ensure that the public arena is safer? It will take more than legislation to ensure that the workplace is a safe environment. We do not need a hammer between the eyes to ensure safety in the workplace because it should be more of an educative process. The Opposition would support that sort of initiative.

I do not support the government in its assumption that the repeal of specialist Acts, the Boilers and Pressure Vessels Act, the Lifts and Cranes Act, and the Scaffolding Act will ensure a safer workplace. Indeed, it will add more confusion in the workplace.

The Hon. P. R. HALL (Gippsland Province)—The National Party opposes the Bill principally because it believes the Bill will not achieve its objective of ensuring safer

working conditions in the workplace. Rather, the Bill will replace the specialist inspectorate duties which were formerly encompassed in the Boilers and Pressure Vessels Act, the Lifts and Cranes Act, and the Scaffolding Act, and it will replace those duties under the general terms of the Occupational Health and Safety Act. This will lead to a reduction in the safety standards in the workplace.

Areas such as pressure vessels, lifts and cranes and scaffolding are technical areas which require regular inspection to be carried out by those with sound knowledge of their operation. The transfer of the powers of inspectors to the provisions of the Occupational Health and Safety Act will mean a reduction in the quality of inspection and also a lengthening of time between each particular inspection.

Under the present schedule, boilers and pressure vessels are inspected annually. This cannot be guaranteed if the Bill is passed. I understand that in some of the other technical areas covered by the proposed legislation, the inspection periods will be extended from a four-yearly inspection to an eight-yearly inspection. This is far from satisfactory and it will not improve safety in the workplace.

We cannot afford to reduce or sacrifice safety conditions in the workplace. The record is bad enough. Last week I received a publication at my electorate office of the National Occupational Health and Safety Commission, March 1989, which has a headline, "Appallingly high job fatalities". The article in part states:

> The Minister for Industrial Relations, Mr Peter Morris, has described work-related fatalities in Australia as appallingly high.
>
> Mr Morris was releasing details of the findings of the first major national study of work-related fatalities at a news conference in Sydney.
>
> "Each week, an average of eight Australians are fatally injured at work and 6000 suffer injury for which they are compensated," Mr Morris said.

Those figures were only weekly figures. Across Australia there are eight fatalities in the workplace every week. When one multiplies that figure by 52 one finds that more than 400 people a year are killed in the workplace. Those who have received compensation number 6000 a week and when one multiplies that figure by 52 one finds that more than 300 000 people a year receive compensation for accidents in the workplace. Those figures appear to be high but one must remember that those figures are for people who have received compensation and have been off work for a period of five days or more. They do not include those people who have been injured at work and who have been off work for less than five days.

Although the figures are high they grossly underestimate the injury risk faced by people in the workplace. The report on the main study findings, published in the March 1989 issue of *Worksafe Australia*, says:

> Overall, the annual cost of workplace death and injuries, including compensation, lost production, retraining and welfare is about $9600 billion.

The study found that, between 1982 and 1984, 1738 deaths resulted from injuries at work. That figure can be broken down as follows: 1544 deaths in the civilian labour force, of which 1278 were workplace deaths and the remaining 266 were people killed commuting to or from their jobs. Those findings highlight the problems in the workplace.

The National Party opposes the proposed legislation because it believes it will create greater risks in the workplace by reducing the quality of inspectors. The proposed legislation also refers to safety in public places. The Occupational Health and Safety Act already deals with safety issues in the public arena and the proposed legislation will put all requirements for workplace safety and even safety beyond the workplace in the same Act. Why have those provisions been lumped together? To use the

Minister's words as recorded in his second-reading speech, "to avoid costly duplication of legislative controls". The National Party is all for reducing unnecessary government spending, but not at the expense of making the workplace more unsafe for hundreds of thousands of Australians. It is for this principal reason that the National Party will not support the Bill in its entirety but will support amendments foreshadowed by the Liberal Party.

The Hon. C. F. VAN BUREN (Eumemmerring Province)—I have much pleasure in supporting the Bill because it is of real relevance to the electorate I represent, which has within its boundaries a number of factories in which occupational health and safety are of great importance.

The Bill amends the Occupational Health and Safety Act 1985. Mr Craige, in his contribution, asked why there was a need for change. There is always a need for change. Governments have to keep up with changing conditions in the work force in just the same way that the Liberal Party thought there should be a change in its leadership. Mr Craige also asked if the Bill will mean a safer Victoria. The government has done more to protect the work force and to make the workplace safer than any previous government. I ask honourable members to compare its record with that of the Opposition when it was in government for 27 years.

The Bill will ensure that there is adequate occupational health and safety training, something that did not exist under the administration of the former Liberal government. It enables employers and workers to be aware of health and safety issues. The government has educated people so that they are aware of health and safety issues in the workplace.

The government's record on health and safety is very good. It has done more for health and safety than any previous government. The National Party, in its usual way with anything that concerns working people and improving their safety in the workplace, raises problems with the proposed legislation. Whenever the government introduces legislation of this kind the National Party opposes it. That is its record.

The Bill widens the operation of the principal Act to cover the construction and use of prescribed plant. The Bill will allow the Act to cover lifts and cranes, and boilers and pressure vessels, as well as scaffolding. Its aim is to ensure that the wider public is protected, not just employees. The Bill will ensure that the proprietor of a property takes such measures as are necessary and practicable to ensure that plant is safe and without risks to health and property if properly used.

Mr Hall said that the provisions in the Bill could not be policed. The provisions will be policed better because of powers in the principal Act; inspectors appointed by a municipal council will be able to inspect scaffolding. I know members of the National Party will try to ensure that the Act does not work effectively and they will say that local government should not be involved in this area. The appointment of inspectors is an important part of the Bill. Inspectors require an appropriate certificate to ensure that they are properly trained and qualified and they will be answerable to the Director-General of Labour. More people in the field will mean greater safety for employees.

The opposition parties always criticise the government for introducing legislation that allows for the election of people as health and safety representatives. I worked in the printing industry and I am aware of the sorts of injuries that occur in the workplace. We had to cart large formes in that industry and people were often injured. Years ago people did not worry about injury in the workplace but people are concerned about the issue now. Health and safety representatives in industry ensure greater safety in the workplace and will assist the inspectors who will be appointed.

The Bill is the result of wide consultation with community groups, unions and employers. These groups have different points of view and they have been considered. The Bill is a necessary part of the government's legislation program. It is a key part of the government's program to improve the conditions in the workplace and to reduce the level of industrial accidents.

The former Minister for Labour in the other place, now the Minister for Police and Emergency Services, should be congratulated on his campaign for safety with reference to the "Up there for thinking" slogan. Many workers and union officials have told me that the campaign had a significant effect because it had some value and showed that the consultation process was important. The provisions of the Bill will assist in that respect.

Also the Bill will protect the public against dangers associated with cranes, building scaffolding and other erections on work sites. In line with the government's economic policies, buildings are popping up all over the place. Building construction is creating jobs. One would notice the dangers associated with scaffolding throughout the city and metropolitan areas. In my province—particularly in Dandenong—buildings are being erected in many locations, as well as in places like Hallam. The Bill will protect the public from injuries as a result of scaffolding accidents on building sites.

One reason for the introduction of the Bill was the accident at the Simsmetal Ltd premises when a number of workers were killed or injured in the plant, which employs 500 workers. The Bill will ensure that that does not happen again because of its monitoring provisions. The Bill will protect the public from risk because a furnace blast at a location like the one at Brooklyn could injure not only workers but also those outside the premises. Risks will be minimised.

The government has introduced a number of measures regarding occupational health and safety considerations. The government has an excellent record in this regard. The provisions will ensure a safe workplace. Every worker has the right to demand a safe workplace. The Bill will provide a continuation of the initiatives taken by the government and should be read in conjunction with a number of other Bills, including the Bill relating to dangerous goods that will come to this place; those provisions should be supported.

I am not sure whether the Liberal Party supports the Bill, although I think Mr Craige supports the provisions through his proposed amendments. I do not know about the National Party.

The Hon. W. R. Baxter—Mr Hall said that the National Party was voting for the Bill at the second-reading stage and supporting Mr Craige's amendments.

The Hon. C. F. VAN BUREN—I am sorry; I did not know the National Party wanted to amend a Bill which has been presented only after consultation with unions and employers; the provisions in the Bill have been agreed to by them. Why fight provisions that tackle problems in factories like those that occurred at the Simsmetal Ltd premises, and others that have caused injuries in factories? The presence of asbestos is causing a problem.

The Bill should be passed in its present form because it has been prepared only after extensive consultation. I commend the Bill to the House.

The Hon. G. B. ASHMAN (Boronia Province)—Health and safety can only be achieved through consensus in the workplace. Only a limited scope exists for legislation to achieve such safety. The Bill provides for measures to be taken against employers who fail to comply with standards, but most employers are sufficiently responsible to understand the value of health and safety within a workplace.

The Liberal Party has concerns about the Bill in its present form. It aims to broaden the Occupational Health and Safety Act 1985 "to apply to lifts, cranes, boilers, pressure vessels, scaffolding and amusement structures at workplaces and elsewhere". The Liberal Party adopts the view that the Bill is flawed.

In the second-reading speech the Minister for Industry, Technology and Resources stated:

> The safety requirements for equipment, whether in a workplace or elsewhere, do not differ.

That view is not shared by the Liberal Party. That sentence suggests that requirements in the workplace differ from those in public areas. Employees in the workplace are trained in safety procedures; they understand the equipment and the environment in which they are working. Health and safety representatives are available in the workplace; if a problem arises, it can be promptly brought to the attention of management and if action is not taken, procedures exist for the problem to be addressed.

It is different in the public arena. The public has a right to expect areas to be as safe as possible, whereas areas in the workplace should be as safe as practicable. The public has no experience in the operation or understanding of equipment in a public area. They expect and have a right to know that an area is safe. Therefore, the two definitions I put forward are appropriate.

I refer to the unfortunate incident at the Dandenong swimming pool when a young student was injured; as a result of a wall collapse there she is now a paraplegic. That student and the other schoolchildren had a right to know that the area was as safe as possible. The Bill is not appropriate for public safety considerations.

I am also concerned at the proposal requiring municipal councils to appoint scaffolding inspectors. Who will pay the salaries and what training will the inspectors receive? Regardless of the size of councils, will they be required to appoint inspectors? I also have concerns about the principles in the Bill relating to the judicial procedures to apply under the jurisdiction of the Industrial Relations Commission. Mr Craige has dealt at length with those provisions and I shall not again discuss them because of the volume of proposed legislation to come before the House in the next few days.

Workplace and public safety can best be served through a strong inspectorate, particularly in relation to the workplace, through worker participation and a strong bipartisan approach to safety. Specialist Acts are required to protect workers and the public; the provisions for each should not be rolled into one Bill.

The views of the Small Business Association of Victoria and the Australian Chamber of Manufactures on the provisions of the Bill are important The association states in a letter:

> SBAV is totally opposed to the subsuming of the specific legislation, boiler and pressure vessels, lifts and cranes and scaffolding, as it clearly will put public safety at risk. Additionally, recourse to the civil courts will be lost in favour of the industrial commission.
>
> This would create a cosy club for the union and the Department of Labour.
>
> We are also opposed to the delegation powers to local councils that flows from the passage of the above amendments planned by the government.
>
> SBAV called of the Liberal Party to oppose the legislation.

In a letter of 10 May 1989 the Australian Chamber of Manufactures states:

> ACM believes that far from avoiding possible confusion by the intended amendment, that to encompass matters of public safety in an Act focusing on health and safety in the workplace, has the potential of creating confusion. The issues associated with public safety as those associated with workplace health and safety are sufficiently important to warrant distinct pieces of legislation.

The Liberal Party foreshadows a number of amendments during the Committee stage of the Bill that will seek to create two separate Acts, one dealing with public safety and one with workplace safety.

The motion was agreed to.

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

TRANSPORT (AMENDMENT) BILL

The debate (adjourned from May 11) on the motion of the Hon. B. T. Pullen (Minister for Housing and Construction) for the second reading of this Bill was resumed.

The Hon. ROBERT LAWSON (Higinbotham Province)—The Transport (Amendment) Bill is a Bill to amend the Transport Act 1983 to repair the damage caused by the government in its attempt to create a megadepartment to administer public transport. The newly elected government wanted to make its mark on the transport system in Victoria. It decided that bigger was better, and VicRail and other agencies, such as the Country Roads Board were abolished and their structures incorporated into one Ministry of Transport. It has lasted up to this time, with varying degrees of success. A number of directors of transport have come and gone. The government advertised with increasing desperation for new executives to manage the transport area and engaged new people, but they disappeared also. The government has claimed that great economies have been gained over recent years under the Transport Act, but that is not borne out by the facts. I believe the government is talking about the Indians in that respect—those people who work at the coalface—but it has not gained the economies in the corporate sector.

If one examines the Budget over the past few years, one finds that there has been an enormous growth in the cost of running the transport system. It now costs the State approximately $1 billion a year to subsidise public transport in Victoria. When the Liberal Party was in government it cost $300 million a year to run the system, but now that has blown out to $1 billion. The government claims that it is a better service and that patronage has increased. That is true, and new trams and trains are being put on the rails, but this was brought about only because the government was prepared to spend enormous amounts of money for new rolling stock. Rolling stock has not been utilised efficiently or economically.

I direct attention to the latest newsletter of the Public Transport Users Association Inc., volume 13, No. 3 of May 1989. That association takes a different view from the government on the running of the transport system. That association, formerly the Train Travellers Association, takes a close interest in everything that goes on in public transport, whether it be trains, buses or trams. The newsletter states:

> The $400 000 study of central area public transport proposed in the CATS draft final report (reported last issue of *Transit News and Views*) was raised. We indicated that the association is anxious to be closely involved in the study and, in particular, in a trial of improved off-peak services proposed by the transport Minister during a meeting with the PTUA. Met officials seemed unaware of both projects. We will take both matters back to Mr Kennan.

Officials of the Met knew nothing about the final report or of the trial of improved off-peak services. The newsletter continues:

> The Met management freely admitted that there has been a serious deterioration in rail service standards over the last few months, due in large part to the recent floods, industrial unrest and staff shortages. We gained the impression that the Met management sees itself as powerless to alter the situation.

The newsletter refers to the light rail patronage and particularly to the new services operating to Port Melbourne and St Kilda. The newsletter continues:

> The survey, from MTA research data, reveals a significant loss of patronage on both light rail lines at peak periods.

line	*a.m. peak*	*p.m. peak*
Port Melbourne	– 30%	– 28%
St. Kilda	– 4%	– 27%

During the second-reading speech on the Bill the Minister gave a glowing account of what has occurred in the transport system since 1983. We were given to understand that all was well. If all was well, why does the government want to alter the system? All the government is doing is restoring the structure of the transport system to what it was when the Liberal Party was in government. Apart from lesser changes, everything is much the same.

The second-reading speech states that the outcome of the Bill will be an improved service to the public and an overall reduction in the cost of running public transport and managing Victoria's roads. The second-reading speech states:

> The amendments also represent a continuation of the work we began in 1983 to improve the efficiency and effectiveness of Transport Victoria. Honourable members will recall that the amalgamations effected in 1983 drew together transport authorities in the same lines of business so that Victorians could enjoy an integrated service instead of the pre-existing piecemeal services.

The government made these claimed improvements, but the system is reverting to what it was before.

It says there will be a reduction in unnecessary duplication between the amalgamated authorities, thereby reducing overhead costs. If that is not an admission that the various authorities it created are causing unnecessary costs, I do not know what is!

The Bill, according to the government, will now permit integrated planning to make better use of land, infrastructure, rolling stock maintenance and other facilities. Why all of this was not done five or six years ago, we will never know, but the government is bringing up the issue in 1989. Another change espoused in the Minister's second-reading speech was clearer and simpler management responsibility and accountability. I should hope that would be the case. It is about time we had clearer management responsibility and accountability. There has been little of it in the years since 1983.

Another change is a wider range of career opportunities for staff, more coordinated training and development capability with consolidated training and development activities as well as simpler and more effective implementation of award structuring. The Liberal Party congratulates the government on these aims and we hold our breath and hope that they actually do happen but, judging on past performance of the present government, we have our doubts.

The Minister's second-reading speech states that there will be integrated fares and ticketing for Melbourne's trains, trams, and buses, and better integration of service timetabling. The Public Transport Users Association comments on that point in its journal, which reads:

> The Met confirmed what we have suspected for some time: that the new fare system will follow the "three concentric zones" model, first introduced by the Liberal government in 1980.

So we have gone full circle, as it were. When the honourable member for Berwick in another place, Mr Maclellan, was Minister of Transport he introduced the concept of the three zones with the central zone around the central business district, further out the inner suburbs zone, and a larger zone in the outer suburbs. So in effect we had a

bullseye, but the government was not satisfied with this, and in the course of 1983 and afterwards it changed the system to a much more complicated one. Yet now it is happening all over again. The former Liberal Minister's concept was excellent and the government will not acknowledge that it was excellent; instead it will just adopt his scheme.

The Minister also stated that operating expenditure has been reduced by $114 million in December 1988 over the three years to June 1988. One would have to look into the Budget figures to check this, but I think the government is referring again to operations because the cost of running the Met itself—that is, the corporate cost—has certainly not decreased. Perhaps the operating expenditure has decreased, but not the corporate cost, and that is what we are trying to address in the Bill.

The government refers to roads and the Minister's second-reading speech states:

> Rather than continuation of the ad hoc planning of our predecessors, provision of extravagantly high-standard facilities, and funding allocations based on historical patterns, the government has put considerable effort into developing strategies to guide the future management and development of the road network.

I point out that under previous governments the Victorian road network was the envy of the rest of Australia. If one travelled to any State of Australia one found that the roads were inferior to those in Victoria, and this was particularly true of the country areas and, perhaps to some lesser degree, true of the metropolitan areas. But there is no doubt that we have a superior road network in Victoria.

Since that time, however, the country road network has deteriorated and a number of debates have taken place in this Chamber expressing the views of the various road authorities and local government authorities who are in desperate trouble with their road funding and road maintenance programs.

A number of country shires and municipalities have actually had to put a harrow through the surface of their bitumen roads to bring them back to a gravel surface because they can no longer afford to maintain a bitumen surface on the roads. Hundreds of bridges throughout Victoria need to be renewed but little work has been done in this respect. We can only hope that if the Minister can save money on corporate services, this money will then go to where it belongs—into roads and other forms of public transport.

The Minister's second-reading speech also referred to:

> . . . selectively improving particular corridor and circumferential routes to support the orderly development of the metropolitan area.

If what the government describes as the South-Eastern Arterial Road is an example of the new regime in roadmaking, then heaven help us! A debate was held on the enabling Bill before work on the road started. The Liberal and National parties pleaded with the government to build overpasses on that route, to spend some extra money, if necessary, and to install flyovers to eliminate traffic intersections.

Burke Road is an example one could use to horrify anyone and to show what should not be done in the area of road construction. It would have been much more economical to build bridges and flyovers at that point to keep the traffic flowing.

I notice statements in the newspapers that there has been a significant increase in the number of people suffering from asthmatic conditions in that area, and it could be attributed to vehicle exhausts. Whether that is true or not, we do not know, but there is certainly a terrible haze over the valley now because of the exhausts of stationary cars in peak periods, end to end, in that particular spot on the South-Eastern Arterial Road. The Liberal Party does not have faith in the government or in its ability to build roads and to solve the traffic problems of the metropolitan areas.

I shall return now to railway transport. It has been said often that the Liberals do not really understand industrial relations and I am sure that government members would endorse that view because they support the present Minister for Transport in dealing with guards on trains. He decided that the guards were doing little good for the railway system by being isolated in their little compartments at the end of the train, where they looked out on the station, holding the flag, and pressed a bell to alert the driver that it was time to go again.

The Minister decided that the guards should come out of their compartments and go into the trains with the passengers. They would not have to act in a policeman's role but perhaps would carry a portable telephone or something similar so that if trouble started they could ring up and ensure that police were at the next station.

There is no doubt that manning carriages would also help to prevent graffiti. If one rides on a tram one sees no graffiti because a conductor is present at all times. He does not have to fight people or throw people off the trams; he is just there as a symbol of the authority of the tramways.

The Minister decided it was time the guards came out of their little compartments at the back and not the passengers. He had great success. The guards are no longer in a little compartment at the back of the train pressing buttons and holding up the flag instead they are in a compartment in the centre of the train pressing buttons and holding up the flag!

The Liberals could not have made a tremendous breakthrough like that! We are not capable of it and we could not have negotiated the way the present Minister for Police and Emergency Services did when he decided, two or three years ago, to reduce the number of staff in the Victorian railways. He negotiated a golden handshake and was able to persuade a number of key railway staff to leave because they were well paid to do so. The only difficulty was that the government discovered that the key people had gone and the semi-skilled workers had stayed behind.

The authority had to hire more staff and ended up with more workers, at a cost of $90 million. The Liberal Party would not be capable of negotiating such a wonderful industrial deal as that! One can see that the Liberals are not good at industrial negotiations because they do not manage to come up with industrial relations solutions such as those! Although the Liberal Party has grave doubts about the Bill, it applauds its nature, which implies that there should be some effort made to clear up the mess that is to be found in transport generally. If the government can improve the public transport system, the Opposition will be very glad about that. The Opposition has a watching brief on the subject.

Honourable members might recall, too, that the Victorian railways managed to get itself into the *Guinness Book of Records* a couple of years ago when an episode was reported to it by Mr Ken McIntyre who was then the Chairman or Secretary of the former Train Travellers Association. He reported that an electric train quite inadvertently went on a circular tour around the western suburbs of Melbourne. Although the destination board stated a certain destination, somehow the train did not arrive there and was put on the wrong tracks.

The train went to Werribee. It was eventually discovered that the wrong train had arrived at the wrong place and it was then diverted to the west. The train travelled to the western suburbs and, eventually, after a long time, travelling for many hours, it got back to its original destination. I recommend honourable members read the *Guinness Book of Records* to find out more about this marvellous lost train. There was a film made about a lost train; but we had our own right here in Victoria!

The Opposition is concerned about transport, and so it should be. The transport system will not be cleaned up until the Liberal Party is returned to power. In the meantime all we can do is have a watching brief and direct the attention of the government when and where possible to the mistakes made in respect of transport in Victoria.

The Hon. D. M. EVANS (North Eastern Province)—The National Party notes this important piece of proposed legislation which will have a substantial effect on restructuring the reorganisation of transport in Victoria. It is not certain, however, as to how efficacious the amendment and the restructure might be.

Honourable members have already seen several restructuring attempts in the past four or five years since this government came to office, and it seems once more we are chasing around the mulberry bush and hoping to goodness we can catch something; this something, it can simply be said, is a greater degree of efficiency in the public transport system.

In his laudable and hopeful second-reading speech the Minister for Housing and Construction noted that there should be an overall reduction in the costs of running public transport and managing Victoria's roads. It would appear that the major savings are going to be in administrative costs and, given that the workface or the coalface out on the road is where the major costs are incurred, surely it is an indictment of the previous system that further savings can be made in management.

It is also worth noting that a very substantial portion of the total Budget in Victoria is spent by the Ministry of Transport. I note, even in the Minister's second-reading speech, that 7·1 per cent is predicted to be spent on public transport authorities in 1988–89 and, of course, a very substantial amount of money also will be spent on the road system.

It should be remembered that 7·1 per cent adds up to just under $1000 million to be spent on the public transport system. There are a number of indications in the second-reading speech of substantial cost savings. It states that, during the five years to the end of June 1992, it is expected that approximately $104 million will be saved. That is a cost saving of about 2 per cent over that period.

What is not spelt out in the second-reading speech and I suggest very coyly is not spelt out, is the actual amount of money spent on the public transport system. That is not gross revenue or gross expenditure; it is the amount the public purse has to put into the public transport system simply to prop it up. Even if there are some economies brought forward as a result of the proposed legislation, there will still be a substantial distance to go.

The real intention of the proposed legislation is to bring the Victorian transport system more securely under the control of the Minister and further away from advice. It will be more and more under his direct control and direct influence. The Bill proposes the setting up of the Public Transport Corporation and the Roads Corporation, and combines within those organisations V/Line, the Metropolitan Transit Authority, the Road Traffic Authority and the Road Construction Authority. In doing so, it is hoped to achieve the savings to which the Minister's second-reading speech referred.

It is hard to understand exactly how all these economies are to be achieved unless the real purpose of the Bill—and we suspect it is—is to give the Minister himself a greater degree of control over the Victorian transport system.

So far as country people are concerned, there is a grave suspicion that, as a result of that control and as a result of the smaller number of authorities—just two authorities

dealing with the whole of the Victorian transport system—it will be easier to hide where the expenditure is incurred, where the income is generated, those sections of the public transport system that are profitable or nearly so, and those systems that are inefficient and subsidised by more efficient systems. The country people of Victoria are very suspicious about that because there is a great deal of evidence to suggest that grain and heavy transport from country areas of major primary production is profitable and propping up the inefficient metropolitan system.

The National Party also notes in the second-reading speech the number of recent initiatives taken in road safety, including speed and red light cameras, public education, doubling of random breath testing, increased penalties, accident black spot areas, and issues of that nature. That may be true. Nevertheless, the awful fact is that, after a consistent decline over the past fifteen years in deaths on Victoria's roads, inexorably the toll is starting to rise again. Even if certain initiatives have been carried out there is still a great deal of work to be done. I suggest that a major cause of accidents is the lack of a safe road system together with some degree of carelessness on the part of motorists. There is a limit on how far the duty of care on motorists can go, and the road system itself can provide the hazards that cause many accidents. I shall deal with that point later.

It is worth noting that my colleague in another place, the honourable member for Warrnambool and the National Party spokesman on transport, has carried out an important task to determine the National Party's attitude to the proposed legislation. He has done what, remarkably too often, this government does not do; that is, consult with the actual user groups. He has not worried about unions; he has consulted user groups to ascertain their views about what the customers of the shop might think of the transport system. Perhaps that is not a bad way to go if one wants to reduce the operating deficit: give the customers what they want, and perhaps they will come through the shop door.

My colleague in another place had the good sense to hold discussions with people such as the Public Transport Users Association Inc., the Bus Proprietors Association, the Victorian Taxi Association, the Royal Australian Automobile Club of Victoria, and the Victorian Farmers Federation.

I understand he will also have made contact with some of the unions. Indeed, it was my pleasure on an occasion some weeks ago in my electorate at the opening of a railway bridge in Echuca to hold brief discussions with Mr Frank Hussey of the Australian Federated Union of Locomotive Enginemen. That discussion was most illuminating because it highlighted his and his union's concerns at the drift of freight from the Victorian country rail system on to the road system. Mr Hussey made some worthwhile and sensible suggestions about how that trend could be addressed.

It is essential that we direct some of our attention to those issues. My colleague in another place, the honourable member for Lowan, who was the previous National Party spokesman on transport, has for a considerable period underlined and brought before the Parliament, the press and the public of Victoria the essentiality of a better freight system for the heavy transport of primary produce, especially the obvious one, the wheat industry.

The honourable member for Lowan has constantly suggested that the freight component of grain in Victoria should be based on a wheels-up cost only and should not include the cost of repairing, maintaining or providing the rail lines on which the freight transport is running. It might not seem a great deal but the calculations made by the honourable member show a saving of about $4 a tonne, that is, about 12, 14 or 15 per cent on grain freight on average; from $22 a tonne average to $18 or $19 a tonne.

That might also sound as though it is giving the farmers the benefit. In fact, it does give them a benefit but it also makes rail transport more competitive with other transport systems, especially the road system. It means that instead of a substantial amount of grain freight going to other States, especially to South Australia and, to a lesser extent, to New South Wales, it is kept within the Victorian system.

It might be said that it is using a sprat to catch a mackerel to encourage customers back to use the V/Line system. What it will do is possibly put another 500 000 or 1 million tonnes of grain on the rail freight system, give V/Line more income, take grain freight off the roads and, if the honourable member for Lowan's calculations are correct, lead to a direct profit of up to $45 million per annum for V/Line. At the same time, it will give the farmers some costs savings. It sounds as though the National Party's idea of setting grain freight on a wheels-up only basis is not only sensible from the farmers' point of view but it could also prove to be good business and take a lot of heavy traffic off Victorian roads and put it back on the rail transport.

I mentioned Mr Hussey from the Australian Federated Union of Locomotive Enginemen. That is exactly the point he made to me some weeks ago in Echuca. His union wants to maintain and expand the services provided for freight in country areas by the train system. The best way to do that is to make it a good, competitive way of transporting grain. It is essential that during the Committee stage amendments are made to the Bill to ensure that grain freight is on a wheels-up basis.

Some of the issues I want to mention in the debate are perhaps a little small and even parochial to some extent. One is the issue of the train stopping at a little station in my electorate, Glenrowan. Glenrowan has had a railway station for a long time. It was certainly there in 1880 because that is where the Kelly gang sought to derail the train and the battle of Glenrowan took place leading to the capture and eventual execution of Ned Kelly. So Glenrowan has had a railway station for probably 110 years. Constant attempts have been made by the Victorian railway system to close that station. Currently it provides a one-day-a-week service for residents of that town, especially pensioners. I met with some of them the other day and I was told that although the train continues to stop there they are concerned it may soon cease servicing the township because some of the signalling gear may shortly be removed. That will mean that the train simply will not stop.

It is interesting that if one goes to Spencer Street to book on the train to Glenrowan, the attendant at the booking office will call it up on the computer and tell you that Glenrowan is not there. The railway computers at Spencer Street do not recognise the service. One needs to convince the clerk behind the counter, so I am told, that one can actually travel by train to Glenrowan. If one convinces the attendant of that, the next step is to obtain a ticket. The attendant does not know what the fare should be. Every possible barrier is put in the way of somebody wanting to travel from Melbourne to Glenrowan. The railway system is hoping to simply close down the service through lack of patronage. Given modern electronic systems, that sort of utter stupidity is hard to imagine.

One point made during the National Party negotiations and discussions on the Bill was the efficiency of private bus lines. Grenda's Bus Service, for example, in the past 45 years has had something like nine days of industrial action. That is, one day in every five years for a major bus line. Surely that is a clear indication of the efficiency of the private bus service.

Another issue of concern that to some extent impinges on the road safety issue is that of school buses. For a considerable period and on behalf of many school communities, school committees and parents in my electorate, I have written letters to the Minister and raised in the House the issue of school bus safety and especially

the fact that as many as ten students are allowed to stand on school buses for distances of up to 12 kilometres on narrow country roads.

I have also said that the calculations that are used to determine how many students can travel on a school bus are no longer suitable for modern bus seating configurations. A Federal Parliamentary committee inquired into bus safety and the Victorian authorities made a submission to that committee about twelve months ago. That committee is no longer in existence—it has not been reappointed. I suggest that an inquiry into the issue of school bus safety by a Victorian Parliamentary committee is needed. Perhaps the Social Development Committee or a similar committee could determine whether the real fears expressed by so many country people and parents of students in country areas who use the school bus system are justified.

Another issue of importance to people in country areas is the sale of surplus land, especially surplus railway land. Two constituents of mine, Mr Cheesley in Wodonga and Mr Jeffery in Myrtleford, in recent times have had battles to save the premises in which they conduct their businesses simply because those businesses are on leased railway land. They are likely to be either forced out by some wealthy person purchasing the land and their business premises or, alternatively, forced to pay through the nose for something that in the case of Mr Cheesley was built up over many years or in the case of Mr Jeffery was bought in good faith believing that the government was a good landlord.

This is a vexatious issue and one that is not being handled well by the government. It is simply a means for the government at this time to raise additional funds to meet its inexorable and absolutely insatiable desire for funds, to make up for the shortfalls in its own management of the Victorian Economic Development Corporation, VicFin and a few other issues and to try to keep the State solvent.

I hope a Liberal–National party coalition government will be in office after the next State election. I do not know how that coalition will meet the dreadful financial problems with which it will be faced. It does not appear that there will be much land to sell to meet those problems at that time.

The next issue is road funding, a perennial and vexed issue. The Royal Automobile Club of Victoria is currently running a major campaign Statewide suggesting that the government should levy an extra 2 cents a litre on petrol and diesel fuel sold for road transport use in Victoria and that the moneys so raised should be put straight into road funding.

The government will need every single cent of revenue that will be raised by the 2 cent increase on every litre of fuel. However, if the government achieves that increase, unfortunately, what will occur in the next year or two will be that funds from other sources will dry up. The funds that come through from the Commonwealth and other funds that are not necessarily earmarked for road funding will go in some other direction. There will simply be a substitution, and yet the very important road system in this State is falling into disrepair.

I suggest a substantial amount of the problems with road safety and deaths on the roads is caused by poor road surfaces, poor road conditions, poor alignment of intersections, and a number of other issues of that nature. Yet, despite the Minister's disclaimer, the amount of road funding is being constantly reduced.

The issue of road safety is one that I believe also needs to be fully addressed. Some time ago it seemed to me that there was an issue with regard to the transport of dangerous or intractable goods, flammable or explosive substances and the like. I live not very far from the Hume Freeway, which runs through my electorate, and tankers travelling along that freeway are constantly overturning, even on the best sections of

the freeway. It is a dual-lane freeway, so there should be no reasonable excuse for such accidents.

I suggest one of the key factors is the speed at which transports move. My colleagues in this House have already referred to high transport speeds, and I have been followed at speeds of up to 130 kilometres an hour—indeed, on some occasions, even more—by fully laden transports. In addition, I am afraid there may well be a number of drivers who do not take the necessary rest periods and do not comply with the road laws. It is very difficult for the police to address these issues because the use of a fairly good system of CB radios enables truck drivers to be warned immediately the police are out. The police catch very few of the transgressing truck drivers.

Particularly with regard to the very dangerous freights that are sometimes carried, such as the flammable or explosive freights or dangerous chemicals, I believe it is now time to strengthen and make more stringent the requirements on the licence-holders who drive such trucks. There should be not only a test of their fitness and their knowledge of the road rules and the compounds that they carry but also some form of mechanical measuring and recording of the speed of those transports, the time at which the driver is at the wheel, and so on. I believe that is technologically possible and should be a mandatory requirement for those who want to be licensed to drive trucks that carry dangerous goods.

The speeds at which the trucks are permitted to travel should be returned to the proper 100 or 110 kilometres an hour; the drivers should be made to take the mandatory rest periods every 3, 4 or 5 hours; drivers should not be able to drive from Melbourne to Sydney in one night and then return immediately.

Particularly where dangerous loads are concerned, if these issues are addressed, there will be a substantial reduction in the number of road accidents. If this method is successful, it could well be extended to other road users also, and it may be possible to deal with accidents that so often happen when semitrailers go out of control, overturn themselves, smash into trees, flatten out poor innocent motorists and their cars, or alternatively, on occasions, become involved in collisions with similar vehicles. These things need to be done. If this Bill is to bring about a more efficient road transport system, these are some of the issues that need to be dealt with.

The National Party will seek to move an amendment to the Bill to cover the wheels-up costs of freight transport for grain, and it will also propose a couple or other amendments, which I shall move and discuss in the Committee stage at the appropriate time.

With the comments that I have already made, I indicate that the National Party does not oppose the passage of the Bill. However, given that the Minister for Transport is obviously intent on taking a greater degree of control over the road and rail traffic system of Victoria and the road safety issues—this appears to be the key issue of the Bill—I point out that if he gets his wish, the National Party will expect the Minister to perform.

The motion was agreed to.

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

VALUATION OF LAND (AMENDMENT) BILL

The debate (adjourned from April 19) on the motion of the Hon. M. A. Lyster (Minister for Local Government) for the second reading of this Bill was resumed.

The Hon. K. M. SMITH (South Eastern Province)—The Bill will enable the completion, as it were, of the transfer of the Valuer-General's Office from the Local

Government Department to the Department of Property and Services. Indeed, the Bill will complete the transfer and tie up loose ends.

Although it is a simple Bill it deals with a number of complex issues and it required many hours of discussion with the Valuer-General. When it is passed, it will be invaluable to valuers, local government, and others who are involved in the valuation of land. Through the Minister for Local Government who is handling the Bill in this place, I should like to thank the Minister for Property and Services for making available the Valuer-General and his staff to members of the Liberal Party and the National Party to engage in free and open discussion about the Bill and address the many difficulties that were uncovered in going through the Bill.

The Municipal Association of Victoria was also involved in the discussions with the Opposition. The Australian Institute of Valuers and Land Administrators Inc. was also consulted, and it was only too pleased to offer its opinions and advice. The Victorian Farmers Federation and many local councils also contributed to the information that was provided to the Opposition.

The Bill that appeared simple was found to have many flaws. Fortunately, the Opposition was prepared to examine those flaws and try to amend the Bill to bring it up to a format in which the government should have introduced it in the first place. The government needs to address the problems that it has allowed to remain in the Bills it has been introducing in the House, many of which are not suitable and are not up to a standard that would allow them just to be passed through the House.

In fact, one would have to go only through the number of Bills that have been presented in the House during this sessional period to note that very few of them have actually reached this House without amendment; and, in fact, even after they have left this House, they have been amended again.

It is not good enough that the government is prepared to allow proposed legislation to be introduced in the Upper House, or even in the Lower House, in such inadequate form. Its performance has been absolutely abysmal in that regard, and I hope, in the five or six weeks between this and the spring sessional period, the government will take a long hard look at itself and try to improve its performance in the presentation of Bills.

I am sure there will be many more occasions tonight on which honourable members will have to spend many hours in Committee attempting to fix up Bills for the government. I hope the government appreciates the fine work that the Opposition is prepared to do in sorting out the problems it has created for the people of Victoria.

The Valuer-General and his staff have been working under extreme pressure. I believe the office is some 20 or 30 staff short. That is certainly a considerable number. The problem really revolves around the amount of salary that the government is prepared to offer to staff in the Valuer-General's Office. I understand that people who do the same job and have the same qualifications in the private sector are paid approximately $45 000 a year, whereas the staff at the Valuer-General's Office are paid only between $33 000 and $37 000 a year. Therefore, it is no shock to me that the Valuer-General's Office is put under extreme pressure. The government really has to examine the areas in which it wants to spend its money.

If the government employed enough staff to do the job properly, it might be done. I am not a person who would encourage any government to throw money around willy-nilly by employing people who do not do their jobs properly. The government should employ the right people to do the right job. I am sure the Minister for Local Government will take that on board.

Honourable members have just heard how the government is prepared to waste a lot of money. The government wasted $111 million in its total mismanagement of the Victorian Economic Development Corporation; at Tricontinental Corporation Ltd there is talk of losses of anywhere up to $500 million, and at this stage WorkCare has unfunded liabilities in excess of $3 billion. I raise these matters because they demonstrate a waste of money. The government is prepared to throw money around and is not prepared to manage it properly.

The PRESIDENT—Order! I uphold the objection that the Minister for Local Government was about to make. I ask Mr Smith to return to the Bill.

The Hon. K. M. SMITH—Although what I said related to the Bill, I shall not point out any more government losses.

The staff in the office of the Valuer-General—which is grossly undermanned—have a horrific workload. This year they have undertaken 18 000 valuations on major projects which have amounted to more than $4700 million, which is a huge amount of money to be the responsibility of such a small number of staff.

The Valuer-General is also responsible for putting prices on V/Line properties. The Minister for Local Government has a horrified look on her face, but the fact is that the Valuer-General has to put a price on properties the government is trying to sell out from under the people of Victoria. Small business people will be thrown off their properties because they cannot afford to pay for them, based on the valuations of the Valuer-General.

Unfortunately one has to bring these matters into the debate to be realistic about what is happening as a result of government policy and its effect on the staff of the Valuer-General's Office who are harassed because of the amount of work they have to do.

My colleague Mr Chamberlain, who will be speaking on the Bill later, will be moving a number of amendments which the Liberal Party considers necessary so that the provisions of the Bill can be applied. Bills that leave this House must be in workable order. It is important that the provisions of Bills that are passed can be enforced without too much fuss or do not create too many problems.

Many issues have been raised by local government. Some of the problems that have arisen were not foreseen by the government. Mr Ian Brown, the valuer of the Shire of Flinders, has directed my attention to some of his concerns. I hope his legitimate concerns have been brought to the Minister's attention so that the problems can be addressed.

I refer to some matters of concern to local government which have been brought to the attention of the Opposition. The first relates to the valuation of properties with multiple occupancies as single assessments. The issue is important as can be seen from the development of large complexes, which include supermarkets and similar establishments, or properties where people are renting in a huge complex. People believe there will be a decrease in the natural value of the properties, and this would create enormous difficulties for local government.

The new Local Government Act provides that the occupier of the property will not be the rated person but that that person will be the owner of the property. Problems will be created because many people will be disenfranchised and not have the same opportunity of voting as provided by the present Valuation of Land Act.

The Local Government Bill and the Valuation of Land (Amendment) Bill go hand in hand; they complement each other. Many people who serve as councillors—and who may be the mayors of their cities or the presidents of their shires—do not reside

in the municipality in which they have been elected as representatives. Some of those people rent properties in their municipality. If they are renting a property in a complex they will not be listed as ratepayers. Mr Chamberlain reminds me that the City of Melbourne provides a classic example of the difficulties that will be faced if the Bill proceeds in its present form. The difficulties should have been foreseen when the Bill was being drafted.

The PRESIDENT—Order! I think Mr Smith's remarks are directed at the Local Government Bill, which has already been passed, rather than at this Bill, unless Mr Smith can directly relate those remarks to the Bill.

The Hon. K. M. SMITH—I believe I can directly relate my remarks to the Bill. I have referred to the valuation of properties and to people who will be rated in particular municipalities. In order to be allowed to vote, they must be nominated by a company which is paying rates. The Bill relates to the valuation of properties and a change in the person who will be rated—that person will be the owner of the property and not the occupier of the property. The two Bills go hand in hand. They will be proclaimed on the same day, and that is an important issue.

The Hon. B. A. Chamberlain—The Bill amends the Local Government Act.

The Hon. K. M. SMITH—Many occupiers who currently receive pension rebates will be denied the opportunity of getting their rebates if they occupy one of a group of rental flats because only one person will be registered, that person being the owner of the property, and not the occupiers of the various flats.

As I said, all these matters relate to each other. The problems associated with the provisions of the Bill have been directed to the attention of the Liberal Party and the National Party. I understand they have also been directed to the Minister's attention. I hope the matters can be discussed further while the Bill is in the Committee stage and that the Minister will have an answer to the problems which have been raised.

The sitting was suspended at 6.28 *p.m. until* 8.3 *p.m.*

The Hon. K. M. SMITH—Because so many members of the government who were not in the House before the suspension of the sitting are now present, I am tempted to begin again—but perhaps I should not!

Before the suspension of the sitting I referred to a letter that the Opposition received from the Shire of Flinders, which sets out the problems that will be created because the government has not thoroughly considered the provisions contained in the Bill. The letter highlights the problems that will be faced by occupiers of properties who are not the owners of those properties. They will not necessarily have the opportunity of voting at municipal elections and they will not have the opportunity of objecting to the rates levied on the properties they occupy. That is a major failure in the Bill. The Minister has received a copy of the letter and I hope that, during the Committee stage, the matters raised in the letter will be considered.

The proposed definition of farmland will cause problems. In my electorate there is a wide range of farm sizes—from 1 or 2 hectares up to thousands of hectares. Farmland is defined in the Bill as being any rateable land that is not less than 2 hectares in area. In my electorate that definition will cover many types of farms, including berry farms and vineyards planted by vignerons on small acreages in the hope that a living can be made from those enterprises. The proposed definition will cause problems for local councils because of the varying sizes of farms and the number of people who will have to apply to be assessed under the new farm rate.

Someone who grows vegetables or flowers for sale on a 2-hectare plot of land will have that land rated as farmland. Municipalities such as the Shire of Hastings look

after the interests of farmers. In particular, that shire, which is in my province, is trying to maintain a mix of varying sizes of farms. It is important that the owners of those farms are not driven from the land. If those farms are included under the definition of farmland, that shire will have to assess its priorities.

The problems faced by those who live in retirement villages are not addressed by either the Local Government Act or the Valuation of Land (Amendment) Bill. That deficiency is causing hardship for people who live in retirement villages. A local council that employs a net annual value rating system cannot adopt the 5 per cent assumed rental return for retirement villages. People who live in those villages will be treated differently from those who live in strata title units. The government should have addressed such matters. Now that they have been brought to the attention of the House I hope that in the Committee stage of the Bill the government will provide answers. How is the government's social justice strategy to apply to all Victorians when two groups of people—those who live in retirement villages and those who live in strata title units—are to be treated differently?

Clause 6 relates to secrecy provisions—provisions that I am concerned about. All honourable members will recognise the need for the Valuer-General to be given vital information, and it is important that he abide by the prescribed secrecy provisions. I doubt whether any honourable member would want to see the Valuer-General compromised by being pressured, under the Freedom of Information Act, to reveal information that has been given to him in secret. One wonders how far the government is prepared to push the secrecy provisions, whether they relate to information given to the Valuer-General or to information that flows further down the line. Certainly the Premier is in a difficult situation; he would like to prevent the Opposition receiving any information under the Freedom of Information Act.

The Hon. T. C. Theophanous—Do you know what you're talking about?

The Hon. K. M. SMITH—More than you do!

The Legal and Constitutional Committee is also examining the Freedom of Information Act. It would be a shame if honourable members were to prejudge what will happen in that committee's deliberations, but amendments may need to be made to the Bill. Another problem I foresee concerns the fourth member to be appointed to the Valuers Qualification Board.

The Hon. C. J. Kennedy—You are finding fault!

The Hon. K. M. SMITH—Of course I am finding fault! I am pointing out that the government is slack in the way it is presenting the Bill. Many amendments have already been made in the other place, and the opposition parties will introduce further amendments in this Chamber. The Opposition has spoken to the government about these problems, and the government has indicated that amendments should be proposed to rectify matters.

The fourth member of the board is to be a Ministerial appointment. Fortunately, the Opposition, in discussions with the Valuer-General, discovered that that person is to be a fully qualified valuer. I am concerned that this may be another opportunity for the government to appoint somebody to a board who will leak information to the responsible Minister and keep him or her in tune with what is happening on the board.

I have referred the House to a number of provisions that have now been properly addressed by the Opposition and the government. If the Opposition had not carefully examined the poor drafting of the Bill, the government and the Valuer-General may have found themselves in a lot of hot water.

Mr Chamberlain will also refer to a number of issues that must be addressed if the Bill is to be a success.

The Hon. K. I. M. WRIGHT (North Western Province)—The Bill is a result of the transfer of the Valuer-General's Office from the Local Government Department to the Department of Property and Services and it reflects the implications involving the transferring of valuation provisions from the Local Government Act to the Valuation of Land Act.

At the outset, I declare an interest in the Bill in that I am a registered valuer. I hold one of the earlier practising certificates—No. 214—which probably would have been much lower if my surname did not commence with "W". I also declare on my own account that I have been doing a few valuations at weekends and in what spare time I have.

The National Party and the Opposition have undertaken a considerable amount of work on the Bill not only during the 1988 spring sessional period but also earlier this year. We have had a wide degree of consultation with interested parties.

I thank the Australian Institute of Valuers, the Municipal Association of Victoria and the Victorian Farmers Federation for their assistance and consultation. In particular, I thank Mr Alan Kearns and Michael Sully, Vice-Presidents of the Australian Institute of Valuers, for their assistance. I place on record that the institute is a top professional body. It ensures the highest professional standard in its membership. Honourable members would agree that seldom, if ever, does one hear of any professional misconduct among the ranks of the institute.

I also thank Mr Alan D'Arcy, who wears two hats: he is President of the Australian Institute of Valuers and also the Valuer-General. I thank him for his assistance to me in his capacity as Valuer-General in particular, because he has a need to be reasonably silent in his other capacity where this Bill is concerned. I thank the Minister for Property and Services and his officers for their usual ready assistance given to the National Party. It is in the interests of the House for the Minister and the spokesmen for the Opposition and the National Party to work through the various contentious issues. There were certainly a number of contentious issues in the Bill that were difficult to resolve. Fortunately, they have been negotiated and today the Bill presented to the House will be reasonably simple to work through.

I remind the House that there are basically two field of valuation practice—government and municipal, and private. The Valuer-General's Office and municipal valuers are generally directly employed and not on contract. Valuers also operate in private practice, which in recent years has been a most lucrative area with the significant number of movements in property. The government has also gained because of the escalation in the amount of stamp duty paid into its coffers.

There has been considerable unrest among government and municipal valuers because their salaries are not competitive with the private sector, resulting in significant exodus of valuers from the Valuer-General's Office to private practice. The reason is easy to see. The salary of a qualified valuer in the Valuer-General's Office is $26 000 and a valuer in charge of a district office receives $38 000. The remuneration of valuers is much higher in the private field. The package generally is worth $50 000 to $60 000, and many valuers receive higher remuneration.

I understand that 38 valuers have left the Valuer-General's Office over the past twelve months, including a highly respected valuer, Chris Cleary, who was in charge of the Mildura district office. As a matter of interest, he is also one of the leading cricketers in the district and captained the premiership team in the last Mildura district competition.

The Valuer-General's Office strength is usually 80 fully qualified valuers, but there are now only 60 valuers, or 75 per cent of the office's full staff complement. Mr Smith informed the House that some 18 000 valuations are conducted each year on behalf of various government departments. I believe delays of up to six months from the time a department requests a valuation to the time of receipt of valuation have occurred.

The Valuer-General conducts government valuations and also several municipalities, including the Shire of Dunmunkle—which was an experiment ten years ago and is continuing—and the Shire of Mildura.

The Hon. B. A. Chamberlain—Can you tell us about the one at Seymour?

The Hon. K. I. M. WRIGHT—No, I cannot. I have not caught up with what has happened at Seymour, but I have no doubt Mr Chamberlain will inform members of that later.

I understand the municipalities I have mentioned are happy with that arrangement. The valuers employed by the Valuer-General's Office stopped work recently, and as a result the sales information service which is sent out by the office to valuers, for a fee, is way behind. I know for sure that the ones to be sent to me have been delayed. The Public Service Board has considered the valuers' case and a 10 per cent salary increase across the board has been mentioned. I ask the Minister for Local Government to inform the House whether that much needed improvement in the salaries of valuers employed by the government has taken place.

On the other side of the coin, it seems that property sales are easing back. I have recently purchased a unit in East Melbourne, and it is my usual luck that the market is easing. Fewer valuing transactions are taking place and some valuers who were lured into the private sector will be the first to go because they were the last to be appointed. It is worth noting that valuers working in a government or semi-government position have the considerable advantage of security.

Copies of the Bill have been sent to the Australian Institute of Valuers and other associations. I have already commended the institute for the work it has done and the comment and suggestions it has given not only to members of the National Party but also the other parties involved. Representatives of the institute have made numerous visits to Parliament House for discussions.

A number of my concerns have been canvassed in another place by the honourable members for Benambra and Murray Valley. I refer particularly to the Valuers Qualification Board, which currently comprises three members, all of whom are valuers, with the Valuer-General acting as the chairman. The Bill expands the number of members of the board to four. The board currently comprises a nominee of the Real Estate Institute of Victoria, a nominee of the Australian Institute of Valuers, and the Valuer-General.

The Bill provides for a fourth member of the board, and it is fascinating to note in the Minister's second-reading speech that one of the reasons for the change is for gender purposes. I understand the Minister and the government are anxious for a female to be on the board. I have no quarrel with that, but the Australian Institute of Valuers has requested that a qualified valuer be on the board. The National Party has made that request on behalf of the institute, and I thank the Minister for accepting that.

Because the board will now have four members, the Valuer-General will need to exercise a deliberative and casting vote. I ask the Minister to confirm that. If a vote stands at two-all, it will be necessary for the Valuer-General to decide the issue. The

figures in the last annual report show that there are 998 registered valuers practising in Victoria. Of those only 24 are women, and I was informed recently that only 2 of those 24 women are sufficiently qualified to be fellows of the Australian Institute of Valuers. Therefore, if it is the desire of the government for a woman to be appointed to the Valuers Qualification Board, there is a narrow field of selection. I hasten to add that I have met a number of female valuers, and I am sure the Minister will have little difficulty in finding someone to fill the additional position.

The Hon. M. A. Lyster—There are a large number of women doing the course.

The Hon. K. I. M. WRIGHT—Good; they will join the other 974 men. Another issue is reimbursment of municipalities for valuations used by other authorities. Valuations are done every four to six years and, at present, municipalities have to wait that long for the money. That is not a satisfactory state of affairs. No doubt, the Minister will be able to advise the House about what is happening in that regard. I am informed by municipalities that they have some difficulties in working out their budgets for income and expenditure to cope with the one payment in four or six years instead of four or six annual payments.

The Bill comes into operation on a day or days to be proclaimed. It has been put to the Minister that all provisions of the Bill should be proclaimed on the same day. Also, because the new Local Government Act is complementary, it has been put to the Minister that that should be proclaimed simultaneously. This would have been an excellent opportunity of reviewing the entire Valuation of Land Act, although I appreciate what has been done through the Bill.

A problem arises from the recently debated Local Government Act, and I refer to the change of emphasis on valuations from occupier to owner. At the time the Local Government Bill was debated in Parliament, the National Party fought strenuously to prevent that change. I and my colleague in the other place, the honourable member for Swan Hill, fought for the change not to occur. Unfortunately, we did not have much support. Valuers are now beginning to realise the import of that change as it affects the Bill currently being debated.

I have been asked to make strong efforts to change the emphasis. I point out that the battle has already been fought and lost. The change of emphasis from occupier to owner needed to be blocked when the Local Government Bill was debated. I make that point so that any municipal valuers who have tried to contact the National Party in recent days will be aware that it is difficult for anything to be done at this stage.

I shall make some general comments on the clauses, particularly clause 5 which deals with the net annual value and the effort of calculating that value of commercial land used in industry and commerce. It is the estimated annual value of the land or 5 per cent of its capital improved value, whichever is the larger. The current method of calculating the net annual value of farmland is 5 per cent of its capital improved value.

The Victorian Farmers Federation does not believe 5 per cent of the capital improved value of farmland is a reasonable estimate of its rental value. Recent statistics from the Australian Bureau of Statistics for 1986–87 illustrate that the rates of return for various farms are as follows: poultry, 0·85 per cent—my colleague, Mr Best, would be interested in that because he is currently fighting a battle to save the 120 poultry farmers in Bendigo—fruit, 9·6 per cent; meat-cattle, 1·7 per cent; sheep-meat, 3·2 per cent; and sheep, 5·2 per cent. The Victorian Farmers Federation claims that the average rental value of farmland in Victoria is less than 5 per cent of the capital improved value of the land.

Under net annual value valuations, commercial land is fairly valued, residential land is undervalued and farmland is overvalued. The Victorian Farmers Federation

has proposed that all commercial land be valued at the rent at which it might reasonably be expected to be let from year to year. The National Party has consulted widely with the Valuer-General's Office, the Municipal Association of Victoria, the Australian Institute of Valuers and the municipal valuation group. The consensus is that the proposed change is not supported because it is likely that many farms would be valued at more than 5 per cent of capital improved value. That is my opinion based on my experience. Hobby farmers—there are thousands of them in central Victoria—would pay a greatly reduced rate, and that is undesirable.

A major concern of the Municipal Association of Victoria is that no detailed research has been made about the effects of any change. It is felt that where commercial land is unoccupied there will be a substantial reduction in value if the 5 per cent levy is abandoned. The change in the rate mix from vacant or run-down commercial properties to residential property owners in city areas has not been justified.

With hobby farmers, valuers have indicated that the amended net annual value could be in the order of 1 per cent to 2 per cent. So where there is a choice of the rental value or the 5 per cent, whichever is the greatest—I emphasis whichever is the greatest—the person on 1 per cent, if it is only on the rental value, of course, is much better off.

An attractive concept has been floated by the Victorian Farmers Federation. Although the National Party would like to support the federation, it reluctantly feels that a sufficient case has not been made out. I point out to the House that if a municipality requires, say, $5 million in rate revenue, it does not matter how the valuation is made, in the end the municipality will raise that $5 million from its rates.

Briefly on clause 5, site value is referred to as unimproved capital value. Of course, some years ago that particular definition was replaced by site value. It was pointed out to the Minister and that change has taken place. Under the definition of urban farm land where it refers to the valuer who made the general or supplementary valuation we can foresee difficulties, because the valuer may be on holidays in Europe or he could be transferred to Darwin in his employment. We pointed out this fact and I indicated our appreciation to the Minister for picking up this problem. I understand she will resolve the problem during the Committee stage. There are three or four other matters on the clauses that no doubt other honourable members will refer to.

I briefly indicate the thanks of the National Party for the fact that its arguments have been supported and picked up by the Minister and the Opposition, and changes will be made. In general, on behalf of the National Party I commend the government for its assistance and thank all those professional organisations that have also assisted. I wish the Bill a speedy passage.

The Hon. B. A. CHAMBERLAIN (Western Province)—The Opposition is pleased to support this measure, as Mr Smith indicated earlier. Basically the Bill does a number of things, the major part of which is to take the valuation provisions from the Local Government Act and transfer them to the Valuation of Land Act. Of course, a change in Ministerial responsibilities flows from that.

It is an important Bill. Someone said it was a simple Bill but it has some complex connotations. They are also important connotations for the raising of revenue by municipalities in the State. During another debate I attempted to analyse the results of the emphasis we place on valuation of property in raising ratepayers' contributions. To my mind the system of raising rates is seriously flawed because it relies almost exclusively on valuation of property. It may well be said that municipal rates can be regarded as a form of wealth tax. Very little of the elements of municipal rates is related to the provision of services. In the case of a $50 000 house and a $500 000

house, each occupied by a family of four people, the services provided do not vary, or may not vary, even though one house is worth ten times the value of the other with the same number of people receiving services, using the water, using the toilets, which are, so to speak, rate-related issues, using the roads, the garbage collection and so on. Yet there is a substantial difference in the rates payable on the $50 000 property and those payable on the $500 000 property. The size of the difference is dependent on the basis of rating adopted by the council. Accordingly there must be a recognition that it is a form of tax. Whether it is called a wealth tax or a land tax, there is a fair measure of taxation based on the value of an asset.

Because the system is flawed, we need to explore alternatives which do not rely solely, as they do at the moment, on valuations. Members of the Opposition are exploring those alternatives in cooperation with the Victorian Farmers Federation and others. We are looking at interstate and overseas examples to ascertain whether we can come up with a fairer system. However, as Mr Wright said before, a council still needs to raise a certain amount of revenue from its ratepayers over and above what it receives from State and Federal governments. That is a fact of life if it wants to maintain services at that level.

The Hon. R. M. Hallam—Except that it does not have to be from the ratepayers. That is the point.

The Hon. B. A. CHAMBERLAIN—No, it does not. The funds could be obtained from the people who simply live in the area. Regarding farmland, we have a system, again, as Mr Wright pointed out, which is flawed because it provides a mandatory 5 per cent of the capital value, in effect, as the net rental value for the basis on which rates are payable on a farm property, regardless of the fact that the property may not be producing that amount of income. I will deal with that matter a little later.

As Mr Wright pointed out, the Victorian Farmers Federation put up a submission to all three parties that in fact we should move from a system of a mandatory 5 per cent of capital value for net annual value rating for farms to a system which takes into account the actual—in the terms of the Bill—estimated annual rental value. If the farmland or commercial property return less or more than 5 per cent, that is the figure that the NAV should be. A survey conducted by the Victorian Farmers Federation indicated that the average return on capital as provided by the Australian Bureau of Statistics shows remarkable variations. A poultry farm might have a return of 0·58 per cent; a sheep property, 5·2 per cent; cattle, 1·7 per cent; cereal grains, 7·2 per cent—some are above, some below. Therefore I suppose the problem with changing the system in the way suggested by the VFF is that there would be winners and losers, and it would depend upon where one fell as to what one thought about that new system.

The Opposition considered that proposition carefully but it came to the conclusion that a system of rating that is based entirely on valuation could not be fixed in that manner. The issue had not been properly researched or thought through and quite a number of farmers could end up being casualties of the system proposed by the federation.

A letter dated 15 May to the Minister from the Municipal Association of Victoria sets out a fairly cogent argument as to why the House should not accept that proposition. Two paragraphs from that letter state:

> Discussions with municipal valuers and the Valuer-General have suggested that the effects of this proposal may include the possibility that municipal rates for smaller hobby farms would reduce while well run farms would pay more rates once the 5 per cent of CIV ceiling is removed.
>
> The amendment proposed would also affect the rating of commercial land. If the NAV is to be solely the rental value of commercial properties, many rural councils with depressed commercial centres will suffer reduced rate revenue from commercial properties.

A couple of towns in my electorate contain large commercial properties in terms of size but have very little economic activity. There could be some difficulties. Although I suppose it could be argued that they may be suffering under the present system, the capital improved value of the properties themselves is much lower. In summary, the Opposition came to the conclusion that the proposal by the Victorian Farmers Federation on this issue should not be supported. In saying that, the Opposition believes the present rating system is flawed and that we must start from that basic premise rather than continue with a system that is based almost solely on the valuation of the property.

Mr Smith and Mr Wright referred to a consequence of the amendment in the Local Government Bill, which was recently passed by Parliament, and a provision of the Bill which also amends the Local Government Act, because the combined effects of those provisions could disenfranchise many people who are currently municipal councillors. I shall not take the House through those matters in detail but honourable members should be aware that some mayors and shire presidents, because of the combined operation of those provisions, may not be eligible to be councillors.

The Bill defines "farm land", which appears to be only a subtle change, but it could have far-reaching implications for valuation practice. The Bill defines "farm land" as:

> "Farm land" means any rateable land which is not less than 2 hectares in area and which is used primarily for carrying on one or more of the following businesses or industries:
>
> (i) Grazing (including agistment);
>
> (ii) Dairying; . . .

and so forth. The definition is based upon the definition that has been contained in the Land Tax Act for a number of years. Valuers are concerned that a new body of law may be created for which precedents must be established anew because there appears to be only one major case in Victoria which has dealt with that issue. The Municipal Group of Valuers, Victoria states:

> The change in the farm land definition is to replace the phrase "wholly or mainly maintained or used for the time being by the occupier" with "which is used primarily".
>
> This change will require a round of board of review hearings to enable the definition, in a legal and practical sense, of the word "primarily". There is sufficient legal precedence available on the board's interpretation of "wholly or mainly maintained"; but does "primarily" means more than "wholly or mainly"—does it mean that the residential use is to be ignored?

One can imagine lawyers waxing for a whole day at great expense about this matter. The Municipal Group of Valuers continues:

> The words "for the time being" are very important, as they have sought to define "time being" as the time prior to or around which the council determines its rating of property and therefore an inspection of the property at the time of application or at the time of making a determination was sufficient for the purposes of establishing the property's eligibility for classification. The removal of the words "for the time being" will create severe problems for councils when establishing a relevant time in which to make its determination. It will cause a whole range of problems associated with the making of a partial determination, that is, less than twelve months.

The one case that has been brought to my attention that deals with the interpretation of this definition is the case of *Abbott* v. *the Commissioner of Land Tax,* which was decided by Mr Justice Lush. His decision was upheld by the Full Bench of the Supreme Court in a judgment given on 12 September 1979.

The case dealt with a dairy farm in the Warrandyte area which did not give a return sufficient to keep the family, so it leased some of the land as a golf course. The family farmed the balance of the land. The definition required two elements: firstly, all the land was within the metropolitan area and, secondly, it was one parcel of land.

Although the family farmed the balance of the land fully it was also receiving rental for the golf course land. The question asked was whether in the case it was land—to use the words from the Land Tax Act:

. . . which is used solely or primarily by the owner for the business of primary production . . .

The court found that there was no doubt that the family was farming full time on the balance of the land but it found that the definition was not met and, therefore, the land was not exempt. That was the unanimous view of the Full Court on that issue. Chief Justice Young said:

It is only if one use so predominates or preponderates as to lead to the conclusion that the whole parcel is primarily used for an exempt purpose that the appellant could succeed. In my opinion it is quite impossible to say in this case that the whole parcel was primarily used for an exempt purpose.

That appears to be the only case on that issue. There could be a bit of fun with the issue over the first couple of years in an endeavour to delineate what is in fact a farming activity as defined under the Bill and what has happened in the past.

The Bill is deficient because it does not contain the definition for "capital improved value". It defines "net annual value", "estimated annual value", "improvements" and "site value" but not "capital improved value". Although a definition is contained in the Local Government Act the Opposition believes the Bill should be complete in itself. I foreshadow that I shall move an amendment during the Committee stage to insert this provision. The Opposition does not disagree with the government but it is a question of presentation.

The reimbursement by government agencies for the use of municipal valuations, paid for by them, is another matter at issue. The Minister who was responsible for the proposed legislation in another place gave an undertaking about a working party that will examine these issues. I understand the objective is to find a system that will give fair reimbursement to councils on a regular basis. Perhaps the Minister can spell out the nature of that undertaking.

Mr Smith referred to retirement villages and the fact that they are treated differently by different municipalities. Some municipalities believe they should come within the definition of residential units and therefore be subject to a net annual valuation of 5 per cent of capital value, but some other municipalities and the largest villages rate retirement villages on a commercial basis at 8 per cent.

It is the view of the Opposition that there should be uniformity in this area. If there is uniformity the savings must be passed on to the residents. I foreshadow that I shall move an amendment dealing with this matter during the Committee stage. I am anxious that the amendment will be practicable. If the Minister has a better suggestion I shall be interested to hear what she has to say because I believe the government will basically agree with the objective of the Opposition. If the Minister has a better suggestion on how that can be done the Opposition would be happy to remodel its amendment. The Opposition will support the Bill.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2

The Hon. M. A. LYSTER (Minister for Local Government)—I move:

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".

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 3 and 4.

Clause 5

The Hon. M. A. LYSTER (Minister for Local Government)—I move:

2. Clause 5, page 2, line 14, after this line insert:

"(*b*) After the definition of 'Area', insert—

'**"Capital improved value"** has the same meaning as in section 3 (1) of the *Local Government Act* 1989.'.".

The Hon. B. A. CHAMBERLAIN (Western Province)—The government and the Opposition are not really at cross-purposes because we are both trying to achieve the same objective: to make sure that the Act uses the same definition as contained in the Local Government Act. The Opposition believes, rather than having a cross-reference as the Minister suggests, it is preferable to have the definition in this Bill, because all the other definitions are there. Someone who is just consulting the Act does not want to have to chase up another Act of Parliament.

The Hon. M. A. LYSTER (Minister for Local Government)—I have no difficulty with the case Mr Chamberlain has just put. However, I hope that everyone using the Valuation of Land (Amendment) Bill will also be well acquainted with the Local Government Act and will have access to both of them. I am prepared to accept Mr Chamberlain's amendment and withdraw my amendment No. 2.

By leave, the amendment was withdrawn.

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

1. 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.'.".

The amendment was agreed to.

The Hon. B. A. CHAMBERLAIN (Western Province)—Amendments Nos 2, 3, 4 and 5 are consequential on the insertion of the additional definition, and I move:

2. Clause 5, line 15, omit "(*b*)" and insert "(*c*)".

3. Clause 5, page 3, line 3, omit "(*c*)" and insert "(*d*)".

4. Clause 5, page 3, line 34, omit "(*d*)" and insert "(*e*)".

5. Clause 5, page 4, line 17, omit "(*e*)" and insert "(*f*)".

The amendments were agreed to.

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

6. 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.".

I foreshadowed this matter earlier. The definition of "net annual value" says in part:

(*b*) in the case of any rateable land which is—

(i) farm land; or

(ii) a house, flat or unit (other than an apartment house, lodging house or boarding house) in the exclusive occupation of the owner and used for residential purposes; or . . .

five per centum of the capital improved value of the land . . .

The definition of "unit" in the Bill is:

(*a*) a unit on a registered plan within the meaning of the Strata Titles Act 1967; and

(*b*) a stratum estate within the meaning of the Transfer of Land Act 1958; and

(*c*) a building or part of a building in the exclusive occupation of a person who is entitled to occupation by virtue of being a shareholder in a company which owns the building or a tenant of such a shareholder.

Some retirement villages are established on the basis of strata titles and therefore are entitled to be rated on a net annual value of 5 per cent. It appears from a survey undertaken by the Opposition that the majority of councils rate retirement villages that are not strata titled on 5 per cent net annual value but some, including a substantial council, rate them on an 8 per cent net annual value.

The Opposition believes the definition of "unit" should be amended so that it includes the words "a residential unit in respect of which a residence right in a retirement village under the Retirement Villages Act is in force". As I said before, the Opposition's objective is clear, but it wants to ensure that its amendment will work.

The government has available to it vast resources and armies of specialists in all sorts of areas. The Opposition, of course, does not have those resources. If there is some difficulty with the proposed amendment the government should tell the Opposition; it will be happy for the Minister to report progress on the clause and to negotiate some alternative.

The Hon. M. A. LYSTER (Minister for Local Government)—I understand the principle being pursued by Mr Chamberlain and I have sympathy for the situation he described because, like other honourable members, I have a number of retirement villages in my electorate and I am well aware of the various anomalies and concerns expressed from time to time by the residents of those villages. If Mr Chamberlain wishes to press the amendment the government will accept it, but I do not believe the amendment satisfactorily addresses and remedies the situation Mr Chamberlain raises.

The amendment does not recognise that occupancy will no longer be the basis of rating under the amendment to the Local Government Act. Further, the amendment could be included to make the occupiers of retirement villages rateable. These amendments could also include the provision that a residential unit in respect of which a residence right in a retirement village is in force could be defined as a unit, thus limiting its net annual value to 5 per cent. In effect, this limits the rate liability of commercial retirement villages to a net annual value of 5 per cent, whereas at present it may be much higher. At present, commercial blocks of flats not possessing strata titles or company shareholder occupation rights have net annual values in excess of 5 per cent. In addition, similar types of developments such as nursing homes, private hospitals and special accommodation units all have net annual values in excess of 5 per cent. In other words, the government is saying that the situation Mr Chamberlain raises is broad and is not confined to the residents of retirement villages.

The government could accept the amendment and prepare other amendments, but I suggest to Mr Chamberlain that I give him an undertaking in my capacity as Minister responsible for the aged to examine the situation not only in respect of retirement villages but the whole range of accommodations such as those that I have just mentioned—nursing homes, special accommodation houses and private hospitals—to ensure consistency in the way these properties are treated. However, as I said initially, if Mr Chamberlain wishes to press the amendment, the government will accept it.

The Hon. B. A. CHAMBERLAIN (Western Province)—I understand what the Minister says. As I said before, the Opposition cannot see why there should be a distinction between retirement villages set up on the same basis, and it appears that that is what is happening at the moment.

The Opposition wants uniformity in that industry because it is an area that is growing, encouraged by the government with special legislation supported by the Liberal Party, and it is likely to increase substantially. As I said to the Minister before, if what is proposed has practical problems that mean that the objectives I have just put cannot be attained, the matter can be discussed while the Bill is between here and another place. If the amendment proves to be unworkable after further discussion with the Minister's officers, the Opposition may allow the government in another place not to accept the amendment. The last thing the Opposition wants is something that is impractical.

The Hon. M. A. Lyster—You want uniformity between commercial and charitable organisations?

The Hon. B. A. CHAMBERLAIN—No, charitable organisations are different because they are exempt and I do not think the Minister meant that. The definition in the Local Government Act clearly states that charitable organisations are exempt.

In this case the Opposition suggests that all retirement villages as defined in the Act should be treated on the same basis, but it does not want that to be a method by which the operator receives an increased profit. The very clear intention is that the saving be passed on to the residents.

The Liberal Party wishes to proceed with the amendment if the Minister for Local Government is not able to articulate a practical reason why the Committee should not accept it. However, I am happy to have further discussions while the Bill is between the Houses.

The amendment was agreed to.

The Hon. M. A. LYSTER (Minister for Local Government)—I move:

7. Clause 5, page 5, line 8, omit "who made" and insert "appointed by the Council to make".

The amendment was agreed to, and the clause, as amended, was adopted, as was clause 6.

Clause 7

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

7. Clause 7, line 33, after "Minister" insert "who is a registered valuer holding a certificate of qualification issued by the Board".

As Mr Smith said, the additional member appointed to the board should be a registered valuer.

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

Clause 8

The Hon. R. M. HALLAM (Western Province)—I seek clarification from the Minister for Local Government. Proposed section 13DC (5) of Division 3A, inserted by clause 8, states:

A council which has caused a valuation of rateable land within its municipal district to be made and returned must, subject to sections 13DD and 13DE, cause another such valuation to be made and returned—

(*a*) if the whole of any ward of the municipal district is subject to a rate made by the Melbourne and Metropolitan Board of Works—in time for the making of the rate for the year immediately following the end of the fourth year of use; and

(*b*) in every other case—in time for the making of the rate for the year immediately following the end of the sixth year of use of the last such valuation.

Notwithstanding the immediately preceding proposed section, which states that a council "may from time to time cause a valuation of all rateable land" to be made, I seek confirmation from the Minister that under those provisions a municipality will be able to commission a new valuation at periods less than the cycle of four or six years, as mentioned in that proposed section. Will the Minister give an undertaking along those lines?

The Hon. M. A. LYSTER (Minister for Local Government)—I am prepared to give that undertaking. The intention of the provisions is to ensure that in the very worst case analysis a valuation is carried out at least every six years. However, proposed section 13DC (4) means that municipalities may conduct valuations with whatever frequency they wish during that time.

The clause was agreed to.

Clause 9

The Hon. M. A. LYSTER (Minister for Local Government)—I move:

8. Clause 9, line 6, omit ' "the prescribed amount" ' and insert ' "$250,000", "$100,000" and "$12,500" respectively'.

9. Clause 9, line 8, omit ' "the prescribed amount" ' and insert ' "$250,000", "$100,000" and "$12,500" respectively'.

The Hon. B. A. CHAMBERLAIN (Western Province)—The Opposition is pleased that the government has accepted the Opposition's proposal. The initial proposal in the Bill was to delete the prescription of the limits of the jurisdiction of the Land Valuation Board of Review and the Supreme Court, and to say that those things can be changed from time to time by regulation or by prescription. The Opposition wanted a provision which would insert monetary figures. The figures represent changes in valuations since the figures were last set.

I have a question for you, Mr Chairman, arising because of this provision. The House recently passed the Constitution (Amendment) Bill arising from the difficulties of the House passing measures which could have an impact on the jurisdiction of the Supreme Court and which are required to be passed by a two-thirds majority—I know that the Bill passed had retrospective operation, and I do not know whether it is yet in operation——

The Hon. M. A. Lyster—We need an absolute majority.

The Hon. B. A. CHAMBERLAIN—I bring that matter to the attention of the Committee to ensure the right thing is done on this occasion in case that Bill is not passed.

The CHAIRMAN (the Hon. K. I. M. Wright)—Order! In response to the query raised by Mr Chamberlain, the Chair has had no advice of the application of this measure.

The Hon. B. A. CHAMBERLAIN—May I suggest it would be prudent to treat it as being a constitutional matter? Perhaps Mr Storey could think about the issue. The Committee would be affecting jurisdiction of the Supreme Court, which seemed to be the very problem which was caught by that particular case. The Committee should be prudent by treating it as though it is affected by those provisions, and should call for an absolute majority.

The Hon. HADDON STOREY (East Yarra Province)—In relation to the point raised by Mr Chamberlain, it is a fact that a Bill before this House does seek to correct

the situation that has been occurring since 1975, whereby Parliament has inadvertently failed to have an absolute majority when Bills have passed, which, on the face of it, appear to amend the jurisdiction of the Supreme Court and therefore affect and indeed, by implication at least, amend a section of the Constitution which requires an absolute majority in order for the Bill to be passed.

I am not in a position to say whether this particular clause has that effect. If there is any question that it may have that effect it is desirable that the Bill be passed by the requisite absolute majority. I do not think it is necessary to do anything along those lines in the Committee stage, but there ought to be an absolute majority recognised by the President on the third reading of the Bill, and that should be noted in official records of some sort in order to obviate that problem in the future.

It may be that these problems will be completely overcome when the Bill dealing with the problem is passed. Negotiations involving four Queen's Counsel, several lawyers and several non-lawyers were taking place before dinner; the problem had not been resolved at the time I left that meeting, and I suggest that it has yet to be resolved.

In order to ensure there is no problem, the third reading of the Bill should be passed by an absolute majority, and that fact should be noted.

The CHAIRMAN (the Hon. K. I. M. Wright)—Order! With respect to the matter that has been raised by Mr Chamberlain and Mr Storey, I recognise the relevance of what has been said. The fact is that the Bill has already been passed on the second reading without a two-thirds majority, and also has passed through all stages in the Legislative Assembly without an absolute majority.

The Hon. R. I. Knowles—So has the Small Claims Tribunal matter, but that will have to go back.

The CHAIRMAN—Order! If the damage is done, it has already been done.

The amendments were agreed to, and the clause, as amended, was adopted, as was clause 10.

Clause 11

The Hon. M. A. LYSTER (Minister for Local Government)—I move:

10. 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".".

The Hon. B. A. CHAMBERLAIN (Western Province)—Clause 11 is an important provision. The Bill is deficient in that it gives no right for valuers to enter properties to obtain information about contracts or leases, which are an essential element in arriving at a valuation. A number of councils have suggested that the existing provisions of the Local Government Act should be part of this Bill. The amendment achieves that provision in a shorthand way in that it puts valuers appointed under the Local Government Act in the same position as the Valuer-General, who has extensive powers. Those powers are well known, and the amendment achieves the objective to which the Opposition directed attention in another place. The Opposition supports the amendment.

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

The Bill was reported to the House with amendments, and the amendments were adopted.

The Hon. M. A. LYSTER (Minister for Local Government)—I move:

That this Bill be now read a third time.

I thank the many organisations that have contributed to the Valuation of Land (Amendment) Bill, and I thank honourable members in this place for their contributions to the debate.

The motion was agreed to, and the Bill was read a third time.

RACING (AMENDMENT) BILL

This Bill was received from the Assembly and, on the motion of the Hon. B. T. PULLEN (Minister for Housing and Construction), was read a first time.

EXTRACTIVE INDUSTRIES (AMENDMENT) BILL

This Bill was received from the Assembly and, on the motion of the Hon. E. H. Walker (Minister for the Arts), for the Hon. D. R. WHITE (Minister for Industry, Technology and Resources), was read a first time.

For the **Hon. D. R. WHITE** (Minister for Industry, Technology and Resources), The Hon. E. H. Walker (Minister for the Arts)—I move:

That this Bill be now read a second time.

The Bill seeks to provide improved regulation-making powers and more efficient administration of the industry by amalgamating two statutory boards into a single body with additional responsibility for providing high level advice with respect to the overall planning for the future development and protection of the State's stone resources.

The extractive industries regulations were remade in June 1988 in accordance with the sunset provisions of the Subordinate Legislation Act 1962. However, during the process of remaking the regulations, a number of deficiencies in the legislative base were identified which meant that the 1988 regulations were unable to fully provide the necessary discretion, delegation and enforcement provisions for the carrying out of quarry inspections, largely on work practices and safety and health issues.

Similar reviews of regulation-making powers in the Pipelines Act 1967 and the State Electricity Commission Act 1958 resulted in amendments to those Acts during the autumn 1988 Parliamentary sitting. Regulations under those Acts have now been made and are operating effectively. It is the same type of regulatory model which is being adopted by this Bill.

As a result of the legislative deficiencies, the 1988 regulations have been given a limited life and are due to sunset on 30 June 1989, by which time new regulations using the regulation-making powers proposed in this Bill will be put in place. This process has been well supported by industry and the Law Reform Commission, which have made valuable contributions to the formulation of the Bill and to the proposed regulatory format.

The other significant aspect of the Bill is the establishment of a broadly representative Extractive Industries Board to replace the Extractive Industries Advisory Committee and the Quarry Managers Board. It is not proposed to vary the existing functions of these two bodies. However, a broader range of representation is to be made available to the board and some additional responsibility for planning the future direction and regulation of the quarrying industry is to be included.

The board's representation is to be improved in particular by providing for greater industry involvement to create a mechanism for the implementation of up-to-date

quarrying techniques and by the inclusion of union representation to reflect the concerns of the work force in the industry.

The ability to appoint highly specialised advisers from areas such as education, environment protection and urban planning to assist the board is to be maintained.

The new board will have power to review work practices in the industry and to establish and review codes of practice for the operation of quarries to ensure that the best possible level of efficiency is balanced with a sensitive approach to the environment and observation of sound occupational safety and health practices.

In conclusion the Bill will provide a more flexible regulatory model in which innovation and advancements in this most valuable industry can be encouraged and reflected, while ensuring that quarries are managed and planned in a responsible and sensitive manner.

The Bill will further enhance the government's commitment to the appropriate use and development of the State's natural resources and secure a sensible balance between the essential extraction of non-renewable resources and the protection of the environment.

I commend the Bill to the House.

On the motion of the Hon. M. T. TEHAN (Central Highlands Province), the debate was adjourned.

It was ordered that the debate be adjourned until the next day of meeting.

ADJOURNMENT

Boorcan Youth Group—Ministry of Housing rentals—Road widening in Marysville area—Use of halons in fire protection systems—Aids for handicapped people

The Hon. E. H. WALKER (Minister for the Arts)—I move:

That the Council, at its rising, adjourn until tomorrow at 11 a.m.

The motion was agreed to.

The Hon. E. H. WALKER (Minister for the Arts)—I move:

That the House do now adjourn.

The Hon. B. A. CHAMBERLAIN (Western Province)—I raise a matter for the attention of the Minister for Local Government, representing the Minister for Water Resources in another place. It has been raised with me by the Boorcan Youth Group; Boorcan is on the Princes Highway not far from Camperdown.

The youth group has been providing services to the youth of the Boorcan community since the soldier settlers settled there after the war. Basically, monthly activities are held for children between the ages of five and sixteen years. The organising group of parents receive no government assistance, nothing from the Department of Sport and Recreation and no other assistance, but they are facing the prospect of spending more than half of their total revenue paying government charges, and I refer in particular to the proposed increase in water charges which they believe will increase tenfold as from 1 July.

They have stated that this makes a mockery of keeping government prices at or around the consumer price index. The group's annual income from various fundraising efforts is about $1000 and the bulk of that is likely to go in paying rates and power, water and other charges.

The group regards itself as being a rural fundraiser for the Treasury. In fact, what could happen as a result of these increased charges is that the group could go out of existence and there may be no facilities for the youth of that district. Therefore, I shall provide the Minister with some correspondence and ask whether she can take up the matter with her colleague, the Minister for Water Resources, to see whether a fairer system of rating can be developed. Alternatively, perhaps some assistance could be provided from the Department of Sport and Recreation.

The Hon. K. I. M. WRIGHT (North Western Province)—I raise a matter for the attention of the Minister for Housing and Construction, and it refers to Ministry rents. I have been informed that war disability pensions are being included in income for assessing Ministry of Housing rentals. I believe this is contrary to the principle of compensation for ex-servicemen and women for the disabilities they have suffered due to war service. I request that the Minister have this matter considered further so that this policy can be discontinued.

The Hon. R. A. MACKENZIE (Geelong Province)—I raise a matter with the Minister for Housing and Construction, representing the Minister for Conservation, Forests and Lands in another place. I refer to problems which are occurring in the Healesville–Marysville–Powelltown area of Victoria with regard to the widening of roads. I understand this upgrading involves turning many of the forest tracks into all-weather roads.

Although I appreciate the need to improve access into these areas—and they are very beautiful areas and people have every right to visit them—many conservationists are extremely concerned at the extent of the widening. In fact, in some instances the vegetation is being cleared to a width of 100 metres, perhaps to provide for more drying out of these areas and make them more accessible for longer periods during the year.

However, at the same time, in the areas where the road widening is being carried out, no botanical or biological surveys are being conducted, and in a couple of areas conservationists believe several species of wildlife have been endangered, in particular the Leadbeater's possum.

I ask the Minister for Housing and Construction to raise the matter with the Minister for Conservation, Forests and Lands to see whether she will halt that particular program and review the situation, because it is obviously causing a great deal of concern and seems to run against the policy of both the government and the Department of Conservation, Forests and Lands.

The Hon. G. B. ASHMAN (Boronia Province)—I address my matter of concern to the Minister for Industry, Technology and Resources representing the Minister for Labour in another place. It concerns a bulletin put out by the Plumbers and Gasfitters Employees Union of Australia in relation to the use of halons in semi-fixed and fixed fire protection systems.

The general aim of the union's policy is to eliminate the use of halons in the fire protection industry. Current users of the halon system will be given a short period in which to make alternative arrangements. As of 1 July the union members will not install any new halon systems or undertake major alterations to existing systems, and by 1 July 1991 they will not carry out routine maintenance on those systems.

My concern is that the union is making policy, and I seek assurances that members of industry and commerce who use these systems in their buildings will be given some protection by the government so that the systems which are currently on the drawing board and currently operational within buildings will not be redundant.

The Hon. D. R. White—Is it a fire system or a security system?

The Hon. G. B. ASHMAN—It is a fire suppression system. I ask the government to develop a policy on the use of halons and not be dictated to by the union on their use.

The Hon. W. R. BAXTER (North Eastern Province)—I direct a matter to the attention of the Minister for Health. Although she may believe it would be more appropriately directed to her colleague the Minister for Community Services, as she represents that Minister in this House I direct it to her.

The matter concerns assistance to a very small group within our community, but a group that I believe deserves the utmost assistance. I refer to those who are severely disabled through being born minus a number of limbs—legs and/or arms. I refer in particular to a case in my electorate, of a girl born without legs or arms which I think all honourable members would agree is a tragic situation. I am certainly aware of at least one other case in the State of a boy minus limbs, a matter which had some coverage in the *Age* newspaper sometime last year.

My plea to the Minister is that much more generous arrangements be put in place to assist these persons with their mobility, in particular, through making available appropriate wheelchairs at no cost to those persons or their families. Because of the nature of their disability, they need more sophisticated wheelchairs than perhaps might other disabled people such as quadriplegics, paraplegics, and the like. In particular, they require greater financial assistance for the provision of artificial limbs. Again, because of the nature of the disability, much more sophisticated limbs need to be available, such as motorised limbs which are not made in this country, and understandably so, because of the small demand.

In the case in the province I represent, the Commonwealth Program for Aids for Disabled People, the PADP scheme, will make available $5000 towards the motorised wheelchair, but the cost of the wheelchair is $12 000 and, for a young family on a low income, as is the case in this situation, finding the extra $7000 is no small effort. I should have thought that the severity of the disability was of such magnitude in these cases that society, via the government, should have no qualms in providing more than the assistance currently available.

Housing assistance of a quite generous nature has been rendered to the family by the Ministry of Housing and Construction and I thank the Minister for Housing and Construction for that. Certain other assistance has been made available too in terms of dollars for both wheelchairs and limbs, but I believe we can do much better. Although I raise the matter with the Minister tonight, I should be happy to make a written submission to her in due course. However, I thought it was important that I put the matter on the record tonight because I am very concerned that an injustice will be done, when I am sure the Minister, the government and the community at large would not want an injustice done in those circumstances.

The Hon. D. R. WHITE (Minister for Industry, Technology and Resources)—Mr Ashman referred to an allegation that a number of unions were endeavouring to constrain the use of fire suppression systems and has asked me whether the Department of Labour will investigate the matter to ensure that employers have reasonable access too and use of that material. I shall be happy to raise the matter with my colleague in another place, the Minister for Labour, and provide a response in due course.

The Hon. C. J. HOGG (Minister for Health)—In answer to Mr Baxter, most of the areas he mentioned within the several tragic cases he outlined probably do fall within the province of the Minister for Community Services and, in particular, the administration of the Program for Aids for Disabled People or PADP scheme, a

scheme which, as he rightly says, was once a Commonwealth scheme but it was subject to the May statement, I think, last year and in fact became a responsibility of the State.

The scheme has been subject to some review. I am uncertain at this stage how much upgrading has gone into the scheme, although I am sure the Minister for Community Services and I would certainly agree with everything that Mr Baxter has said about the need for more flexible wheelchairs, for example, and more sophisticated motorised devices.

I think I may have some responsibility in terms of some things to do with the provision of artificial limbs; I am not certain. I should be extremely grateful if Mr Baxter could provide a written submission. I certainly provide Mr Baxter with an undertaking that both the Minister for Community Services and I will look closely at the examples he gave, both in terms of direct responsibility and his examples of these particularly difficult and tragic circumstances which, I acknowledge, can sometimes fall between the guidelines of departments, which is dreadful and it is something the government does not want to happen.

The Hon. B. T. PULLEN (Minister for Housing and Construction)—Mr Wright referred to disability pensions being assessed as income in calculations for rental purposes for public housing tenants. I understand his concern. The treatment of various types of pensions often relates to the history of their beginnings and, as he probably realises, is often quite complicated. The best I can do is to give an undertaking that I will review the matter and provide Mr Wright with an answer.

Mr Mackenzie referred to the widening of roads in the Healesville and Powelltown area which he described as various tracks being converted to all-weather roads, which requires the clearing of vegetation to a considerable width on the roads. Mr Mackenzie mentions that people are concerned about that fact. Again, I understand the point, and I have seen roads like that. Obviously many people would like to see them retained in their natural overgrown beauty. I shall take up that point with the responsible Minister and ensure that a reply is forwarded.

The Hon. M. A. LYSTER (Minister for Local Government)—Mr Chamberlain asked me to take up a matter with the Minister for Water Resources. I shall certainly do that, and I thank Mr Chamberlain for providing me with documentation in respect of the Boorcan Youth Group. It would appear to me, from reading quickly over the letters that have been written to Mr Chamberlain, that it would be worthwhile if I pursued also the Minister for Sport and Recreation on the matter, because I believe there could be an avenue for assistance for this group in one way or another. I shall certainly raise the matter with those two Ministerial colleagues.

The motion was agreed to.

The House adjourned at 9.38 *p.m.*

Wednesday, 24 May 1989

The PRESIDENT (the Hon. A. J. Hunt) took the chair at 11.2 a.m. and read the prayer.

LAND (MISCELLANEOUS MATTERS) BILL

This Bill was received from the Assembly and, on the motion of the Hon. B. T. PULLEN (Minister for Housing and Construction), was read a first time.

FRANKSTON LANDS BILL

This Bill was received from the Assembly and, on the motion of the Hon. B. T. PULLEN (Minister for Housing and Construction), was read a first time.

SECOND-HAND DEALERS AND PAWNBROKERS BILL

This Bill was received from the Assembly and, on the motion of the Hon. E. H. WALKER (Minister for the Arts), was read a first time.

QUESTIONS WITHOUT NOTICE

QUEEN VICTORIA HOSPITAL SITE

The Hon. M. A. BIRRELL (East Yarra Province)—The Minister for Health will have received a letter from Alison Hoyer, the joint convener of the Queen Victoria Hospital Action Campaign, concerning the wishes of women's organisations throughout Victoria to establish a major women's centre on the old Queen Victoria hospital site. That letter contains strong criticism of the Cain government's failure to make such a commitment and in particular refers to the fact that the government is planning to revoke the permanent reservation of the Lonsdale Street site.

In view of the action campaign's request that:

> 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.

will the Minister take up the wishes of these women so that they will have some return as a result of the government selling the site?

The Hon. C. J. HOGG (Minister for Health)—There has obviously been a lot written and spoken about the Queen Victoria hospital site. Many consultations with different groups have occurred, and I believe those groups are now in some kind of loose coalition in addressing what will happen to the hospital site. Indeed, there was a meeting at which four or five representatives of the action campaign group, including a former member of this House, Mrs Gracia Baylor, met with several Ministers who had some responsibility for this issue.

It is obvious that in a climate with finite resources for health as well as every other service delivery agency, the government has no licence to print money. If hospitals are to be placed in the suburbs where people live and if health services are to be distributed equitably across the community, we must find ways of paying for those

services. The government has always been clear about its policy in this area. If it is possible to wind up a service that is no longer required in the centre of the city, or close to the city, and to redevelop services in places where people live, and if the double funding required for that service is available, the government believes that is a responsible way to proceed; and that is the course that has been taken by the government on this site.

The government recognises the feeling that Victorian women have about the hospital. It recognises the strong tradition underpinning the hospital and that much to do with women's health has happened as a result of the hospital on that site.

With that in mind my predecessor, the Minister for Industry, Technology and Resources, talked about the establishment of a women's health information centre and the fact that the centre should give due recognition to the history and tradition of women's health, that being so much the focus of the centre. The commitment that has been made was for the women's health information centre.

The Minister for Major Projects knows and understands that the preference of the women's groups is that the centre be located on the site. That has to be, I suppose, juxtaposed with the development of the empty site. Therefore our preference will be to locate the women's health information centre on that site and I am assured that that should be possible. It is an absolute commitment that the women's health information centre will be established and, if at all possible, it will be located at the hospital. The funds that are realised from the sale of that site will provide health services to the women of the community, generally in the areas where they are needed.

There is no other way of providing new services these days. We have to redevelop, and redevelop responsibly. That is something the community and, I believe, the Opposition understand.

The Hon. W. R. BAXTER (North Eastern Province)—My question is directed to the Minister for Major Projects. It is not the question I originally intended to ask, but follows on from the answer given by the Minister for Health, bearing in mind her claim that the government's aim is to provide facilities where people live. Of course, many country people who come to Melbourne would find it much more convenient for the facility to be in the city where it is accessible to them rather than trooping out to Clayton or somewhere.

I therefore ask whether the Minister for Major Projects agrees and endorses the commitment just given by his Ministerial colleague that a women's health centre in fact will be established on the Queen Victoria hospital site.

The Hon. E. H. WALKER (Minister for Major Projects)—I am happy to respond to the question. Yes, I do agree and endorse what my colleague has just said. In fact, if Mr Baxter had listened carefully, he would have heard the Minister say that the women's health information centre would be established on the site; that a promise had been made by the former Minister for Health and is made again by the current Minister and supported by me. If the women's action alliance group wants space in one of the traditional towers on that site, I am happy to make that possible, as was made clear to members of that group when we met with them some time ago. Alternatively, if they would prefer space in the new development related to the towers, we can offer that as well. Negotiations will be required as to the extent of the space.

By interjection, Mr Birrell suggested some other uses might be housed there. We are willing to consider a case for that as well. The Minister for Health and I were both at the meeting some weeks ago with the Premier and representatives of the women's action group and one of those present was a representative from the Country Women's Association. Mr Baxter's question goes to the issue of a convenient location in the

heart of the city suitable to offer services to women who come from regional or rural Victoria and who can come into the city and perhaps go to locations such as a new hospital location. Let me make it clear that the transfer of the Queen Victoria Medical Centre from the city to Clayton had been in mind for some time by the government. One of the first promises made when we came into government was that a new hospital would be built in the heart of the population centre in the south-eastern suburbs, as it should be. The notion that all public hospitals should be situated in or close to the centre of Melbourne has been a nonsense for many years and it was this government that made the decision and did the job.

I am happy to reassure Mr Baxter that I support the comments made by the Minister for Health and those made some months ago by the Minister for Industry, Technology and Resources. I shall be happy to discuss the matter with representatives of the women's group to ascertain whether it can be worked out in detail.

RESTRUCTURING OF HIGHER EDUCATION

The Hon. G. A. SGRO (Melbourne North Province)—Will the Minister responsible for Post-Secondary Education advise the House on current negotiations between the Victorian and Commonwealth governments about the restructuring of higher education in this State?

The Hon. E. H. WALKER (Minister responsible for Post-Secondary Education)—I am happy to respond to Mr Sgro's question in regard to the restructuring of higher education. As honourable members will recall, some two weeks ago this House was involved in a comprehensive and stimulating debate, instigated by Mr Storey, on this matter. I wish to report on what has occurred since then.

Honourable members will be aware that on 15 May I announced the establishment of a task force to be chaired by me, with the deputy chairman being the honourable member for Footscray in the other place, Mr Fordham. The task force will be responsible for the implementation of a new university of technology. The proposed institution, based on the strengths of the Royal Melbourne Institute of Technology, the Footscray Institute of Technology and the Western Institute, has received overwhelming community support as well as support from all parts of the political spectrum. I appreciate that, and it is a tribute to the vision of the governing bodies of the existing institutions that they could envisage their institutions coming together under a new name with a new mandate and mission. That is well under way.

On 17 May I communicated to the Commonwealth Minister for Employment, Education and Training, Mr Dawkins, the Victorian response to the proposals of his task force on higher education amalgamations. His task force had given qualified support to the various proposals that have emerged in this State and have been given the endorsement of the Victorian government.

In turn, the Victorian government's response to the Federal Minister was to give general support to the task force recommendations, with the following specific provisos: firstly, the proposed university of technology must have sufficient recurrent support to match the capital support already promised. It is absolutely critical that it be funded at the level at which a university should be funded. Secondly, the proposed amalgamation of Latrobe University, Phillip Institute of Technology and Swinburne Institute of Technology must be given sufficient additional Commonwealth capital to provide for a strong engineering and technology presence in Melbourne's northern suburbs. The government has not yet received that assurance, but it is working on it.

Thirdly, non-metropolitan institutions and the Victorian government must be given until 30 June to investigate various options for the delivery of higher education

programs in rural or regional Victoria. That has been discussed recently in this House. Fourthly, further discussions are required between Monash University and Victoria College to determine the future direction of Victoria College and its programs. I am pleased that productive discussions have recently occurred between Victoria College and Monash University.

I am presently awaiting the Commonwealth government's statement on the response of the Victorian government. I hope Victoria will be treated generously. What has occurred is in accordance with the resolution passed when the House last met and Mr Storey moved a motion on this matter. A great deal of progress is being made and will continue to be made in the forthcoming months.

MOTEL LESSEES

The Hon. M. T. TEHAN (Central Highlands Province)—More than 30 motel lessees in Victoria have experienced or are experiencing serious financial hardship resulting in bankruptcy or eviction. Will the Minister for Industry, Technology and Resources acknowledge that there is a problem and accede to the request from the motel lessees action group for an inquiry or for consideration to be given to including motels under the provisions of the Retail Tenancies Act?

The Hon. D. R. WHITE (Minister for Industry, Technology and Resources)—The government is aware that problems have been experienced by motel lessees. The government has previously indicated publicly that it is appropriate to consider providing advice to people contemplating entering into such leases. We have given consideration to the notion of conducting an inquiry but we do not believe it is appropriate.

The final matter mentioned by Mrs Tehan about consideration being given to leases being dealt with under the Retail Tenancies Act is not a matter that I have considered previously, but it is a matter that is worthy of consideration. If Mrs Tehan wishes to provide argument hereself or on behalf of the action group's case for the inclusion of this matter under the Retail Tenancies Act the government will be prepared to consider that matter.

FOREIGN OWNERSHIP

The Hon. K. I. M. WRIGHT (North Western Province)—I ask the Minister for the Arts, representing the Attorney-General in this place, whether because of widespread concern amongst people in Victoria about foreign ownership of our land—the governments of Queensland and South Australia are initiating legislation to set up a register of such ownership—the Victorian government will instigate similar legislation.

The Hon. E. H. WALKER (Minister for the Arts)—Mr Wright has raised a significant policy issue for government at large. It is true the Federal government has begun a register of foreign ownership. I can understand the concern that by implication Mr Wright expresses. I do not believe it is a question that I can answer directly or in detail today but I am happy to take up the matter to see whether a policy position can be prepared by the relevant Ministers of the State government, which would not only inform Mr Wright but also inform honourable members on all sides of the House about this matter.

Mr Wright has asked the question before; he has continuing concern about the matter. If Mr Wright has a particular case or issue that he would like me to examine I shall be happy to do that. He has not said so but, knowing Mr Wright as I do, I

suspect that behind his question there might be a particular issue and if he wishes to bring that to my attention I shall endeavour to respond to it.

SCHIZOPHRENIA AWARENESS WEEK

The Hon. C. J. KENNEDY (Waverley Province)—As the Minister for Health this week launched the Schizophrenia Awareness Week, will she inform the House what the government is doing to deal with the needs of people with schizophrenia and their families?

The Hon. C. J. HOGG (Minister for Health)—It is well known to most honourable members that there has been a significant improvement in the support services for psychiatric patients during the past few years. Since the 1950s and 1960s it has been widely believed that it was not necessary to keep people with schizophrenia in institutions for long periods. With the medical and medications options available, community alternatives have made the situation a great deal easier.

Schizophrenia Awareness Week has been a useful way of breaking down the barriers of community understanding about schizophrenia, which is a frightening illness for many. Yesterday I opened Schizophrenia Awareness Week and I was able to launch two booklets, one which gave factual and precise information about the disease and another which explained some of the drugs being used in its treatment.

Approximately $20 million a year is used in community support programs to which I referred earlier. Since 1982, the funding for non-government support programs has increased from $1 million to $4 million, which is a significant amount, and is underpinning these initiatives. Most importantly, we have now provided four community assessment and treatment teams—CATT—which are useful because they provide immediate help to people with psychiatric illness when they are in crisis.

The teams provide that help to the family and friends if that is necessary. At this stage there are only four teams. They are located in the metropolitan area, but it would certainly be my desire to make certain that in the next four or five years the State as a whole has access to that kind of service, because I believe it is extremely important for families.

To complement community expectations for a more responsive approach, the government also recently announced the transfer of the responsibility of transporting psychiatric patients from the Victoria Police to the Metropolitan Ambulance Service. This is a result of a recommendation of a report by the Ministerial Advisory Group on the Emergency Care and Transport of Psychiatric Patients that was set up last year. The report has been released and is now available for public discussion until the end of June. I expect the ambulance service will have assumed responsibility for the care and transport of psychiatric patients by early next year.

I hope Mr Kennedy realises that a great deal is being done to underpin the needs of psychiatric patients, particularly people with schizophrenia in the community. Enormous advances have been made. However, we are not for a moment being smug or saying that that is sufficient. There will always be additional measures that can be taken; there will be perhaps better coordination of services, better back-up and better follow-up, and the government is committed to doing that.

CAPITAL INDEXED LOAN SCHEME

The Hon. R. S. de FEGELY (Ballarat Province)—Mr President——

The Hon. D. R. White interjected.

The Hon. R. S. de FEGELY—Unfortunately, the Minister is like many in society today—he shows no respect for his elders.

The question I wish to ask of the Minister for Housing and Construction relates to home loan assistance to low-income earners. I refer to the Minister the Auditor-General's report which indicates that 201 borrowers of loans amounting to $10 million under the Ministry's capital indexed loan scheme have made lump sum repayments of more than $1000 on a regular basis, which indicates that those people have understated their incomes and that needy families have been excluded from obtaining loans.

Considering the fact that this has been occurring since 1984, I ask the Minister why the Ministry of Housing and Construction has not implemented regular checks on its borrowers in relation to their incomes; what action the Minister intends to take against those who have cheated the system; and why he has only now instigated a pilot scheme to investigate this very serious matter.

The Hon. B. T. PULLEN (Minister for Housing and Construction)—I am aware of the Auditor-General's comments in relation to that matter and it is being addressed. The use of the word "cheating" is really stretching credibility too far. These are basically people on relatively low incomes who are being assisted into home ownership, and I thought that would be something that members of the Opposition would support.

The Hon. D. R. White interjected.

The Hon. B. T. PULLEN—If there is some inequity in the assistance that they have received compared with other programs, the Ministry is addressing it. In regard to the capital scheme, which has been a pioneering scheme in this State of providing indexed loans, as Mr de Fegely will be aware, the home opportunity loan scheme is now the main vehicle, and the shared ownership scheme combined with that will provide a very important method for supporting people in achieving home ownership. At present, I am reviewing the relationship of the capital scheme to the increased——

The Hon. D. R. White interjected.

The PRESIDENT—Order! There are too many interjections. I am sure Mr de Fegely, who asked the question, and other honourable members are unable to hear the answer. I ask honourable members to desist.

The Hon. B. T. PULLEN—In providing that assistance the role of the capital scheme is being reviewed in terms of the growing roles of the home opportunity loan scheme and the shared ownership scheme, which I have said will become operational in July.

The Hon. R. S. de Fegely—What is the point of a pilot scheme?

The Hon. B. T. PULLEN—The matter is being addressed. Note has been taken of the fact that it has been raised by the Auditor-General, and the matter is well in hand.

CONFERENCE ON BACKPACKERS DISEASE

The Hon. D. M. EVANS (North Eastern Province)—I direct my question without notice to the Minister for Health, and I refer to a parasitic organism present in many streams.

The Hon. D. R. White—It is called the National Party!

The Hon. D. M. EVANS—It causes a gastro-intestinal disease which is known in North America as backpackers disease.

Is the Minister aware of the disease, and that native animals are carriers of it; also, that there has been a conference about the disease organised by the Centre for Continuing Education at the Australian National University, Canberra, on 21 April? Is the Minister's department taking any action to ensure that we do not have backpackers dying on the job?

The Hon. C. J. HOGG (Minister for Health)—I was not aware of the disease but I have no doubt that somewhere within Health Department Victoria someone would be aware of it. I shall endeavour to obtain that information quite speedily for Mr Evans, for whose question I am grateful.

DRAFT CONCEPT PLANS FOR SKI RESORTS

The Hon. R. A. MACKENZIE (Geelong Province)—I refer the Minister for Industry, Technology and Resources to the fact that the Alpine Resorts Commission has prepared some draft concept plans for various ski resorts throughout Victoria which are creating a great deal of concern among conservationists and environmentalists because no environmental assessment studies are being made and, in some cases, the plans would encroach on significant areas such as the reserves of the *Burramys parvus* or pygmy possum.

Will the Minister give an assurance that the plans are put on hold until the public is given an opportunity to partake in consultation and have an input into the plans? Also, when final recommendations are prepared, will he give an indication that they will be made subject to Parliamentary approval?

The Hon. D. R. WHITE (Minister for Industry, Technology and Resources)—The Alpine Resorts Commission is the responsibility of the Minister for Tourism in the other place. Mr Mackenzie directed his question to me; the Minister responsible for handling that portfolio in this House is the Minister for Housing and Construction. That Minister and I will ensure that the question is directed to the Minister for Tourism in the other place.

VACANT PUBLIC RENTAL STOCK

The Hon. LICIA KOKOCINSKI (Melbourne West Province)—Will the Minister for Housing and Construction advise the House of the efforts being made by his Ministry to ensure that public rental stock remains vacant only for an acceptable period of time? I also ask the Minister to outline to the House what factors determine how long vacant rental stock actually remains vacant.

The Hon. B. T. PULLEN (Minister for Housing and Construction)—The current vacancy rate for public housing stock is 2·25 per cent, which is rather better than the private sector rate, which is approximately 3 per cent, as many honourable members would know. This comparison has to be done with some care because one has to compare like with like.

The government has a harder task in some respects because the Ministry actually does work on the houses after they have been vacated, often taking the opportunity of carrying out painting, necessary maintenance, and sometimes an upgrading of facilities.

The 2·25 per cent is not a figure on which the government should rest; it would be far better for the figure to be much lower. I have taken steps to reduce it. There are

some 57 000 units and a lot of movement takes place in a given year. Some 8000 existing tenants will leave either to go into home ownership or to other housing. This creates the situation where the government should take steps to ensure that houses that are vacated remain vacant for the minimum period, to achieve the maximum use of that stock.

In the government's efforts to improve that situation, I have instructed the Ministry to examine a range of initiatives to improve this process. One such area is head contracts, where one contractor can supervise a number of operators rather than being based on a particular trade. If various trades carry out the work there is a serial effect—one trade follows another and often delays occur. That situation could be improved.

Another area referred to in the Auditor-General's report of which the department is taking note is the special case of spot purchase of units where a time lapse occurs between the taking of possession of the property and settlement. It is an important area in which the specification should be done early. I am seeking to reduce that time to an average of five weeks so that the time between settlement for the property and the production of specifications for the work required is reduced. Spot purchase sometimes means that a property requires work to be carried out on it before it is made available as public rental housing.

Another area of concern is where the press indicates that houses are vacant or being squatted in. That is often a misconception. In the majority of cases they are not Ministry of Housing and Construction units but properties owned by the Defence Service Homes Corporation. They look like Ministry homes, and that is why people complain. I hope that situation will be remedied. I am pleased to say that the handover of houses by the corporation was sought by the government at the housing conference, and that process is now in train. Officers will be meeting later this week with the Federal Minister responsible to facilitate the process of bringing those houses into use in Victoria.

BOX HILL HOSPITAL

The Hon. G. H. COX (Nunawading Province)—I refer the Minister for Health to a front-page article in the *Nunawading Gazette* of Wednesday, 24 May 1989, which is headed "Hospital in dire need of beds". The article refers to the Box Hill Hospital. Does the Minister support the Chief Executive Officer of the Box Hill Hospital, Mr Michael Kirk, in his public statement that Box Hill Hospital needs at least 150 extra beds immediately to cope with patient demands?

The Hon. C. J. HOGG (Minister for Health)—On the morning I opened the day surgery wing—I believe Mr Cox was present at the Box Hill Hospital—I spoke with the chief executive officer and members of the board about the future needs of the Box Hill area. There is no doubt that the hospital would like to have more beds—something of the order suggested—and it is the government's aim to provide beds in various suburban locations.

I return to the theme I have been emphasising over the past few days: that that means making certain that some other facility is able to provide those beds. The government cannot create more resources out of thin air. I am amenable to the Box Hill Hospital request. That hospital has some extremely creative ways of suggesting how beds might be provided.

COMMUNICATIONS EQUIPMENT

The Hon. W. A. LANDERYOU (Doutta Galla Province)—Will the Minister for Industry, Technology and Resources advise the House what benefits have flowed to the Victorian economy as a result of his department's coordination of an exhibit by Australian manufacturers, particularly notable Victorian manufacturers, as a result of an exhibition in Djakarta called, I think, Indonesia '89?

The Hon. D. R. WHITE (Minister for Industry, Technology and Resources)—It is important to recognise that in Victoria in particular, but in Australia generally, we are recognised for our skills in the telecommunications industry, and it is also important to take every opportunity of trying to maximise our export potential.

It is always difficult to establish what types of methods ought to be used to maximise export potential. The telecommunications industry expressed an interest in being part of an exhibition in Indonesia, and sought assistance from the Department of Industry, Technology and Resources. Essentially, that exhibition was designed to expose the skills of the Victorian telecommunications industry to relevant people in Indonesia.

I am pleased to report that the outcome of that exhibition in Djakarta exceeded the expectations of the Victorian industry in the sense that not only did it become known but also, immediately arising from that exhibition, the industry was able to establish and generate sales of $7 million in the next year, and was able to generate orders for a further $15·8 million over the next twelve months.

If that means that the telecommunications industry in Victoria has established a beachhead for export potential in Indonesia, which in turn will produce further contracts and potential for major contracts with Indonesia, it has been a successful and relatively cheap investment for the taxpayers of Victoria, and it is the type of investment the department wishes to encourage and further develop.

BALLARAT BASE HOSPITAL

The Hon. R. I. KNOWLES (Ballarat Province)—Will the Minister for Health confirm whether the government's commitment to fund the redevelopment of the Ballarat Base Hospital by constructing a new medical services wing including 5 new operating theatres and 50 additional beds still stands, and whether the program will proceed on the same basis as announced by her predecessor, the current Minister for Industry, Technology and Resources?

The Hon. C. J. HOGG (Minister for Health)—Obviously, this matter has been raised with me on several occasions by the honourable member for Ballarat South in another place, Mr Frank Sheehan, and I have received a deputation from the Ballarat Base Hospital, although we were not confining our discussions to this redevelopment.

I am visiting Ballarat on, I think, 13 June, and at that time I shall be discussing thoroughly with the hospital its redevelopment program.

OLDER PERSONS CONSULTATIVE COUNCIL

The Hon. B. W. MIER (Waverley Province)—I direct my question to the Minister for Local Government, who is the Minister responsible for the aged. Will the Minister inform the House of the role and membership of the Older Persons Consultative Council?

The Hon. M. A. LYSTER (Minister for Local Government)—I am pleased to have the opportunity of providing this answer to the question because I know that at least

government members look forward to making use of this forum because of their significant concern for older people in our community. This is an avenue by which those concerns can be taken directly to the government.

The council's broad functions are to advise the government on ways in which programs and policies for older people to improve their well-being should be implemented and, as I said, it provides a direct channel of communication between older Victorians and the government.

The council reports directly to me as the Minister responsible for the aged, and I have invited the honourable member for Dandenong North in another place, Mrs Jan Wilson, to chair that council, which she has done already on two occasions.

The membership of the council includes representatives from service provider groups, from consumers, of course, and experts in their field. By bringing together those various groups we have considerable knowledge and expertise to draw on so that the government will be acting on the best possible advice.

The terms of reference, briefly, are to assist in research studies of older Victorians, to increase community awareness involving people's skills and contributions, to advise the government on the impact of government policies and programs on the well-being of Victorians, to provide advice on issues affecting older Victorians as requested by me, or as agreed between the council and me, to assist in the publication and dissemination of information concerning services provided by the Victorian government for older people, and to act as a channel of communication between older Victorians' service providers and the Victorian government.

This council will provide useful information for the government, which in turn will greatly benefit the welfare of older Victorians in our community. I look forward to working with the council in ensuring that this aim is achieved.

PETITION
Beachfront traffic

The Hon. REG MACEY (Monash Province) presented a petition from certain citizens of Victoria praying that the Hamer government's plan to protect the beachfront roads system from heavy traffic be revived. He stated that the petition was respectfully worded, in order, and bore 218 signatures.

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

SOCIAL DEVELOPMENT COMMITTEE
Community violence

The Hon. LICIA KOKOCINSKI (Melbourne West Province) presented the final report from the Social Development Committee upon 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.

On the motion of the Hon. HADDON STOREY (East Yarra Province), it was ordered that the report be taken into consideration on the next day of meeting.

PAPERS

The following papers, pursuant to the direction of an Act of Parliament, were laid on the table by the Clerk:

Statutory rules under the following Acts of Parliament:

Drugs, Poisons and Controlled Substances Act 1981—No. 104.

Martial Arts Control Act 1986—No. 107.

Supreme Court Act 1986—No. 108.

STATE LIBRARY

The Hon. HADDON STOREY (East Yarra Province)—I move:

That this House expresses concern about the future of the State Library and calls upon the Minister for the Arts and for Major Projects to fully consult with the public on proposals for the redevelopment of the library building and to take note of its views.

I move this motion because the State Library of Victoria is one of Victoria's most significant buildings. It has been a great Victorian institution, but is now facing perhaps the greatest challenge in its life. Since 1856 the State Library has been the cultural heart of Victoria. It underwent changes early in the century when the dome was built, but unfortunately it has undergone a period of decline in recent years when the services declined, when the collection was not able to be maintained, and when there were problems with the storage of and caring for the material and its cataloguing, and with the building itself.

The story in recent years has been one of broken promises and despair. Promises were made by the government about the future of the library, but they were not kept. Instead, we had a promise just before the election that the museum would be moved out to the south bank of the Yarra River and the present building, in which the library and the museum are located, would be refurbished and redeveloped for the library alone.

I do not propose to go back over that history. Had the result of the election been different, the Liberal Party would have reconsidered the proposition that the government put forward because our view was that a very strong case had been put that there should be a new library building altogether. Indeed, that was the view of the former Library Council of Victoria and most people in the library world.

However, the reality is that the government has chosen to go ahead with this project, and we must accept that it provides an opportunity of improving our State Library and restoring it as one of the great libraries of the world. It is imperative that everyone in the State gets behind those moves to ensure that they are successfully implemented so that we have something of which we can be justly proud.

To do that we need to have the public fully involved in what is happening, fully involved in the decisions made by the government and provided with the opportunity of commenting on proposals as they are developed and having a meaningful input. An immensely complex project is to be undertaken. It needs the widest possible variety of input and public discussion. For there to be effective public discussion, there needs to be full public disclosure of what is proposed at different stages so that input can be obtained.

As I am sure the Minister would be more aware than I would be, important public buildings in other parts of the world—for example, Covent Garden—have been transformed as a result of that sort of process at the time the buildings were under development. We need to do this so that we can have a building that will not suffer

from the difficulties of the current building with a leaking roof, a flooding basement, and lack of space. We want a building that serves the public well.

The Opposition is concerned that the public is not being fully informed about what is going on and that there has not been enough public involvement. Instead there has been a sense of disquiet, and concern has developed about what is happening with the library, and that has led to a feeling that all is not well. That feeling may not be correct but, unless there is that sense of involvement, there will not be that full-hearted consultation in the development of the building that is required.

By way of example, I mention an important group—the State Library Development Council—which has been formed basically on the initiative of the National Trust of Australia (Victoria). The council involves a full range of significant groups in the community that are concerned and interested in the library. The council comprises: the National Trust of Australia (Victoria); the Royal Victorian Historical Society; the History Institute of Victoria; the Australian Library and Information Association; the Redmond Barry Society; the Friends of the State Library of Victoria; the Writing Subcommittee of the Community Arts Network; the Australian Society of Archivists; the Library Council section of the Victorian Public Service Association; the Royal Australian Institute of Architects; the Institute for Genealogical Studies, and other interested members of the public.

They represent an impressive group of organisations within the community who came together to form the State Library Development Council to help ensure the project's success. They do so from a sense of goodwill and a desire to help. The group was formed in February this year, and an article in the *Trust News* advised that the Deputy Director of the Ministry for the Arts had advised that the council would have direct access to the Minister.

I am concerned that the council has not been given direct access to the Minister and, I understand, despite attempts to meet with the Minister, has been unable to do so. As a result the council has not been able to contribute as well as it should be able to contribute to bring about this development.

I intend to list a number of questions at the conclusion of my speech, and I hope the Minister will address them in responding to the motion. One of my questions will be whether the Minister will make arrangements to meet with representatives of the council so that they can inform him of their concerns and the sort of work the council is doing to contribute to the whole project and establish a sense of involvement, which clearly the council considers is lacking at present.

I understand the shortage of time we have this week for private members' business and, therefore, I shall detail some of the concerns that exist at present without developing them as fully as I should like to. The first concern relates simply to the management of the State Library. On 9 May the Minister announced the appointment of a director and chief executive of the library. Concern exists about the appointment because the position was not advertised and there was no opportunity of drawing upon the depth of talent that exists around Australia.

I understand Ms Leah Mann has no librarian background and her appointment was made before the Library Council was appointed. In fact, the Minister announced the appointment of that council only yesterday. What is perhaps the most significant and important appointment that can be made in this area has been made in those circumstances.

My information is that the library staff are concerned and upset because librarians throughout Victoria, and there are many who are excellent and competent people, have not been given the opportunity of offering their services. It calls for some

explanation from the Minister as to why the appointment was made in this way and why somebody without librarian experience was appointed.

The State Library Development Study, which led to the drawing up of legislation enacted towards the end of last year that set up the new structure for the Library Council and administration, recommended the appointment of a person to be director and chief executive officer and listed the qualities that that person should have. They included a sound understanding of library procedures and information technology. The report recommended that the title of the Chief Executive Officer of the State Library of Victoria be changed from State Librarian to Director. The report also said that although it was desirable to have a highly qualified and experienced librarian as chief executive officer of the library, executive qualification should not be mandatory for future appointments to this position.

I understand from that that it is not essential to have librarian qualifications but it is clear that the first preference would be for somebody who was a highly qualified and experienced librarian. One would have thought that for a position such as this an attempt would have been made to find out what people who had those qualifications were available. The position should have been widely advertised and a group of people established from whom a selection could have been made.

The Minister also announced yesterday the appointment of the general manager. That was the second position recommended by the Hancock report. Again I understand that position was not advertised. I should like an explanation from the Minister as to why that was not done.

The result is that we do not have what the Hancock report seemed to be recommending, which was the appointment of a director and chief executive officer and a general manager but with the director being the chief librarian. I understand we now have a director and chief executive officer, a general manager and a State Librarian—who, I presume, will still hold the title of State Librarian. The Minister is indicating that that is so. The State Librarian will not be the chief executive officer for the library but will be a person, I understand, with librarian experience. Those moves in that sort of context have aroused concern.

I turn to the redevelopment of the library and mention, firstly, the appointment of the architects. I understand that the architects, Ancher Mortlock and Woolley Pty Ltd, won the competition for the redevelopment of the Queen Victoria hospital site. I understand why it was felt that those architects should be given the job of the development of the library. Nonetheless, it is a different task from the one on which the competition was based. The process that led to the appointment of the architects and the nature of the appointment should be explained by the Minister. I say that because it has been suggested to me that the appointment is for the first stage of the project and I do not know what the first stage is. Perhaps the Minister can say whether that is so and what the first stage is as distinct from any other stage of this project.

I turn to the basis of the project. The management brief prepared for the project provided for a library up to the year 2006. It would seem that this is the one chance we will have for many years to develop the State Library of Victoria. We should be looking ahead to the needs of the next century. The development proposal for the library to the year 2006 is hopelessly inadequate for a major public project that should serve the State into the 21st century.

I am informed that recent figures show that approximately 4·5 million people use the State Library each year. That is an enormous usage. It shows the great demand for the services of the library. That demand will not reduce; it will increase. There has been growth in, for example, genealogy—and that will probably increase in years to

come—that has led to many thousands of people wanting access to records at the library, and that need will continue.

Changes to the education system will impose even greater demands on the library with the increased access required by year 12 students. That is part of the government's policy to encourage more students to go on to year 12 and, with the changes from the old higher school certificate system to the new Victorian certificate of education, the tasks students will be set will require more involvement in research work. This will increase the already growing demand for access to the services of the library by final year students.

Another area is the picture collection, which is really magnificent. Space is needed both for the collection and for exhibitions. All these matters illustrate the need for greater access to the library and must be taken into account.

My understanding is that no detailed study of the implications of these trends has been made—in fact, I do not think any detailed study of the trends has been made, far less of the implications of those trends. It is essential that this is done before the plans for the layout of the library are completed. One needs to know exactly what services will be required and how they will change and develop over the years.

The recent library redevelopment in Sydney was developed on a projection of growth of 3·5 per cent a year in the need to use the library. The functional brief that was prepared for the State Library of Victoria used the figure of 3·2 per cent a year growth in the need to use the library, a lower percentage. The Hancock report used the figure of 2·8 per cent a year in growth. Each time a projection has been done the projected increase in the use of the library has decreased.

I do not know the reasons for that. One cannot find any reasons in the Hancock report for its estimate and one would have thought the reverse would be the case, that the State Library would provide a service for the next 100 years and that we have to allow for greatly increased access.

It is not desirable to go through the detailed figures about all of these matters, because they are the sorts of things that should be examined in detail by the Minister for the Arts. I understand that the current space allocation in the State Library is just over 14 000 square metres. The functional brief of 1988 recommended a space allocation of 38 000 square metres. The steering committee recommended a space allocation of approximately 31 000 square metres, which included 2500 metres off site, and the draft brief of 1988 recommended a space allocation of 28 000 square metres. The space proposals have diminished as a result of the Hancock inquiry and the approach being taken to accommodate the development to the available resources.

The Opposition recognises that unlimited resources are not available. It also recognises that the government has fixed its financial commitment at about $90 million in 1987 dollar terms as being all the State can currently afford. I hope the State government can still afford to spend that $90 million. The results of the Premiers Conference have cast an air of gloom over people who are interested in a number of major public projects, but I hope the government will continue with this project. I understand there is a limited amount that can be done with the money available, but the government should be planning for the future even if it may mean that further development may be in a second stage. There may be a need for stages in the development, because the community needs a modern library suitable for the 21st century.

That brings me to the actual proposal. A great deal can be said about the current proposals—and it would be better for the Minister to talk to people such as members of the State Library Development Council than to have me go through the enormous

detail involved in the project—and I raise some fundamental questions that ought to be asked. The first is about the nature of the proposal; it involves basically low-level buildings. It will occupy most of the site. I ask the Minister to consider the alternative. If there is a single-storey height in the light courts around the magnificent dome only a limited amount of space and access will be available. It would still leave some of the basic problems such as the flooding that occurs in the basement.

A suggestion that has been made to me is that it would not be much more expensive to excavate the light courts. They will be built over anyway. Excavation would allow more space to be provided because there could be several levels. At the same time it would be possible to fix up the drainage and leakage problems that occur. I am not qualified to comment on whether that is a practical and effective concept, but it is an interesting alternative that should be considered.

The wings of the building situated along Latrobe and Russell streets are, in effect, separate and they could be built up much more than is proposed at the moment. This could mean that the development would not use the whole site and the building would be more compact. That concept would do two things: firstly, it would solve some of the problems of access and linkage between spaces in the project and at the same time leave some parts of the site free for future development; and, secondly it would solve the problem with the reading room. Members of the Opposition were given a briefing by the Major Projects Unit on the proposals for the State Library and that was the first time we learnt that it is proposed that the domed reading room will no longer be the reading room; the proposed reading room will be situated at the back of the site near Russell Street.

That presents major problems, particularly if access has to continue to be from Swanston Street, which I understand is the proposal. It means that members of the public, the great mass of people who use the State Library and who want to go to the reading room, will have to travel all the way from Swanston Street to close to Russell Street. They will not be able to go in a direct line but will have to go through various passages to get there. They will pass through what should be high-security areas—for instance, the La Trobe Library collection in the domed reading area and the picture areas. These matters should be addressed.

Because of time constraints I shall not go on too long and shall not go into the design questions. It is better for more qualified people to go into those aspects. Fortunately they will be speaking to a man who is qualified to consider them and I hope the Minister will take a personal interest in these matters, because he has the opportunity of being the person who presides over what could be a great public asset for the 21st century.

The Opposition hopes it will be a great public asset rather than something that is inappropriate and does not meet the needs of the community, especially if that is demonstrated early in its life.

The last point I raise before listing the questions is to ask what is happening about the former Queen Victoria hospital site, where there is supposed to be some demolition work occurring. I believe there is still a ban imposed on work at that site and the Minister may comment on that. Again my understanding is that the money to be obtained from the sale of that site is money that will enable the work on the Museum of Victoria project to progress, thus vacating some of the library building and allowing redevelopment of the library to take place. If all of that depends on the sale of the Queen Victoria hospital site, what will happen, in view of the fact that nothing is happening as yet?

As I said, some questions have been asked in the community about these matters. I direct the following questions to the attention of the Minister for Major Projects.

They are not the only questions that have been raised with me but they indicate by their nature the sorts of questions that are being asked. The questions are:

1. Why did the Minister appoint the chief executive without advertisement? Why did he appoint a person without librarian qualifications without seeking others who might have librarian qualifications? Why did he make that appointment before the council was appointed?

2. Why did the Minister appoint the general manager without advertisement?

3. What is the position with the architect? In particular, is there a stage 1 or are there other stages?

4. Why have no detailed studies been undertaken of the implications of present trends? Will those studies be undertaken now?

5. Why has the Minister not met with the State Library Development Council? More particularly, will the Minister please meet with that council?

6. Why has the Minister been prepared to accept growth projections as low as 2·8 per cent per annum?

7. Will the Minister consider an entirely different approach which will make use of a higher percentage of the site in the way I suggested or some other way?

8. Will the Minister consider the proposal that the public will have to pass through the whole building to reach the reading room?

9. Will the Minister consider the preparation of a conservation policy? My understanding is that no such policy has been prepared.

10. What will the Minister do about the present black ban on work on the Queen Victoria hospital site?

The whole community would be grateful if the Minister could give answers to those questions and an assurance that as a major public project it will be one on which the public is fully informed as to what is happening and in which the goodwill that exists for the development of the project can be properly harnessed and utilised to the benefit of the entire community.

As I said earlier, while the Opposition had a different view as to what should be done about the State Library, we accept that this is the government's decision. Now it is our desire that this should be a most successful project of which we can all be proud. The Opposition will do all it can to help the Minister achieve that result.

The Hon. E. H. WALKER (Minister for the Arts)—I am pleased to respond to Mr Storey's motion. I was rather surprised that he brought it forward as a motion. He has asked a series of pleasant questions to which I am happy to give answers. He could have sat beside me here and got those answers.

The Hon. Haddon Storey—The answers would not have been in *Hansard* for people to read.

The Hon. W. R. Baxter—I am interested in the answers, too.

The Hon. Haddon Storey—So are all the people outside.

The Hon. Robert Lawson—We all want to hear the answers.

The Hon. E. H. WALKER—I am happy to give those answers.

The State Library project is one of the most important—if not the most important—projects that I am handling in two of my portfolios, that is, as Minister for Major

Projects and Minister for the Arts. I treat the project that way and give it that attention. The museum is also important.

As Mr Storey said, it was my decision to separate the two projects and I made that decision last year on what I believed to be good and sufficient grounds. Since then, time has proven that the separation of the two projects was well worth while.

In three and a half or so years Melbourne will have a fine museum on the south bank of the Yarra River and there will be a fine library in its present location but with far greater space and resources.

I put it in these terms: I see nothing more important in my career as Minister for Major Projects and Minister for the Arts than seeing those two major projects come to completion. I am sure honourable members will agree that they are important. For instance, Mr Lawson has always taken an interest in both the projects, particularly the museum.

I was somewhat startled to hear Mr Storey's phrase regarding broken promises and disappointment, although he is given to exaggeration from time to time.

If honourable members cast their minds back to the history of this government and previous Liberal governments, they will remember that there have been many attempts to solve the problems associated with the State Library of Victoria. The story in the early years of the government and under the previous Liberal government is not pretty or happy in respect of re-establishing a decent library. Honourable members will know that since the middle of last century through to the early part of this century the State Library of Victoria was of world-class standard, both as a notable building and as an extremely well-run and well-resourced library, with a great collection. The historical collection is still there, but it needs a lot of work done on it immediately.

I am happy to be able to say that over the past few years the amount of money allocated to conservation has increased remarkably and I am happy to show the allocation figures to honourable members.

As I said, from the middle of last century through to the early part of this century, Victoria had a library which was feted and acknowledged as a world-class facility. I should like to think that in a few years time we shall be back in that position.

I was glad to hear Mr Storey say that the project requires public support—support of all interested members of the community. He also implied that he was offering his support. I should like to think that in this situation we are above politics and the issues will be supported by honourable members on both sides of the House so that we can bring the State Library back to top condition. As I said, Mr Storey was implying that he was a supporter of the project.

I was fascinated to hear Mr Storey say that the Liberal Party would have reconsidered the decision that the government made last year to separate the State Library and the Museum of Victoria. He said that the Liberal Party would have returned to the idea of building an entirely new library. The history of attempts to build a new library makes sorry reading. There have been many proposals to relocate the library on the Queen Victoria Market site and other sites, none of which came to fruition.

The lovely building that the government is upgrading through the $90 million project which is under way is one of Melbourne's most beautiful buildings. The State Library building will undergo a proper upgrade, with a refit—as it were—in terms of modern technology and with infill buildings to add space. Other uses will be taken out of the building—that is, the museum will be located in a new facility. I can think of no better way of restoring the State Library than taking that lovely building in Swanston

Street and making it last for another 100 years, and that is what the government will do.

As I said, I was fascinated to hear Mr Storey say that if the Liberal Party had won the State election in October last year there would have been yet another reversal of the decision regarding the State Library. For that reason alone, I am glad that the Labor Party won the election. The government will continue to do what it intended to do then and it will do a good job. It is imperative that all honourable members get behind the scheme and support it.

I am committed to the notion that the public should have a meaningful influence on the project. I have been committed to community involvement throughout my public career, and I shall return to that point in the next few minutes.

Mr Storey referred to the need for wide input and said that the public deserves to know what is happening. I agree with that. I gather that the Opposition has said that there has not been enough public involvement. In a moment I shall list some of the involvement that there has been.

There have been many instances of significant public involvement. In 1986 a previous Minister for the Arts, the honourable member for Oakleigh in another place, undertook to develop the library-museum project. He proposed to use the Queen Victoria hospital site to allow for the expansion of both the State Library and the museum; and both institutions were to be housed on the same site. The history of the consultation that took place at that time is remarkable. That high level consultation has not been maintained in subsequent years; but a consistent level of consultation has taken place during that time, and it has increased in recent times.

Mr Storey said that there is disquiet among people interested in the project, because they feel that all is not going well. Mr Storey outlined those concerns, and I shall allay them. All is going well. Although there is nothing to see on the ground as yet—and I am aware that people are keen to see evidence of development on the site—the government is working hard on the project. I accept that people need to know more about it.

As to the "State Library Development Council", although that sounds like an official title the council is not an official body; nevertheless I have no wish to denigrate its work. Mr Storey correctly outlined the membership of the council, which comprises interested parties who want to see a fine library developed. I am happy to allow the group to have direct access to me. I have said so by letter, and I shall follow that up by meeting with the group, a suggestion proposed not only by Mr Storey but also by me.

Mr Storey said that members of that council have many questions that have not been answered. I shall take the opportunity of providing some answers to those questions. In my most recent correspondence with the so-called State Library Development Council, I said that I shall be happy to work with it and that I agree with the approach it is taking. In late February, when I first became Minister for the Arts, I received a letter from Darien Cassidy, whom I know well. He is an architect and a man of some reputation with regard to historic buildings. Mr Cassidy wrote on behalf of the council, and in his letter he addressed me as "Dear Evan".

The Hon. Haddon Storey—I think he is the chairman.

The Hon. E. H. WALKER—He does not say he is the chairman. Because he is a friend, he has addressed me by my first name. The letter states:

Dear Evan,

Our council has been set up to provide input from the point of view of the users and the various interest groups concerned with the development of the State Library of Victoria.

The deputy director of your department was kind enough to attend our inaugural meeting and advise us of the Ministry's interest in the consultation process and that you would be available, where necessary, yourself.

As chairman of our council could I meet you at your earliest convenience, please.

I responded to that letter in March, and I shall read that letter into *Hansard*. The letter begins, "Dear Mr Cassidy"—I am somewhat more formal in these matters! I could have addressed him by his first name; nevertheless, the letter is addressed to the Chairman of the State Library Development Council and reads:

Dear Mr Cassidy,

Thank you for advising me of the formation of the State Library Development Council. Since receiving your letter, I have also seen a statement of the goals of your organisation. I am pleased to see that its aims are so much in accord with some of the government's own objectives for the library redevelopment project.

A preliminary meeting was held on Thursday, 9 March, of representatives from the Ministry for the Arts, the State Library, the Major Projects Unit and the appointed architect, Ken Woolley, and two of his associates. That group is drawing up a preliminary timetable for the redevelopment. I will ensure that you are contacted when the dates for submissions and public comment have been established. Together with the separate consultation for State Library staff, this should allow the opportunity for input from all your members.

If after the structured consultation process there are still issues that haven't been addressed, perhaps we might meet then. I don't believe a meeting at this stage though would be appropriate.

That letter does not sound to me like a response from someone who does not answer questions or who in any way casts aspersions on the council.

The Hon. Haddon Storey—I did not think anybody was casting aspersions on them.

The Hon. E. H. WALKER—The sense of Mr Storey's comments was that I was not paying the council sufficient attention.

I have visited the State Libarary, talked to the staff, and seen the conditions in which they work, conditions to which Mr Storey referred. I am as concerned about them as he is. After meeting the staff I had lunch with them, to enable them to give me first-hand information about the conditions in which they work.

The Hon. C. J. Kennedy interjected.

The Hon. E. H. WALKER—The lunch consisted of sandwiches and a cup of tea at the library; certainly it did not cost very much, because the library's budget does not allow for extravagances. The lunch was pleasant. I sat with twenty people after touring the library with Jane La Scala and witnessing the conditions about which Mr Storey is concerned.

I shall be happy to meet with the council because this matter is being debated in the House and, because of a recent request made by Mr Storey, I shall be happy to meet with the council as soon as possible.

Mr Storey expressed some concern about the appointment of the director. It is true that the position was not advertised. But Mr Storey must understand that that appointment was made after a number of discussions with Mr Arnold Hancock who, as Mr Storey said, produced an important report on the State Library of Victoria. Together with the Act that was passed by Parliament in December last, Mr Hancock made a number of recommendations about the administration of the library. Mr Storey and other honourable members should appreciate that I took the action that I did on the basis of the conversations I had with Mr Hancock.

There was a significant need for the appointment of a director. Jane La Scala is an excellent librarian. One of the difficulties she faced was that she was being asked to work as a full-time administrator as well as trying to be the chief professional librarian in the State—and she is properly titled the State Librarian. Mr Hancock advised me that an administrator should be appointed with the capacity to support the State Librarian in her professional role, and the recommendation was a sound one.

After discussions, we determined to appoint a director. It was decided that that person need not be a librarian; indeed, after discussing the matter with Mr Hancock, it was agreed that it would be better if that person were not a librarian so that the State Librarian could be free to act as the professional that she is and to lead the library team. The opportunity arose for the appointment of an excellent administrator from South Australia, Miss Leah Mann. After discussions with her and with the State Librarian, that appointment was made. The position was not advertised; but on many occasions I am of the view that, when a government needs to take action quickly, it should be free to act in that way. I accept that, given time, it would have been better to advertise the position.

The director is the most senior person in the library. The next most senior person, who works alongside the director, is the State Librarian. The general manager, whose appointment I recently announced, is a Public Service appointment—an administrative appointment, not a Ministerial appointment. That appointment was made in response to recommendations made by Mr Arnold Hancock.

I have attempted to meet precisely the suggestions and recommendations in Mr Hancock's report. He produced a good report, and I talked with him a number of times before I implemented as quickly as possible what I believed he was asking for.

The Hon. Haddon Storey—That position was not advertised either, was it?

The Hon. E. H. WALKER—It was a Public Service appointment and, as I understand it, the general manager's position was advertised.

Mr Storey asked about the redevelopment of the State Library of Victoria and the appointment of an architect. A competition was held and the Sydney firm of Ancher Mortlock and Woolley Pty Ltd was the winner. I was not involved in the organisation of that well run competition but that firm won the contract. It began work on the library museum on two adjacent sites.

When I made the decision last year to separate those two facilities, it seemed to me that it was only reasonable to ask the firm that had won the competition to continue the work it had already begun on the site. It also seemed reasonable to me to call for the appointment of a new architect for the second project, and Ken Woolley of that firm was included in that choice of architects. It was decided that a separate choice should be made because another site was involved, and honourable members have been through that by way of question and answer over the past few weeks. I have had no indication of concern expressed by the profession or anyone else about continuing with Ken Woolley. He is a well respected architect and is doing a good job.

Mr Storey said the project was a difficult task but it is no different from any other project. There is no reason why the original architect should not continue, particularly with the State Library building.

Mr Storey asked about the nature of the appointment. It is true that Mr Woolley has been appointed for only stage 1 of the project, but it is expected that his firm will do the whole job. The government has made the appointment on the basis of completing stage 1 and with the intention of the firm completing stages 2 and 3.

I assure honourable members there is no need for concern; the government has adopted a proper procedure.

The management brief allows for the building of the State Library up to the year 2006. Again Mr Storey's assertion is correct, in a technical sense. It should be understood that the government does not expect the State Library to last only until 2006. As I said earlier, the government is looking for the library building to continue to function for up to 100 years. When one provides a brief for a project such as a library, one would be unwise to believe it will be known how that library will function beyond 25 years time because the technology of libraries is always changing, particularly now.

Mr Storey will be pleased to learn that the government has provided substantial funds for the upgrading of the whole catalogue system onto computer, for the provision of resources to modernise the lending capacity, for the maintenance of catalogues and for acquisitions, which is now under way. The government decided that it should start immediately with those plans so that the equipment to be put in will complement the new project. The government did not wait until the new project commenced.

I am advised that changes in library technology are dramatic. It is reasonable to suggest that the government's brief will take Victorians through to 2006, technically, but that is not the brief for the building. It is certainly not the expected lifespan of the building. This fine historic building in Melbourne must be upgraded to last at least as long again as it has. It will be a matter for future governments to decide whether the building will be kept for the State Library. The government wants to ensure that any options are not closed out. Given the history involved in deciding to undertake the project in this way, I have no doubt that community debate will continue. The government has a brief to take the functions of the library to 2006. It is providing money for the building to last much longer than that. I do not believe the government has closed out future options or decision in that area.

Mr Storey referred to a number of library-related matters. He is correct in claiming that genealogy is popular. The State Library is involved in more than books; it has all sorts of artefacts and a remarkable collection of paintings. When Mr Storey was on his feet, Mr Lawson asked me in private what happened to the huge painting of *The Burial of Burke and Wills.* I well remember that painting by Lonsdale, but I cannot answer Mr Lawson. I know the library had possession of that fine painting, together with many other paintings which in recent times have been included in special exhibitions. Last year the bicentennial art show had a major painting on loan from the State Library. The library has been a good curator of paintings as well as books. It is important that these additional roles should be sustained.

Mr Storey asked about detailed studies of item trends. Those trend studies have occurred and are continuing. The government has funded overseas visits and investigations into technology changes by State Library representatives because it believes the study of trends in technology are important. The last Hancock study examined trends in this field and library staff have undertaken studies overseas to investigate storage handling systems. I am delighted that the government and the Opposition are in agreement. It is important that trends in libraries be understood so that we are kept up to date. I do not want Mr Storey to think that the government has not been putting much effort into trends in library management and technology.

Mr Storey then referred to the reduction in the amount of space available for the new project. If my memory is correct, before the Labor government came into office a brief was written under the previous government for a huge facility to be built at the Queen Victoria Market site. That facility did not go ahead. It was seen to be unrealistic. Some further work was undertaken by the Cain government and by mid-1985 there

was talk of a 38 000 square metre library facility that would cost $330 million. The government was not in a position to tackle a project of that size, even though the brief involved what may have been the epitome of libraries.

The current proposal is to build a library of 29 000 square metres, which will be an excellent facility. In 1987 dollars it was expected to cost $90 million, so we have the best of both worlds. Victoria will have a significant new library; not quite 38 000 square metres but not costing $330 million.

Some concern has been expressed that the project will involve low-level buildings. The initiatives adopted by Ken Woolley involving infill and the manner of treating the buildings are excellent. There has been some talk about developing some high-rise buildings and leaving some space available in the area, but I do not like that idea. I prefer the complex and buildings remaining reasonably human in scale. The State Library should not be overpowered by high buildings around it, and that is why the Queen Victoria hospital site is being kept within the height limits of the central business district development provisions that I introduced in 1982 when I was Minister for Planning.

The State Library is a wonderful building. It should not be ringed by intermediate to high-rise buildings. It is important perhaps to have some multilevels surrounding the project, and Mr Storey referred to excavations, which is not a bad suggestion but may be costly. I shall certainly consider his suggestion. I do not want to see an annulus of tall buildings surrounding it because the building should really stand in its nineteenth century scale. That does not mean it will only be single level; it may be several levels, but the scale must remain the same with the dome prominent. It would be wrong to prohibit any additions, but we must plan them carefully.

The scale issue is important, and Ken Woolley understands that. Mr Storey made some other suggestions. I have mentioned excavating the light courts. I think that is an expensive idea but I am not saying it should be ruled out. We should have a look at it.

I have mentioned the build-up of the La Trobe collection. I do not want that to be done at the cost of scale. The domed reading room will remain in its present form, certainly as it is for the La Trobe collection, which is an important collection. It is used as a reading room and it is kept in its historic form for the La Trobe collection, not for the general reading room. That really has to be developed because of the new technology and the current requirements for reading rooms.

We wanted to keep the quality of the old reading room, and the La Trobe collection made a lot of sense. The new reading room, which is available directly at the lower level of Swanston Street through a duct, is a good plan. People do not have to weave their way around what is available. They go straight under. We are replacing some of that cataloguing work so that the public access is very different into the new reading room and other facilities. Honourable members will agree it is a good plan when it is perhaps explained in more detail.

So far as Mr Storey's final question is concerned about the Queen Victoria hospital site, I am glad he brought it up because proposed legislation will be before the House today and if it is passed, with certain assurances, its passage will provide the government with the capacity to move quickly on the sale of that site for private development. Included in that development will be a women's health information unit. If we can obtain some agreement on that Bill, we can undertake the sale and then be in the position to move full steam ahead. We will have a resource—it will not be the total resource required but we will have a nest egg that will allow both the museum and the State Library projects to proceed. When will the sale be? Given the legislation goes

through, the sale will be within a couple of months—August or thereabouts. I think that is a fair answer. I shall be interested to hear the response when the Bill comes before the House for debate.

I think I have answered the bulk of the questions. I thank Mr Storey for bringing the matter up. I do not believe it needs to go to a vote. If there are further issues he would like explained, I shall be happy to have the explanation provided but I simply conclude by saying that one of my great ambitions, as a Minister of this government and as a member of this community, is to see a very fine library re-established on the site of the State Library and carried out in a manner about which honourable members opposite and the public at large, and bodies such as the development council, will be extremely proud. If I can do that, having been the Minister in charge will have been worth while.

The Hon. ROBERT LAWSON (Higinbotham Province)—Some time in 1856, from the top of a house with a tower in William Street, not far from the corner of Latrobe Street, a series of panoramic photographs of early Melbourne were taken. The photographs are of beautiful clarity, needle sharp, and every detail can be seen. They must have been taken early on a sunny Sunday morning, because there are shadows but not a soul is about. When we study the photographs we can see Melbourne as it was in those times but, furthermore, we can identify many of the old buildings that are still standing. For instance, we can see the Town Hall, the Elizabeth Street Post Office, which in those days did not have the clock, we can see Parliament House and there is a view of the State Library that was built in 1856. In those days it was the crown of Melbourne, as the Minister said; a very beautiful building indeed.

Perhaps part of the problem at present is that the State Library is housed in such an old building but it is such a magnificent architectural gem that we cannot afford to knock it down and replace it.

An Honourable Member—Bolte might have knocked it down.

The Hon. ROBERT LAWSON—It lasted through Bolte's period very well so it cannot be said he would have knocked it down. This magnificent building was the crown of the architectural achievements of the Victorian period. I have been in it literally hundreds of times. On entering the front door one is confronted with the marble staircase. Above the staircase one sees that beautiful mural of scenes from the first world war, just under the ceiling. On turning right one goes into the room which used to have an aeroplane hanging from the ceiling. It was one of the very early aeroplanes in Melbourne. Apparently some farmer built it in his back yard and went for a flight. It was never used afterwards but kept as an historic memorial. There were also dinosaur bones in the room and so on.

In recent years these were cleared away and the room was refurbished. As everyone knows, it is a magnificent room with beautiful columns supporting a gallery. In some respects it is almost equal to the Chamber in which honourable members are sitting now. It is one of the gems of early Melbourne architecture.

Behind this facade things are not going so well for the State Library. Part of the problem is that the library is housed in such an ancient building. Magnificent though it may be, it does not fit with twentieth century ideas of what a library should be. We have no idea what the 21st century may require of a library, but we have to plan for the future as best we can.

When our forebears put up the original State Library there were no problems. Labour was cheap and they could repaint the place as often as they liked. They could afford plenty of librarians and no doubt all the records were kept by hand. There were plenty of clerks to write down the records with quill pens. Over recent years conditions

have changed. I note there is a recent complaint by the Victorian Public Service Association that the usage of the library had increased by 30 per cent and the number of staff had been decreased by 14 per cent. This would present a problem to any librarian. It has been very heartening for me to listen to what the Minister had to say.

I notice from recent press reports that the roof of the library has leaked on two occasions and according to the report, $100 000 worth of damage was done. How that was assessed I do not know, unless the journalist was told it would cost $100 000 to restore the damaged books. The books themselves have incalculable value. We have no idea what they would be worth and we are not particularly interested because there is no possibility of their being sold. The collection might decay; it might be neglected; it might turn into a heap of rot in the end if we do not do something about it, but we certainly will not sell it.

We can only wish the Minister well. I sincerely believe he has the interests of the library at heart. I for one applaud what he had to say today. On behalf of the Liberal Party, we offer him all the support that is necessary to save this magnificent collection. As well as the building being magnificent and of world-class architecture, the collection is also of world class. It is, to use a trite expression, a jewel in the crown of Melbourne. Unfortunately, it appears the jewel is somewhat tarnished and that is the cumulative fault of various governments, including, I suppose, the Liberal government. Then over six years the Labor government has not done all it should to restore and keep our great collection in pristine condition.

I can only say that I applaud what the government is trying to do. I would support it in its efforts to rescue and restore the collection because of its enormous cultural and historic value to Victoria.

The motion was agreed to.

The sitting was suspended at 1 *p.m. until* 2.3 *p.m.*

STOLEN GOODS

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

That this House requests the Attorney-General to refer to the Legal and Constitutional Committee for investigation and report the law relating to the return of stolen goods with special emphasis on livestock with a view to reinforcing the right of owners of stolen property to the speedy return of that property.

The motion seems to be a simple proposition, and most honourable members will agree that there should be a simple mechanism for returning stolen goods to their rightful owners. However, the Victorian law on this issue is extremely complex and the applicable law is a combination of statute and common law. It appears that the following Acts impinge on this issue, especially in relation to livestock: the Summary Offences Act, the Penalties and Sentences Act, the Goods Act and the Auction Sales Act. I should not like to suggest that they are the only Acts dealing with this issue because I would not be confident in making that statement.

In addition, a considerable body of common law deals with the rights of the receiver of the goods, the original owner and the person who has dealt with the goods in the meantime. I am seeking a mechanism whereby the various laws can be brought into a coherent system that will reinforce the rights of ownership and the right of the true owner of property to have that property restored to him if it is stolen.

This issue has been examined by a number of bodies. Sir John Starke, who conducted a review into sentencing in this State, dealt with the question of restitution as one of the remedies that should be open to a court order. In its report on support services for

victims of crime in November 1987, the Legal and Constitutional Committee dealt extensively with this issue but did not reach a final conclusion. Some elements of the matter have been under investigation by the Regulation Review Unit of the Department of Industry, Technology and Resources. Three major groups have been investigating the matter. The purpose of the motion is to provide a mechanism to bring the streams together and to establish an inquiry into the restitution of stolen property, with specific emphasis on livestock.

Some honourable members will be aware of the publicity that arose over a period involving a man from Shepparton, Mr Norman Sims. He was in a sharefarming arrangement and the person with whom he was involved was found guilty of stealing 47 breeding cows. However, a restitution order was not made in favour of Mr Sims. For a number of years he was deprived of the progeny and produce of the breeding cows and I do not believe he ever got them back. That had a devastating effect on his finances and, eventually, a bank sold him up and Mr Sims had to walk off the property.

In a letter dated 11 March 1987 to the Victorian Farmers Federation from the then Attorney-General, the present Minister for Transport, the Attorney-General states:

> In Mr Sims's case, I understand that an application for a restitution order was made by counsel for Mr Sims at the conclusion of the prosecution for theft of the relevant cattle. After hearing submissions from counsel, the presiding judge, Judge Ogden, declined to make an order for restitution. His Honour apparently made this decision because ownership of the cattle was in dispute and because Mr Sims had brought civil proceedings for the recovery of the cattle in the Supreme Court.

Someone was found guilty of theft and was fined, yet the judge, who had all the facts available to him, declined to make a restitution order.

In the letter to Heather Mitchell, the President of the Victorian Farmers Federation, the then Attorney-General concluded by saying:

> Therefore there is ample power for the courts to make appropriate orders according to the justice of a case.

I direct to the attention of the House the views of the Legal and Constitutional Committee in its report issued some six months after the letter to which I referred. In relation to stolen livestock, at page 45 the committee states:

> The committee is aware that there are serious anomalies in the law relating to the sale of livestock. It is particularly concerned that provisions in the Auction Sales Act 1958 do not provide sufficient protection against the sale of stolen livestock at auctions.

In reference to the statutory basis of restitution, at page 33 the committee states:

> That basis largely reflects historical legislative developments, with the result that it represents an ad hoc, inconsistent and essentially inaccessible scheme for the provision of restitution.

In March 1987 the then Attorney-General, now the Minister for Transport, said that the law was fine but in November 1987 the Legal and Constitutional Committee said that the law was a mess.

The work put into that issue by the Legal and Constitutional Committee justifies its conclusion. On page 28 of its Report upon Support Services to the Victims of Crime it states:

> Historically, the concept of restitution was integral to society's treatment of offenders. As centralised legal systems developed, however, the role of the victim in the criminal process was overtaken by that of the State. The monetary punishments imposed upon offenders now contribute to consolidated revenue rather than to the restoration of the victim and restitution is relegated to a minor role in the process . . .
>
> It is generally accepted that the notion of restitution is a constructive one and one which serves a number of purposes. First, it involves a recognition of victims of crime and has the potential to facilitate the restoration of their material position. It also requires offenders to take responsibility for their actions

and thus may perform some rehabilitative function. Finally, restitution relieves the State of the burden of compensating property loss arising out of criminal acts.

The Liberal Party believes in the first instance that the courts and the public at large expect that recompense for wrongdoing should be made by the perpetrator and not by the public and that is why it is happy to support the notion of an offender taking responsibility for his or her action. The report examines in some detail the criminal jurisdiction and the civil jurisdiction in this area. It states:

A further barrier to the taking of civil action is the rule that a conviction in a criminal court is inadmissible as evidence of the commission of the relevant acts in subsequent civil proceedings based upon the same facts.

Under Victorian law:

Applicants are therefore required to re-establish at the civil hearing all the facts proved at the trial of the offence, thus adding considerably to the cost of such proceedings.

That is exactly the situation that Mr Sims found himself in. The report states:

The committee recommends reform of the rule in *Hollington* v *Hewthorn & Co. Ltd.*

Every other State allows evidence that has been presented previously in a criminal case to be used in a civil case without the necessity of proving all the issues again. That is one area in which some action should be taken. I have read earlier the comments made by the committee and the sorts of conclusions it has come to about the state of the law. On page 38 the report states:

The committee believes for such orders to actually restore the position of victims of crime an effective enforcement mechanism is essential. It is persuaded that the process available for default on payment of fines is the most appropriate and recommends that it be the only manner of enforcement available for restitution orders.

We must ensure we have a system that delivers the goods back to the person from whom they were stolen. On page 40 the report states:

The committee recommends that a provision be enacted in the Penalties and Sentences Act 1985, empowering criminal courts to make restitution orders following conviction based upon the following principles:

(*a*) following conviction the court may make a restitution order on the application of the prosecutor or on the court's own initiative;

The committee makes the point in its report that it should not be up to the victim to institute the process. In fact it should be instituted by the courts or by the prosecutor. The second part of the recommendation states:

(*b*) prosecutors shall ascertain the extent of the victim's loss or damage prior to the hearing and prepare any necessary documentation in support thereof;

(*c*) restitution orders shall take priority over any fine imposed;

(*d*) all provisions presently permitting restitution shall be repealed;

(*e*) the court shall have the power to make any order for restitution from any source and on any terms and conditions which it considers to be fair and just in all the circumstances of the case; and

(*f*) that the provisions of Part 7 of the Penalties and Sentences Act 1985 apply to restitution orders.

It is a substantive report from the Legal and Constitutional Committee which pointed out on page 45 particularly in relation to livestock:

The committee is aware that there are serious anomalies in the law relating to the sale of stolen livestock.

The Auction Sales Act is virtually useless. The Act was considered in a case heard by the Supreme Court, *Gibbs* v. *Clark* and *Dalgety Farmers Ltd* v. *Chrystie,* page 778 of

the *Victorian Law Reports* 1985. I shall not go into detail, but Mr Justice McGarvie concludes:

> Section 38 of the Auction Sales Act 1958 provides . . . Held, that for an offence to be committed under the section, it must be shown that the licensed auctioneer received the sheep, sold them and passed over the proceeds of sale. Receipt by the auctioneer's employer is not sufficient. An auctioneer who goes to a pen to auction sheep in possession of his employer does not take possession of them. At most he takes custody of them from his employer. Further, it is not sufficient, for the offence to be committed by the auctioneer, that other staff of the employer pay over the proceeds of sale.

The conclusion shows how legalistically the Auction Sales Act is being interpreted. The general conclusion that most people reach is that the legislation is virtually useless in protecting the rights of those who have had their stolen livestock sold at auction. That is the view of the Legal and Constitutional Committee.

The Starke report on sentencing which was released in approximately May last year was the most definitive document that we have seen in this State on all aspects of sentencing. It is a worthy document; it is a tribute to its authors that it has been so well received. The report deals with the issue of restitution on page 35. Recommendation 7.3.6 states:

> It is recommended that a provision be enacted which provides that:
>
> If goods have been stolen and a person is convicted of an offence connected with the theft (whether or not the stealing of the goods is the gist of the offence), the convicting court may, by way of sentence or in addition to any other sentence, make any of the following orders:
>
> An order that the person having possession or control of the stolen goods restore them to the person entitled to them.
>
> An order that the offender deliver or transfer to another person goods that directly or indirectly represent the stolen goods as being the proceeds of any disposal or realisation of the whole or part of the stolen goods or of goods so representing them.
>
> An order that a sum not exceeding the value of the stolen goods be paid to another person out of money taken from the offender's possession on his or her arrest.

There is more detail in the report. The Starke committee dealt with some elements of the issue. It was necessarily limited because the job it had to do was much broader than just this issue.

Part of the current law is contained in section 28 of the Summary Offences Act, particularly in relation to livestock. Clause 28 in part states:

> (1) Upon complaint or information on oath that cattle . . .

By definition that includes sheep, pigs and other livestock:

> . . . suspected to have been stolen are in the possession of any person a justice may—
>
> (*a*) issue a summons to such person to appear before a magistrates' court; or
>
> (*b*) issue a warrant for the apprehension of such person—
>
> and may in either case, if he thinks fit, issue his warrant to a member of the Police Force commanding such member to seize and detain the cattle suspected to have been stolen and detain them until the information or complaint is disposed of.

At first sight that provision appears to achieve what one would believe would be its objective of a speedy return of the stolen cattle.

However, it is those sorts of provisions which certainly did not work in the Sims case. Section 94 of the Penalties and Sentences Act contains a provision which again, on the face of it, appears to allow for a court to order restitution immediately upon finding someone guilty of the crime of theft or an associated crime. However, there is again the problem that it is solely at the discretion of the court and there is no guarantee that one will get the order. One of the reasons that one may have trouble in

obtaining the order is, of course, identification. Identification of stock is something of a problem.

Some years ago the Liberal Party amended some provisions of the Pounds Act that were introduced by the government to provide for prima facie proof of ownership of stock. Early in 1987 I prepared a draft Bill to amend both the Crimes Act and the Summary Offences Act to try to address the problem particularly of stolen livestock. I gave notice of that Bill under the name of the Crimes (Restitution Orders) Bill. I had the Bill prepared by Parliamentary Counsel on my instructions, but I was not satisfied that it would achieve what I wanted it to achieve, and therefore I did not proceed with it at that stage. It would have provided, firstly, for the issue of prima facie proof of ownership. The proposal that I had in mind at that stage was to add to section 28 of the Summary Offences Act a provision along the lines that:

In determining to what person the cattle belong, either of the following is proof of ownership of the cattle:

(*a*) A statutory declaration declaring that the person named is the owner of the cattle;

(*b*) Documentary evidence showing that any brand or mark on the cattle is the brand or mark used by the person claiming ownership.

The Bill would have set up a prima facie situation and the courts would have been able to act on that prima facie evidence subject, of course, to other people having the opportunity of disproving it.

The second provision of the Bill that I had drafted was to insert a new section 443 in the Crimes Act. I shall not go into detail in the House because, if the House carries the motion, I propose to give the draft Bill to the Legal and Constitutional Committee for its consideration along with the other material.

Needless to say, in summary, the position of the Liberal Party is that the law in this area is unclear; it is unsatisfactory. That view is supported by the very strong comments from the Legal and Constitutional Committee of this Parliament.

There is a need for a body of law that is easily understood and reinforces the right of ownership of the owner of stolen goods. The inquiry is not limited just to cattle, but there is certainly a need to ensure that the committee examines all the issues relating to cattle and other livestock. By referring the matter to the Legal and Constitutional Committee we will be using an all-party Parliamentary body that has already done some work on aspects of this issue, and it will provide an open process in which others may participate.

A Parliamentary inquiry such as this would involve advertising its references; seeking submissions; and receiving submissions from the Victorian Farmers Federation and other producer bodies, as well as from individuals. No doubt Mr Norman Sims will make submissions, as he has done previously, to the Legal and Constitutional Committee. It will be an open process.

All members of the House have shown themselves to be very supportive of the Parliamentary process. I am suggesting that there is good reason for supporting the motion. It is in the form of a request to the Attorney-General for him to make the reference to the committee because, as a single House, the Legislative Council has no power to do so. However, I hope, in the interests of clarifying the law and in the interests of achieving justice for people who are victims of crime in the sense of having had their goods stolen, that the government and all parties will agree to this motion.

The Hon. W. R. BAXTER (North Eastern Province)—I am pleased to support Mr Chamberlain's motion, and I am glad indeed that he has moved it in the House today.

The matter at the heart of the motion is very serious and it is one that I believe will become increasingly talked about in the future.

It may be assumed by some honourable members that the situation affects only a few unfortunate persons who have had property stolen that they have been unable to recover. Perhaps that is true, but I believe justice ought to be done for those people. But, as well, I believe the incidence of theft, particularly of stock, will increase. There are a number of reasons for that, one of which is the greater mobility of thieves in being able to bring in motorised transports, pick up stock from an unattended paddock, cart them off and dispose of them in the markets or elsewhere.

Also, there are fewer people living in rural districts nowadays than previously. Farms are larger and there are more absentee landowners, people who live in the towns where the facilities are, who are not on site as much as would have been the case in the past. That gives scope or an avenue for nefarious characters to go about their dirty business. In addition, the increasing value of livestock makes them a more attractive object of theft.

I believe the problem will worsen over the next few years, and it is up to Parliament to review the law with a view to making it more easily understood and applied, and applied with a deal more justice than appears to be the case at present.

I have had a lot to do with Mr Norman Sims, who was mentioned by Mr Chamberlain, as Mr Sims is a constituent of mine. I have great sympathy for Mr Sims. He suffered an extraordinary loss in having a number of very valuable livestock stolen. That loss was compounded by the fact that the thief turned out to be a trusted person, a sharefarmer. The thief was apprehended, convicted in the courts in Shepparton, and fined $10 000; and yet was able to retain the stolen cattle and enjoy the fruits thereof. I do not believe anyone would consider that that was justice, and it has certainly led to widespread alarm in the community.

Not only has the issue been taken up by groups such as the Victorian Farmers Federation, but also various letters and submissions have been forwarded to the former Attorney-General and the Premier from a wide range of bodies including, for example, the Uniting Church and others, all without very much success to date.

In fact, I wrote to the then Attorney-General, now the Minister for Transport, on 26 May 1986—almost three years ago to the day—when I set down my concerns both for the Sims case and another one in Buffalo River, which is also in my province, where a number of cattle had been stolen from a Mr Bill Moore. I received the same sort of reply from the then Attorney-General that Mr Chamberlain has already regaled the House with—and that was a reply to Mrs Mitchell, President of the Victorian Farmers Federation, dated 11 March 1987. The Attorney-General replied to me on 20 June 1986 in very similar terms. Therefore, in nine months, despite numerous submissions, the Attorney-General was unmoved.

The Hon. E. H. Walker—The Attorney-General also received a submission from me.

The Hon. W. R. BAXTER—Of course he would have received a submission from the honourable gentleman, who was then the Minister for Agriculture and Rural Affairs. But the Attorney-General was unmoved. The word processor still spat out the same standard answer, and satisfaction was not achieved anywhere.

A meeting to discuss this matter was held in Shepparton on 25 July 1988 which turned into a very emotive occasion. From that meeting, a deputation led by the shadow Minister for Police and Emergency Services in another place, the honourable member for Mornington, was to go to the Premier. I am not sure whether that

deputation was actually ever received by the Premier or whether the Premier agreed to receive it, but still very little appears to have transpired.

Publicity has been ongoing and the problem will not go away. On page 5 of the *Weekly Times* of 1 March 1989 a large article outlined the Sims case. That came about following the mortgagee's sale of the property. In all fairness, I do not believe that the moving in of the mortgagee on Mr Sims's property was entirely due to the theft of cattle, but that theft certainly was a significant component in the financial difficulties in which Mr Sims has found himself over recent years.

The meeting at Shepparton carried some very strong resolutions. The article in the *Weekly Times* included several photographs of people protesting outside the mortgagee's sale, with placards calling for the return of stolen property. Later a report was screened on the television program *A Current Affair* which subsequently generated correspondence to me and, I assume, to the government and other honourable members from as far away as Queensland.

It is obvious that the issue is striking a chord of sympathy in the community. It is being seen by hundreds of people as a very unjust law. As Mr Chamberlain expertly outlined to the House, a number of Acts are involved in the restitution of primary property, including the Crimes Act, the Penalties and Sentences Act and the Summary Offences Act. I shall not cover the ground already detailed by Mr Chamberlain, but the motion is an appropriate way to have the matter further considered.

The Legal and Constitutional Committee has already given some attention to the matter in the previous report, as referred to by Mr Chamberlain. I have been informed by the Chairman of the Legal and Constitutional Committee that he believes the committee would be pleased to take up the reference; that committee is suitably equipped to examine the matter, to hear submissions from interested parties and to make a report to Parliament. Certainly I would commend that course to the government, and hope it is put in place.

I look forward to some legislation being proposed consequent upon the committee reporting back to Parliament, because the issue is of considerable magnitude in the community. It is continuing to attract the attention of even more interested persons who are expressing concern. Only last Thursday night at a function I attended in Myrtleford I was approached by Cr Frank Keogh of the Shire of Wangaratta, a well-known correspondent to newspapers in the area.

Cr Keogh set out for me in detail the facts of the Sims case and the Moore case—with which I shall not regale the House today—and expressed his disquiet at the fact that the thieves apparently are being permitted to enjoy the fruits of their misdeeds, yet the rightful owners are left in limbo. I cannot agree more with him. I support his request, as set out in the letter, for action to be taken.

Bearing in mind the pressures on the House today and the excellent presentation given by Mr Chamberlain, the National Party supports the motion and hopes that a reference can be sent to the Legal and Constitutional Committee without delay and with a view to the committee reporting before the end of the year.

The Hon. E. H. WALKER (Minister for the Arts)—I have listened with care to Mr Chamberlain and Mr Baxter. I have some knowledge of this problem from a previous portfolio. I think the files of the Attorney-General contain one or two letters from me asking for clarification of a very difficult issue. As Mr Chamberlain said, it is a very complex matter. I am conscious that the advisers to the Attorney-General have generally advised that there is no need for the matter to be brought before the Legal and Constitutional Committee; they believe the law is adequate.

However, the Sims case suggests to me that there must be some inadequacies in the law—and that is a personal view. I have discussed the matter briefly with the Attorney-General today, and we believe that the suggestion of Mr Chamberlain is a reasonable one. I do not intend to oppose the motion. It is still up to the Attorney-General whether he takes the advice of this House because the wording of the motion calls on the House to "request the Attorney-General to refer" the matter to the Legal and Constitutional Committee. I cannot guarantee that the Attorney-General will do so, but I indicate that this side of the House does not oppose a proper and reasonable approach. If the committee is willing to take the reference and is capable of shedding some light on a complex issue, it should be able to do so.

The motion was agreed to.

JOINT PRINTING COMMITTEE

The PRESIDENT announced the receipt from the Assembly of the following message with which they desired the concurrence of the Council:

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.

On the motion of the Hon E. H. WALKER (Minister for the Arts), it was ordered that the message be taken into consideration later this day.

PORT OF MELBOURNE AUTHORITY (AMENDMENT) BILL

This Bill was received from the Assembly and, on the motion of the Hon. E. H. Walker (Minister for the Arts), for the Hon. B. T. PULLEN (Minister for Housing and Construction), was read a first time.

SUBDIVISION (AMENDMENT) BILL

This Bill was received from the Assembly and, on the motion of the Hon. E. H. Walker (Minister for the Arts), for the Hon. B. T. PULLEN (Minister for Housing and Construction), was read a first time.

For the **Hon. B. T. PULLEN** (Minister for Housing and Construction), the Hon. E. H. Walker (Minister for the Arts)—I move:

That this Bill be now read a second time.

The Subdivision Act was assented to on 31 May 1988. Since that date, and in preparation for the commencement of the legislation, an extensive program of consultation has taken place involving local government, many professional bodies and the major State government agencies that will be affected by the provisions of the Act.

In the course of these consultations, it became clear that some machinery changes to the Act are required and in addition, a number of errors and omissions have come to light that will need to be remedied if the legislation is to operate effectively.

The amendments contained in this Bill fall into two broad categories. The first category relates primarily to the interaction of the Subdivision Act with the Transfer of Land Act. Many of these amendments arise as an unforeseen consequence of amendments that were made to the original Bill during its passage through the Legislative Council.

The amendments include the deletion of the first schedule to the Act and the removal of a number of inconsistencies between the Subdivision Act and the Transfer of Land Act which would have impeded the work of the Registrar of Titles in undertaking dealings in certain cases.

The balance of the amendments arise from the detailed discussions that I have mentioned, which included a review of the regulations necessary to ensure the effective operation of the Act.

The key changes relate to:

(i) the simplification of procedures for the preselling of allotments. The Act's existing provisions to ensure that surveyors properly mark their subdivisions have the unintended effect of making the preselling of lots within buildings very difficult. Appropriate changes are proposed to the Surveyors Act to cover the marking of lots;

(ii) staged subdivisions, where the amending Bill clarifies the procedures to be followed to allow for the effective staging of major subdivisions without the need for the whole permit and registration process to be repeated at each stage;

(iii) insurance for bodies corporate where the amending Bill clarifies the respective obligations of bodies corporate and individual lot owners in insuring their separate and common interests and protecting the interests of mortgagees; and

(iv) land acquisition where the obligations of acquiring authorities are spelt out and clarified, particularly in respect of the acquisition of land affected by a body corporate.

In addition, the amending Bill follows up the intent of the changes made to the original Bill in the Legislative Council by simplifying those parts of the legislation dealing with easements, restrictions, and encumbrances. The definition of "encumbrance" is removed from the Act since it deals primarily with such matters as mortgages; this Act is not intended to apply to matters such as mortgages on titles.

This amending Bill also makes a number of additions to the regulation-making powers in the Act, particularly with respect to bodies corporate. In addition, there are consequential amendments to protect the role of the Country Fire Authority with respect to new subdivision proposals in special fire risk areas.

The Bill includes changes to the savings provisions in section 44 of the principal Act. These will ensure that any action commenced under the current legislation can

be completed after the date the new Act is proclaimed, without the need for changes to be made or new plans or details provided.

The remaining amendments are mostly either minor, mechanical, or consequential changes or corrections designed to smooth the operation of the Act.

Finally, it is proposed that section 29 of the Building Control Act also be amended to clarify current anomalies with respect to the siting of buildings.

The need to amend all planning schemes in Victoria in preparation for the proclamation of the Subdivision Act has brought to a head the need to resolve these anomalies which relate to the regulation of lot sizing and the siting of buildings as between the Victoria Building Regulations, council by-laws and planning schemes. These anomalies were highlighted in advice received from the Victorian Government Solicitor.

At present, where a local council introduces into its planning schemes any form of house siting or setback control in any zone, I am advised that the relevant provisions of the Victoria Building Regulations would no longer be deemed to apply to any part of the area covered by the scheme. Therefore, in order to protect the position of local councils wishing, for whatever reason, to introduce revised setback or siting controls, an amendment is required to provide that siting regulations and by-laws will only cease to have effect where a specific planning scheme provision exists. In all other areas, the council's by-laws or the Victoria Building Regulations will continue to have effect.

In closing, I thank those representatives of local government, and the property, surveying, and legal professions who have contributed their time, ideas and comments to helping ensure that this new subdivision legislation will be of benefit to all Victorians, not simply those involved with the process of development.

I commend the Bill to the House.

The Hon. W. R. BAXTER (North Eastern Province)—The National Party does not oppose the Bill. I have had an extensive briefing from officers of the relevant department as to why it is necessary, and I understand that necessity, although I am extremely disappointed with the Bill because, clearly, many of the matters should have been identified when the original Bill was passed.

To bring the existing Act into satisfactory operation, these matters have to be addressed. I do not wish to repeat the remarks I made in the original debate, but it is important that the legislation be put in place as quickly as possible because it goes to the question of delays which often occur in getting a subdivision through; the Bill will assist in speeding up that process. For example, housing is already a costly burden upon citizens, and those costs are aggravated by the holding costs generated when the disposal of blocks of land is delayed because of delays in getting the subdivisions approved by the various authorities. Holding costs can be horrendous, and I have a case before me at the moment in this city where the holding costs were of the order of $19 500 a week for a relatively minor subdivision proposal. In the long run, those costs will be paid by the ultimate owners of those blocks and by the owners of the dwellings that are built on them.

It is the responsibility of Parliament and of the government to expedite the subdivision proposal as much as can be achieved, bearing in mind the various authorities that are entitled to give their opinion and approval.

That brings me to another point I wish to highlight regarding subdivisions and the unrealistic views being adopted by some responsible authorities when being asked to approve subdivisions. I refer to the Rural Water Commission which has to give its

approval to most subdivisions in country Victoria and, in particular, those that are located on alleged flood plains. I have a case before me in the Shire of Rochester of a person wishing to carry out a two-lot subdivision on a piece of land which would never flood in whatever circumstances being refused the subdivision by the Rural Water Commission, despite the municipality and other responsible authorities involved giving their approval. The commission is refusing approval on the ground that, in the remotest of circumstances, access may be denied to that land.

Those remote circumstances would apply in the event of the 100-year flood. We have not had a 100-year flood yet but it might be this year; no-one is to know. It has not yet occurred, yet the Rural Water Commission of Victoria is saying that because this block might be temporarily cut off for a short while in the event of a 100-year flood, it will deny approval for this subdivision.

The area in question is protected by levy banks in any event, and if we were faced with a large flood there is no reason to believe that those levy banks would not be secure and would not hold back the water. If those levy banks were breached it would not be the sort of flood we have witnessed on the north coast of New South Wales.

The Hon. B. W. Mier—Why not?

The Hon. W. R. BAXTER—If Mr Mier will listen, I shall explain why not. The water there was of great depth and was fast moving, and it was dangerous, whereas at the location about which I am speaking the water will be relatively shallow and it will be either stationary or slow moving. The risk of someone being swept away is nil.

My contention is that if the Rural Water Commission continues to stifle development in the way it is in this application—and it is not unique; there are others like it—we will end up with development on the northern plains of Victoria being brought to a halt. That is what it will mean.

It will mean that no-one can build on the northern plains of Victoria because in the event of this 100-year flood there would be a fair bit of water around. The commission goes on about getting helicopters in to drop food and send rescue boats in to get people out, but that is a lot of rubbish.

Floods have occurred up in that area before; we have survived them before and we will survive them in the future. Melbourne is already bloated. Costs of infrastructure here are beyond reason, yet we are discouraging people from moving out into the country because authorities such as the Rural Water Commission are taking a ridiculously narrow view of what the dangers from floods might be.

The government needs to look again at the powers that have been handed over to a group of bureaucrats sitting out there in Armadale who believe they know best and who have no responsibility at all towards the development of Victoria or the rights of citizens who want to go about their daily business and build houses in areas that will not be flooded but where the roads might, on the remotest of occasions, be covered by water to a couple of feet deep for perhaps five or six days.

Even if that were the situation, no-one is going to die of starvation in five or six days; and, anyway, they are all resourceful country people and I am sure they would be all right. We are not dealing here with people who, at the slightest disaster, scream out for assistance.

Honourable members interjecting.

The Hon. W. R. BAXTER—Members of the Labor Party laugh because they do not appreciate the resourcefulness of people who are not accustomed to having everything laid on tap all the time. These people live in remote areas and are prepared to put up

with inconvenience for short occasions. A totally unrealistic attitude is being adopted by that authority and I hope those responsible will change their minds. Having said that, I state that the National Party will not oppose the Bill.

The Hon. R. I. KNOWLES (Ballarat Province)—In the absence of whoever on our side was supposed to speak on the Bill, I indicate that the Opposition is not opposed to it. In fact, I understand that most of the clauses of the Bill were suggested by the Opposition when the original Bill was passed.

In a sense, belatedly, the government has recognised the correctness of the Opposition's view at that time, and has incorporated that view in the Bill. The Minister has already indicated that some amendments are yet to be made to the Bill, which again follows widespread consultations with all parties, and certainly with all of the representative bodies in the community. I understand the Bill has widespread support. It is certainly necessary, and the Opposition does not oppose it.

On the motion of the Hon. R. A. MACKENZIE (Geelong Province), the debate was adjourned.

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

CULTURAL AND RECREATIONAL LANDS (AMENDMENT) BILL

The Hon. M. A. LYSTER (Minister for Local Government) moved for leave to bring in a Bill to amend the Cultural and Recreational Lands Act 1963 to include certain land as recreational lands and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

RACING (AMENDMENT) BILL

The Hon. B. T. PULLEN (Minister for Housing and Construction)—I move:

That this Bill be now read a second time.

The purpose of this Bill is to provide reforms for the more efficient administration of the greyhound industry. The Bill provides that the Greyhound Racing Control Board be reconstituted by substituting a four-person board in place of the current six-person board.

The primary functions of the board are to control the sport of greyhound racing, to carry out research into aspects of greyhound racing and promote the sport of greyhound racing.

The proposed four-person board will comprise—

Chairman—One who has no connection with or financial interest in any greyhound racing course or in any racing greyhound;

Deputy Chairman—who shall be a person experienced in business or marketing;

Executive Director; and

Member—a person who has experience in the greyhound racing industry.

None of the four persons on the board will be appointed on the basis, or be seen as having, any direct connection with sectional interests in the industry. Decision-making can therefore be undertaken on a fully professional basis.

This concept of an independent professional board is consistent with modern business thinking and is in line with the views expressed by Philippe Chatrier, President of the International Tennis Federation, at the sports marketing seminar conducted by my department earlier this year. At that seminar Mr Chatrier emphasised the need for sports administration to be placed on a more professional basis.

A further good example of this move to a professional basis can be seen with the Victorian Football League which has also recently moved from a board representative of each club to an independent professional board.

A feature of the structure of the new board is the position of executive director. The executive director, in addition to being a board member, will be a full-time officer and have responsibility for the day-to-day operations and the staff of the board. In this way the executive director can ensure that the policy decisions determined by the board are smoothly and efficiently implemented. The position of secretary will accordingly be abolished.

The government has consulted with the major industry organisations—the metropolitan racing clubs, Victorian Country Greyhound Racing Association, the National Coursing Association and the Greyhound Owners, Trainers and Breeders Association on this proposal. While it is fair to say that a number of those organisations put the view that they wished to see a "representative" board, after carefully weighing the situation the government is convinced that a "representative" board is not appropriate for the greyhound industry in the 1990s. This proposal for a professional board gives proper recognition to the fact that greyhound racing is an industry and not just a part-time sport.

As a consequence of the restructure of the control board, the Bill also provides for a restructure of the Greyhound Racing Grounds Development Board. The function of this board is to consider applications for assistance to the greyhound industry from the Greyhound Racing Grounds Development Fund, and make recommendations to the Minister. This board is now to be restructured in line with the format that exists in the thoroughbred and harness racing areas with the Racecourses Licences Board. Accordingly, it is proposed that the new structure of the Greyhound Racing Grounds Development Board should be:

Independent Chairman;

Member—Chairman of the Greyhound Racing Control Board; and

Member—A person appointed by the Minister as representing, in his opinion, the interests of country greyhound racing.

In this way greyhound racing is put on the same level as the other codes.

As with the Racecourses Licences Board, recommendations of the Greyhound Racing Grounds Development Board will continue to be submitted to the Minister through the department for independent analysis and comment before approval is given to their recommendations. The government believes the greyhound industry has potential for further development but that to achieve this potential, it needs to be handled on a proper professional basis.

The Bill also includes a number of minor statute law revision amendments which have been recommended by Parliamentary Counsel. I commend the Bill to the House.

On the motion of the Hon. J. G. MILES (Templestowe Province), the debate was adjourned.

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

FRANKSTON LANDS BILL

The Hon. B. T. PULLEN (Minister for Housing and Construction)—I move:

That this Bill be now read a second time.

Its purpose is to revoke the permanent reservation of part of an area of about 7 hectares of Crown land at Frankston reserved in 1929 for the purposes of a public park and other purposes of public recreation. The portion of the reservation being revoked is an area of 3·14 hectares known as Frankston Park. Frankston Park is fully enclosed and developed for recreation use by various groups. The Frankston Football Club has used the land for over twenty years.

The football club has applied to the City of Frankston, as the committee of management of the area, to undertake substantial redevelopment of the area. Proposed works include the erection of new clubrooms, extension of the playing arenas, new spectators standing area and general landscaping works. The City of Frankston fully supports this proposal and is prepared to negotiate an appropriate lease with the football club. However, section 17D of the Crown Land (Reserves) Act 1978 prevents the granting of such a lease while the land is permanently reserved for a public park. Revocation of the permanent reservation for Frankston Park which is shown by hatching on the plan in the schedule to the Bill and re-reservation of that land for recreation purposes only will enable those provisions to be used for the granting of the desired lease.

I commend the Bill to the House.

The PRESIDENT—In another place this Bill was ruled to be a private Bill. Having listened to the Minister's explanation and quickly read the Bill, I am also of the opinion that this is a private Bill.

The Hon. B. T. PULLEN (Minister for Housing and Construction)—By leave, I move:

That this Bill be dealt with as a public Bill.

The motion was agreed to.

The Hon. K. M. SMITH (South Eastern Province)—The Opposition supports the Bill. It is pleasing to see the government prepared to allow the football club to substantially redevelop its area. The council, also, has had the foresight to approach the government to ascertain whether this could be carried out.

The motion was agreed to.

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

PORT OF MELBOURNE AUTHORITY (AMENDMENT) BILL

The Hon. B. T. PULLEN (Minister for Housing and Construction)—I move:

That this Bill be now read a second time.

Its purposes are:

(*a*) to provide that land sold by the Port of Melbourne Authority is no longer subject to trusts under section 45 of the Port of Melbourne Authority Act 1958, and that the land forms part of the municipal district in which it is situated; and

(*b*) to make miscellaneous minor amendments to the Port of Melbourne Authority Act.

This Bill amends the Port of Melbourne Authority Act in relation to the sale of land by that authority. At present, land vested in the Port of Melbourne Authority is subject to certain trusts relating to the use of the land for port purposes. The amendment to the Act makes it quite clear that these trusts are discharged when the authority sells the land, so that a purchaser can take a title free of these trusts. The Act also currently provides that land vested in the authority is severed from the municipal district in which it lies. Once again, the amendment makes it quite clear that this arrangement does not continue after the authority has sold land pursuant to the power of sale contained in section 50 of the Act. When land is sold by the authority, the amendment enables the land to form part of the corporation of the City of Port Melbourne and in any other case, part of the municipal district in which it is situated.

The opportunity has also been taken to include in the Bill several statute law revision amendments. These amendments are consequential on previous amendments to the Port of Melbourne Authority Act and to other legislation. I commend the Bill to the House.

The Hon. ROBERT LAWSON (Higinbotham Province)—The Liberal Party has no objection to the passage of this Bill. We have a long record of supporting and assisting the government in proposed legislation of this kind. We understand that the previous legislation was of some concern to local authorities because of difficulties with the sale of land. Some of the corporations which had purchased land from the Port of Melbourne Authority tried to avoid the payment of rates on that land. This proposed legislation will clarify the position so that land that is sold is subject to rates. We believe the Bill will assist the Port of Melbourne Authority in the disposal of any surplus land it may have and no longer uses for its own purposes.

The motion was agreed to.

The Bill was read a second time.

The Hon. B. T. PULLEN (Minister for Housing and Construction)—By leave, I move:

That this Bill be now read a third time.

I thank the opposition parties for their support of the measure.

The motion was agreed to, and the Bill was read a third time.

FRANKSTON LANDS BILL

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

The clauses and the schedule were agreed to.

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

EXTRACTIVE INDUSTRIES (AMENDMENT) BILL

The debate (adjourned from the previous day) on the motion of the Hon. D. R. White (Minister for Industry, Technology and Resources) for the second reading of this Bill was resumed.

The Hon. W. R. BAXTER (North Eastern Province)—The National Party has examined the proposed legislation. It has been dealt with by the National Party spokesman in another place, and I am advised that the party has no objection to the provisions contained therein.

The Hon. R. I. KNOWLES (Ballarat Province)—The Liberal Party does not oppose the Bill, although it will seek the insertion of an amendment to allow the disallowance of regulations by either House.

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 to 6 were agreed to.

Clause 7

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

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.".

This is the standard disallowance clause that the Opposition proposes for all legislation. It is an important amendment because the draft statutory rules are substantial and it is clear that the regulations should give substance to what is proposed in the Bill.

The Bill itself is very small but it provides the power to make regulations. The Opposition therefore believes it is critically important that an amendment that will allow either House to disallow the regulations should be agreed to.

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

Clause 8

The Hon. D. R. WHITE (Minister for Industry, Technology and Resources)—I move:

1. Clause 8, line 7, after "8." insert "(1)".
2. Clause 8, line 21, omit "Board" and insert "Advisory Committee".

The amendments are consequential.

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

Clause 9

The Hon. D. R. WHITE (Minister for Industry, Technology and Resources)—I move:

3. 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.".

This amendment is a consequence of further discussions with the extractive industries and representation from operators about advisory structures under the Act. I have had discussions with officers of the department about the amendment, which gives broader representation to industries involved in the operations of the proposed advisory committee.

The amendment was agreed to.

The Hon. R. A. MACKENZIE (Geelong Province)—I wish to move an amendment to clause 9 and I apologise to the Chamber for not having had time to have the amendment prepared in printed form and circulated. Clause 9 spells out the functions of the Extractive Industries Board. At the top of page 6 of the Bill, proposed new section 43 (2) (*j*) commences "at the request of the Minister, to consult with any member of the neighbouring community likely to be affected". I suggest that the words "at the request of the Minister" be deleted. That would place the onus on the board in every case to consult with the neighbouring community, rather than to rely on the Minister.

The Minister would know that it is hard enough for Ministers to keep tabs on every application that comes in. The deletion of those words would strengthen the Bill and place the onus on the board to consult with the local community. I ask that an amendment in that form be accepted.

The Hon. D. R. WHITE (Minister for Industry, Technology and Resources)—That is a reasonable amendment. The Bill deals with significant proposed variations. It is important that the board's activities are not inhibited by vexatious activity. It is a reasonable proposition and I am happy to support such a proposed amendment.

By deleting the words "at the request of the Minister", proposed new section 43 (2) (*j*) would read:

(*j*) to consult with any member of the neighbouring community likely to be affected by any proposed significant variation in any condition or covenant to which a lease or licence should be subject and to advise the Minister about that consultation.

The Hon. R. A. MACKENZIE (Geelong Province)—I move:

Clause 9, page 6, line 1, omit "at the request of the Minister,".

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 10 to 12.

Clause 13

The Hon. D. R. WHITE (Minister for Industry, Technology and Resources)—I move:

4. 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".'.

5. Clause 13, line 20, omit "(4)" and insert "(5)".

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

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

TRANSPORT (AMENDMENT) BILL

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

Clause 1 was agreed to.

Clause 2

The Hon. B. T. PULLEN (Minister for Housing and Construction)—I move:

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".

The amendments merely rectify drafting errors.

The Hon. ROBERT LAWSON (Higinbotham Province)—The Liberal Party has not seen the amendments but if the Minister says they are to correct drafting errors we are prepared to accept that.

The amendments were agreed to, and the clause, as amended, was adopted, as were clauses 3 to 8.

Clause 9

The Hon. B. T. PULLEN (Minister for Housing and Construction)—I move:

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".

The purpose of the amendment is to maximise the amount of grain transported by rail rather than by road and it accomplishes that by using a calculation based on a wheels-up only cost. That will exclude arbitrarily imposed charges that are system charges and should not fall totally on to the grain freight service. The effect of the amendment is to maximise the amount of grain carried by rail rather than by road.

The Hon. W. R. BAXTER (North Eastern Province)—I thank the government for the amendment and commend it for agreeing to the proposal. It is a tribute to a number of members of Parliament from all parties, but particularly those representing country electorates in the wheat growing areas of Victoria, especially the honourable members for Lowan and Warrnambool in another place.

Wheat growers will see the amendment as justice and they will be much happier that they will receive a reasonable go in terms of cost recovery vis-a-vis cost recovery from other sections of the rail network, in particular, the passenger network in Melbourne.

It has long been a bone of contention with wheat growers that they are expected to meet 100 per cent of the cost recovery of freight transport despite the fact that other sections of the rail network are not expected to contribute the full cost recovery. Wheat growers contribute significantly to the export income of the nation, which will be the salvation of the nation and the only way it will be rescued from the dreadful debt crisis that Australia is presently in. The government is taking a realistic view and is using a more equitable formula. I thank the Minister for moving the amendment.

The Hon. ROBERT LAWSON (Higinbotham Province)—Very few wheat growers live in Higinbotham Province and the question of wheels-up only cost has not arisen in that area. I ask the Minister to explain what is meant by that term.

The Hon. B. T. PULLEN (Minister for Housing and Construction)—The term refers to calculating the charges in terms of the economics of the operation of carrying grain in a way that takes into account all the costs of maintaining rolling stock, the handling, wages related to people employed for that purpose and so on, including costs related to the rolling stock itself and the effective operation of the system.

The term does not take into account the maintenance of the below-wheels costs, that is, the tracks and infrastructure relating to maintaining the whole system. To that extent, as with many other economic calculations, a decision is made on where to draw the line in the consideration of those things to be taken into account.

One can argue in a similar fashion about the costs associated with road transport. In doing a calculation relating to the cost benefit of road transport for a particular project, one should consider the accidents, the loss of time in terms of doctors treating patients and the whole impact on the community of pollution and things like that.

For practical purposes it is necessary, at some stage, to draw the line and decide those factors that one counts in an economic assessment and those factors one excludes; in the jargon of economics they are often called externalities, those things recognised as not part of the equation.

In this case the wheels-up only cost draws the line on everything related to the matters I referred to—the rolling stock and the capital expenses involved in maintaining the mobile part of the system.

The Hon. ROBERT LAWSON (Higinbotham Province)—I thank the Minister for his clear exposition of that matter and I shall look forward to reading it in *Hansard.*

The amendment was agreed to.

The Hon. B. T. PULLEN (Minister for Housing and Construction)—I move:

4. Clause 9, page 5, after line 40 insert—

'(3) Sub-section 2 (i) expires on 1 May 1993.".'

The amendment inserts a sunset clause, which means that the issue will be reviewed after four years of operation.

The amendment was agreed to.

The Hon. ROBERT LAWSON (Higinbotham Province)—I direct the attention of the Committee to page 4, where proposed new section 14 (1) (*e*) says:

. . . to develop integrated ticket systems.

I ask the Minister to confirm the supposition of the Opposition that the government intends to reintroduce the zonal system that was introduced by the previous Liberal government—that is, to have a bullseye around the central business district, another concentric zone outside that to cover the middle suburbs and a larger zone outside that area to cover the rest. It is an interesting system and, if readopted, will simplify the ticketing system.

The Hon. B. T. PULLEN (Minister for Housing and Construction)—The zonal system is currently under review and the Minister for Transport will make an announcement in due course of any new boundaries in that system.

The clause, as amended, was agreed to, as were clauses 10 to 13.

Clause 14

The Hon. W. R. BAXTER (North Eastern Province)—With the indulgence of the Committee I wish to move the amendments circulated in the name of Mr Evans. There are three amendments to clause 14 that go to the same issue. The Bill provides for the appointment of boards for each of the corporations, but they are really toothless tigers because they only advise the chief executive of the corporations and he can, presumably, listen to what they say but totally ignore their advice and run the corporations as he likes.

I cannot imagine the board of BHP Co. Pty Ltd being satisfied with the chief executive of that company thumbing his nose at the board. The board would not be happy with that, nor would the shareholders. The shareholders in the public transport system, the taxpayers of Victoria, should not be happy with proposed legislation that provides for the chief executive, if he so desires, to be a law unto himself and not be bound to act on instructions given and decisions made by the board.

It is an extraordinary scenario to contemplate that that could be the case and that the Committee would put in place instrumentalities run by a chief executive officer

with boards which, when the chips are down, have no power whatsoever to exercise any influence over the course and direction that the corporations might take.

The amendments make sense and will in no way trammel or rein in the activities of the chief executive officer, but make him accountable to the board. The government talks of accountability in a range of areas and yet in this clause goes against its own ideology in allowing a chief executive officer to be not accountable to his board. I shall move amendment No. 1, which I shall take to be a test of amendments Nos 2 and 3. I move:

1. Clause 14, line 14, omit "to advise" and insert "of each Corporation, and".

The Hon. ROBERT LAWSON (Higinbotham Province)—I advise the Committee that the Liberal Party will not support the amendments numbered 1, 2 and 3 moved by the National Party.

The government has decided to appoint what is in fact a supremo to the transport boards. This supremo—if I may use that term—will have the authority to make decisions on behalf of the corporation and will be advised by the board. The Liberal Party does not object to such an arrangement. One official should have the power to act on behalf of the corporations and, as it seems a reasonably good arrangement, the Liberal Party is not prepared to support the amendments.

The Hon. B. T. PULLEN (Minister for Housing and Construction)—The structure of the Bill provides that the boards of the corporations are to have an advisory role. The thrust of the debate in another place and the concept behind the restructuring of the transport authorities is that the chief executive will have direct responsibility for the corporations. Clouding the issue with the requirement that the chief executive comply with the directions of the boards would fly in the face of the basic philosophy and structure of the Bill as it stands. The government opposes the amendments.

The Hon. W. R. BAXTER (North Eastern Province)—I am very disappointed in the view expressed by the Minister for Housing and Construction and by Mr Lawson. It is an extraordinary situation that a board has no influence over its chief executive officer and I hope the provision will be reviewed. I will proceed with the amendment.

The amendment was negatived.

The Hon. W. R. BAXTER (North Eastern Province)—I shall not proceed with amendments Nos 2 and 3.

I move:

4. 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.".

The amendment relates to representatives on the board. Proposed new section 30 (3) (iv) provides that in respect of the public bus operators, the members of the board of the Public Transport Corporation shall include members among whom:

One has knowledge of and experience in the operation of private buses.

It has been the view held by the National Party and, I believe, the Opposition in this place, that a much tighter description than that must be inserted in legislation of this nature because there have been unfortunate experiences on previous occasions when wording as wide as the wording in the existing Bill has been taken by the government to mean that the government can appoint whomever it likes simply because that person has some professed or alleged association or knowledge at the time.

It is highly desirable that the Bus Proprietors Association (Vic.) Inc. be properly represented on the board and not be represented by someone appointed by the Minister

for Transport in the guise of representing the bus proprietors. That person may not have the bus proprietors' interests fully at heart or may have another agenda. The National Party is of the view that the most efficient means of ensuring that the bus proprietors are represented by someone who will espouse their interests fully is to appoint someone selected from a panel of three names submitted to the Minister by the association.

The provision will not unduly restrict the Minister's choice; he will have three names submitted to him and he will have to select only one person, so he will have a fair opportunity to appoint to the board someone he believes to be suitable.

I am not suggesting all Ministers would take the view that it would restrict their choice, but some Ministers of various governments have in the past taken that view and have insisted on appointing someone who has other claims and other reasons to be a member of a board. The National Party considers that inappropriate.

The Hon. ROBERT LAWSON (Higinbotham Province)—In the interests of coalition unity, the Liberal Party has decided to support the amendment proposed by Mr Baxter. We do so for other reasons. We believe the National Party is correct in bringing forward the amendment.

On studying the Bill, one sees that clause 14 which the National Party wishes to alter relates to the membership of the board and provides that one member of the Public Transport Corporation Board shall have knowledge of and experience in the operation of private buses. The proposed amendment would provide that the person be selected from a panel of three names submitted by the Bus Proprietors Association. That is a fair and reasonable change. Who would know better about the running of the private bus industry than the members of the association? Lately the association has been subject to much pressure by the government in general and the Minister for Transport in particular. One member of the board should be a person who will look after the interests of the private bus industry, and therefore we support the amendment.

The Hon. B. T. PULLEN (Minister for Housing and Construction)—I understand the point being made by the National Party in moving the amendment, but the government will oppose the amendment on the ground that there is provision for representation on the board by someone with knowledge of and experience in the operation of private buses. The problem with the amendment is that it seeks to include a provision that will require the Minister for Transport to select someone from a panel of three names submitted by the Bus Proprietors Association.

The association will be involved in negotiations of a contractual nature with the Public Transport Corporation Board, which allows for the prospect of a conflict of interest. There is a difference between a person who represents in a genuine way a lobby group with a legitimate interest in transport and someone who represents a group with a financial and definite contractual involvement.

The government considers the amendment unnecessary. The general area is sufficiently covered by the terms of the Bill as it stands.

The Hon. K. M. SMITH (South Eastern Province)—I support the amendment proposed by the National Party because it is important that such a provision be enshrined in the legislation. The government is well known for not selecting people whose names have been submitted by different organisations. One need only consider the situation that arose in respect of the Victorian Dairy Industry Authority. The then Minister for Agriculture and Rural Affairs, now the Minister for the Arts, ignored the names submitted by the farmers and appointed a person of the government's ilk. One can also consider the situation in respect of the Frankston Hospital board. The then

Minister for Health, now the Minister for Industry, Technology and Resources, ignored the names suggested and appointed people of his choice.

The amendment proposed by the National Party should be supported strongly. I heard the Minister for Housing and Construction ask who would know better how to run the private bus service than someone with experience of it. The only people who have a proper knowledge of the private bus industry are those who own and operate the buses. In the past twelve months the Minister for Transport has tried to put the Bus Proprietors Association out of business wherever he could. He has tried every devious trick that he could possibly pull out of his hat to put the association out of business, although it is the members of the association who know how to run the private bus industry.

A prime example of how little the government knows about running a bus service concerns the running of the Brighton–Melbourne bus line. The government paid a fortune in taxpayers' money to acquire the service and quickly turned it from a profitable organisation into a non-profitable one. The government does not know a thing about running private buslines. The Met is running at a huge loss. If the words in the amendment are not included in the Bill, the government will ignore the issue completely. The opposition will examine the appointments that are made and will support them only so long as they are made in a proper manner.

The Minister also referred to the possibility of a conflict of interest if the Bus Proprietors Association is represented on the board; but the board must comprise people who know what they are talking about. Although the Minister talks about conflicts of interest, the government is prepared to allow representatives of the Victorian Farmers Federation to sit on the board. Surely the same sort of conflict of interest would arise with farmers. Representatives of the Victorian Road Transport Association, whom the government proposes to include on the board, would face the same situation, as would representatives of the Municipal Association of Victoria.

The government should take note of the concerns expressed by both the Liberal and National parties and should support Mr Baxter's amendment. Members of the board should have a good knowledge of the industry; and there would be no better representative of the industry than a member of the Bus Proprietors Association.

The Hon. ROBERT LAWSON (Higinbotham Province)—Mr Smith has mentioned a number of the arguments I intended to advance with respect to the Victorian Road Transport Association, the Victorian Farmers Federation and even the Municipal Association of Victoria. If honourable members apply the Minister's logic and accept that a representative of the Bus Proprietors Association who was elected to the board would face a conflict of interest, it is obvious that representatives of the organisations to which I have referred would face similar problems. Indeed, if one acted on the Minister's logic none of those bodies would be represented on the board.

Proposed new section 30 (3) (*b*) stipulates that there are to be:

> (*b*) thirteen other members appointed by the Minister of whom . . .
>
> ii four are elected by the officers of the corporation; and
>
> iii one has knowledge of and experience in the use of public transport facilities; and . . .
>
> vii one has knowledge of and experience in the tourist industry.

All of them could face conflicts of interest. The argument advanced by the Minister is not valid.

The Hon. B. T. PULLEN (Minister for Housing and Construction)—It has escaped the attention of members opposite that the Bus Proprietors Association is involved in

contracts that are subsidised by the government to the order of $100 million a year, and they are contracts that the proposed corporation will deal with.

If Mr Baxter's amendment were agreed to, a representative of the Bus Proprietors Association would be privy to information concerning the corporation's activities, and at another stage that representative could be involved in direct negotiations concerning the apportionment of government subsidies. That is why the government will resist the amendment. Honourable members should clearly understand what would be involved if this amendment were accepted.

The Hon. W. R. BAXTER (North Eastern Province)—I am not convinced by the Minister's arguments; his remarks have confirmed me in my course. He made it clear that the government has no intention of appointing someone to the board who has a direct connection with either the ownership or the operation of buses.

Proposed new section 30 (1) (*b*) (iv) provides for the inclusion on the board of one person who:

> . . . has knowledge of and experience in the operation of private buses;

The meaning of those words is so wide that they could refer to someone who was the driver of a privately owned bus twenty years ago. He or she could have little knowledge of the operation of private buses and may never have invested money in that operation. Clearly, that person would not be equipped to adequately represent the interests of bus proprietors.

The Minister has said that a conflict of interest may arise if a representative of the bus proprietors were elected to the board, because the government enters into contracts with the Bus Proprietors Association. As I understand it, the association does not enter into contracts with the government; instead, individual bus proprietors are party to those contracts, but that is a separate issue. If my amendment were accepted, I would advise the Bus Proprietors Association (Vic.) to nominate at least one bus proprietor who has not entered into a contractual arrangement with the government—and there are a number of such people in rural areas, so that would not be a problem.

It is specious for the Minister to allege that a conflict of interest will arise because the association enters into contracts with the government. I shall persist with my amendment.

The Hon. R. A. MACKENZIE (Geelong Province)—I doubt whether I have ever supported an amendment moved by the National Party; but in this instance I shall support Mr Baxter's amendment.

I shall cite an example concerning an appointment made to the Port of Geelong Authority, an example that clearly shows that the way in which appointments are to be made to various boards needs to be spelt out. Although it is not enshrined in legislation, it is a convention that delegates appointed to the Port of Geelong Authority should be chosen from a list of names submitted by the Geelong Trades Hall Council. But in one instance the nominations of the Trades Hall Council were not accepted by the authority, and another person was appointed to the board, a person who was the director of a stevedoring company that had contracts with the port authority. Clearly the potential exists for a conflict of interest in that situation.

The arguments put by the Minister are not relevant and are inconsistent. I shall support the amendment proposed by Mr Baxter. There should be room to move in appointments of this type; and arguments about the possible conflict of pecuniary interests have little bearing in this instance.

The Hon. ROBERT LAWSON (Higinbotham Province)—During the course of his argument the Minister said that the Bus Proprietors Association was heavily subsidised

by the government. The government could exclude the Victorian Farmers Federation from board membership on that basis because that organisation is heavily subsidised with respect to freight charges. If such an argument is to apply to the bus proprietors, it should also apply to the federation.

The Hon. W. R. Baxter—You're not alleging that farmers are subsidised, are you?

The Hon. ROBERT LAWSON—I do not want to incur the wrath of the National Party. The arguments put by Mr Baxter are logical. If the Minister is suggesting that the bus proprietors should not be represented on the board because they are heavily subsidised, the VFF should also be excluded.

The Committee divided on the question that the words proposed by Mr Baxter to be omitted stand part of the clause (the Hon. K. I. M. Wright in the chair).

Ayes	13
Noes	19
Majority for the amendment ..	6

AYES	NOES
Mr Crawford	Mr Baxter
Mr Henshaw	Mr Chamberlain
Mrs Hogg	Mr Cox
Mr Ives	Mr de Fegely
Mr Kennedy	Mr Evans
Mrs Lyster	Mr Guest
Mrs McLean	Mr Hall
Mr Mier	Mr Hallam
Mr Pullen	Mr Knowles
Mr Theophanous	Mr Lawson
Mr White	Mr Long
	Mr Mackenzie
Tellers:	Mr Skeggs
Mr Davidson	Mr Smith
Mr Landeryou	Mr Storey
	Mrs Tehan
	Mrs Varty
	Tellers:
	Mr Macey
	Mr Miles

PAIRS

Mrs Coxsedge	Mr Ashman
Ms Kokocinski	Mr Craige
Mr Sgro	Mr Best
Mr Van Buren	Mr Connard
Mr Walker	Mr Birrell

The words proposed by Mr Baxter to be inserted were so inserted.

The clause, as amended, was agreed to, as were the remaining clauses and Schedule 1.

Schedule 2

The Hon. B. T. PULLEN (Minister for Housing and Construction)—I move:

5. 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, Melbourne Transit Authority, Road Traffic Authority" substitute "Public Transport Corporation"; and

(*b*) for "Road Construction Traffic Authority" substitute "Roads Corporation".'.

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

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

BUSINESS OF THE HOUSE

The PRESIDENT—Order! Because there are some interim problems with Bills listed on the Notice Paper, it has been suggested to me that the House should rise for a brief time, probably 1 hour. I shall resume the chair when the bells ring.

The sitting was suspended at 4.10 *p.m. until* 5.40 *p.m.*

CORRECTIONS (AMENDMENT) BILL

This Bill was received from the Assembly and, on the motion of the Hon. E. H. Walker (Minister for the Arts), for the Hon. D. R. WHITE (Minister for Industry, Technology and Resources), was read a first time.

RACING (AMENDMENT) BILL

The debate (adjourned from earlier this day) on the motion of the Hon. B. T. Pullen (Minister for Housing and Construction) for the second reading of this Bill was resumed.

The Hon. J. G. MILES (Templestowe Province)—The Bill is a small but important one, and the Opposition will not oppose it. The Bill was debated thoroughly in the other House, and one minor amendment was agreed to. The opposition parties will not propose amendments to the Bill. With their customary willingness to cooperate, the National and Liberal parties held several joint meetings on the Bill. As a result, the position adopted by the opposition parties is an example of the agreement that the two parties share.

The Bill will restructure both the Greyhound Racing Control Board and the Greyhound Racing Grounds Development Board, and will provide for certain minor statute law revision amendments. Both boards will be streamlined and their size will be reduced to make them more professional.

The greyhound racing industry was consulted widely on the Bill. Some sections of the industry had concerns about it, and sections of the industry in rural areas may still have some concerns. I am sure Mr Best will refer to some of those concerns; and no

doubt Mr Skeggs will describe how the concerns of the greyhound racing industry carry over to other racing codes.

The greyhound racing industry should be praised. It has increased its revenue in recent years, which has meant more revenue for the government. The industry appears to be running its affairs very efficiently. Many honourable members have an interest in greyhound racing. I have attended many race meetings in both the metropolitan area and rural areas. One of my sons has an interest in racing greyhounds. Certainly I am impressed not only with the way the industry is operated but also with the people who are involved in it. If the greyhound racing industry is, by and large, happy with the provisions contained in the Bill, provisions that will upgrade the industry and make it more professional, they should be supported.

I have one or two concerns about the Bill. A firm of consultants, Touche Ross and Co., was employed to examine the operations of the industry and to make recommendations on the Bill. I am concerned that the government has introduced the Bill in order to have it passed before the winter recess without receiving the report of those consultants. The consultants were employed by the industry particularly to make recommendations on the Bill.

However, after consultation with the industry, the opposition parties do not feel that the unavailability of that report for consideration by honourable members should delay the consideration of the Bill until after the winter recess. But if a consultancy firm is engaged to report on a Bill, the government should ensure either that that report is received as soon as possible or defer the passage of the Bill until the report is available. In this case there seems to have been a communication problem.

As to the Greyhound Racing Control Board, the Bill provides that the current six-person board will be replaced by a four-person board. In the past the board has represented sectional interests. Although the government has not been forced into that position, the six-person board has comprised representatives of different sections of the greyhound racing industry.

The Bill provides that none of the persons on the board will have a direct connection with sectional interests in the industry. The proposed four-person board will comprise a chairman, a deputy chairman who will have experience in business or marketing, and an executive director. That is an innovative step because the executive director will be a professional and a voting member of the board who will work full time. The final member of the board will be a person who has experience in the greyhound racing industry in Victoria. The words "in Victoria" in proposed new paragraph (*d*) of section 69 (2) of the principal Act were added as a result of an amendment proposed by the Opposition in the other place.

The smaller board will be more professional, because one of its members will be a full-time professional executive director and the board will not represent, either officially or unofficially, any section of the industry. I hope the appointment of an executive director will ensure that the decisions of the board are implemented effectively. The current position of secretary to the board will be abolished as a result of the appointment of an executive director.

Both the government and the opposition parties have consulted widely with the major greyhound racing industry organisations: the metropolitan racing clubs, the Victorian Country Greyhound Racing Association, the National Coursing Association and the Greyhound Owners, Trainers and Breeders Association. Some of those organisations have expressed reservations about the Bill, but by and large the opposition parties are convinced that there is no major opposition within the industry to the Bill.

The Greyhound Racing Grounds Development Board will also be reduced in size. It will consist of an independent chairman, the Chairman of the Greyhound Racing Control Board and a person appointed by the Minister as representing, in his opinion, the interests of country greyhound racing—three members in all.

As with the Racecourses Licences Board, the Greyhound Racing Grounds Development Board will continue to spend or lend money for the benefit of the industry. The board's recommendations will continue to be submitted to the Minister through the Department of Sport and Recreation for individual analysis and comment before approval is given.

The Greyhound Racing Grounds Development Board will make recommendations on the expenditure of money in the industry, but before the expenditure can be approved, the Minister must examine the proposals and seek, if necessary, some independent analysis from the department before money is spent.

As the Opposition does not oppose the Bill, I shall conclude by thanking the Minister for Sport and Recreation and the department for their cooperation and willingness to discuss the Bill with the Opposition. From that expert discussion and advice received, as well as the Opposition's own independent research, the greyhound industry is to be commended on its activities. The proposed legislation will upgrade the administration of the industry and the Opposition supports it without amendment.

The Hon. R. A. BEST (North Western Province)—It gives me great pleasure to express the National Party's views on this small Bill. The Bill will restructure the Greyhound Racing Control Board and will have some dramatic effects on the greyhound racing industry. At the outset I advise the House that the National Party does not oppose the Bill but expresses concern about some grey areas.

The current Greyhound Racing Control Board has a chairman and five members. The restructured board will have a chairman and three members. That could lead to potential problems if the chairman and one other member of the board decide that greyhound racing should head in a particular direction. In fact, those two people would control the destiny of greyhound racing in Victoria.

I accept that the Minister for Sport and Recreation wants to make the board more professional and to provide the sport with a higher level of credibility. The appointment of a marketing person will assist in handling the significant moneys that are gambled each year on greyhound racing and will ensure that greyhound racing has a rosy future well into the 1990s.

The National Party has been approached by many members of the greyhound racing fraternity about aspects of the Bill. It is a radical move to take sectional interests away from representation on a board and to replace them with a board of three members and a chairman. Although it is a radical change, I believe it will benefit the future interests of greyhound racing.

The Bill will not subject the executive directors of the board to the Public Service Act. The Greyhound Racing Control Board will have the opportunity of appointing somebody with the ability to do the job properly. It is proposed that such a person will have experience in marketing and the business sector. That will ensure that the greyhound racing industry will be aware of the desires and needs of people involved in the industry.

Honourable members will be aware that greyhound racing is a family-orientated sport. In many cases the family owns a young pup and dad trains it. The commercial produced by the greyhound industry is excellent. Not only does it demonstrate that the sport is aimed at the family but also the way that success can be achieved by family

cooperation. It is an excellent commercial and I understand it has been sold to other States for marketing purposes. I congratulate the industry on that commercial because it is one of the most effective advertising commercials I have seen. It will go a long way towards increasing greyhound racing turnover on the Totalizator Agency Board.

Last year some $204 million was gambled on the TAB, which represented a 55 per cent increase since 1981–82. It is particularly significant, firstly, as a result of 3UZ broadcasting all race meetings and, secondly, because of the recent introduction of PubTab and twilight meetings. Those innovations have demonstrated the board's effectiveness and are a step in the right direction.

Although the greyhound racing industry contributes only 6·6 per cent of the TAB's total turnover, it receives back 8·75 per cent in distribution of profits. The move towards a marketing-type board will give the greyhound industry the opportunity of increasing its contribution.

In my research on the Bill I was approached by the Secretary of the Bendigo Coursing Association, Mr Brian Jennings, who expressed the association's views to me. Today I had the unfortunate duty of attending the funeral of Brian Jennings, who died in his sleep on Saturday night. I am sure Ministerial staff will recognise the contribution that Mr Jennings made to the sport in Bendigo and to the Bendigo community. He was a wonderful person who had the ability to organise many activities. He was deeply involved at St Killian's Catholic Church, of which I am also a parishioner. Today was a sad day for the Bendigo Coursing Association and the many other sporting bodies with which Brian Jennings was associated.

Together with Mr Craige, who was associated with the family, I had the honour of attending the funeral of Brian Jennings. There were thousands of people at the service and it must have been one of the biggest funerals held in Bendigo. The funeral service was a wonderful testimony to the man's contribution to the Bendigo community.

The way Brian Jennings stated the attitude of the Bendigo Coursing Association to the Bill expresses exactly the spirit of the man and the esteem in which he was held. In his letter of 2 May he states:

> 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.

That statement reflects the attitude of an industry that wishes to progress to the next stage. In the letter the association also expressed concern about three other issues. The first is the central grading system. The National Party and the Opposition have received an assurance from the Minister for Sport and Recreation that that scheme will not be dismantled.

The second issue involves the *Pink Guide.* When the Greyhound Racing Control Board moves towards a smaller and more professional board, it should be able to assess what is best for the industry and make decisions based on the financial costs involved in the production of the *Pink Guide.* The third aspect concerns the TAB distribution.

As I said in the initial stages of my speech, the National Party is not opposed to the Bill. It has heard the Minister's assurance on the central grading system, and also the Minister has said that he will almost guarantee that there will be no change to the TAB distribution of profits. With those few words, I wish the Bill a speedy passage through the House.

The Hon. B. A. E. SKEGGS (Templestowe Province)—The Bill brings forward a major purpose of restructure within the greyhound racing industry, restructuring the Greyhound Racing Control Board and the Greyhound Racing Grounds Development

Board. Although the Bill is important to the industry and is obviously anticipated with some urgency within the industry, it is somewhat pre-emptive in that it has come before the inquiry by Touche Ross and Co. on the greyhound industry. It would have been preferable to have the Bill proceed after that report had been tabled because it could well be that many important factors relating to the future growth and development of the greyhound industry in Victoria may be outlined in that report.

We do not have the benefit of that inquiry at this stage and yet this important and fundamental Bill relating to the industry is proceeding. It will certainly mark the forward direction of the industry for many years to come. The cinderella growth of the greyhound racing industry in this State is something to behold. It has achieved some small miracle in the space of one decade or so, and it has grown considerably in the space of some ten years by almost 50 per cent in its turnover. In fact, the whole of the racing industry turnover during 1987–88 exceeded $4 billion and of that amount almost 7 per cent was from the greyhound racing industry—a total of $240·5 million.

There are two major metropolitan greyhound clubs operating at Olympic Park and Sandown Park and these are responsible for more than $2 million in prize money being distributed annually, and attracting more than 200 000 people each year to the meetings at the courses.

However, one should not underestimate the enormous importance to the greyhound industry of the country clubs. There are twelve country clubs in greyhound racing and of those twelve some $2·5 million in prize money is distributed annually and more than 185 000 people attend those meetings during the course of a year.

It is indeed a most important pivotal position for the greyhound industry that the country clubs are almost in a position of matching the total prize money and attendances of the two city clubs, so their interests must be respected in considering the Bill and what it means to the future control and growth of the industry. Under the Bill, membership of the Greyhound Racing Control Board will be reduced from six persons to four persons, and that reduction is not necessarily a good thing. Personally, I believe a four-member board is somewhat restrictive and I am not convinced that moving further away from the earlier practice of some years ago—not the present composition but that of years back—of representatives from sections of the industry is necessarily a good thing.

As I mentioned before, the twelve country clubs play a large role in the development of the greyhound industry in this State, and many of those clubs have serious reservations about non-provision for direct representation on the board to one which is appointed purely by the Minister. In fact, I have received correspondence from greyhound clubs on this matter. In a letter to the shadow Minister for Sport and Recreation, the honourable member for Hawthorn in another place, Mr Phil Gude, the Traralgon Greyhound Racing Club wrote in part:

> While being in complete agreement that the greyhound industry must continue to develop into a fully professional organisation, our members are of the opinion that some of these proposed changes, and the ramifications which they could ultimately cause, could possibly be detrimental to the overall improvements which have been apparent over the past two years or so.

That is the opinion of the Traralgon Greyhound Racing Club, and there is also an expression of interest from the Warragul Greyhound Racing Club which points out that recently the Minister had a meeting with all arms of the greyhound racing industry and, to the best of its knowledge, all were unanimous in the wish to have a representative board, which the Minister chose to ignore. I have a letter dated 8 May written to Mr John Delzoppo, the honourable member for Narracan in another place and, according to the letter, the Minister stated that he wished to have a professional board and that the club emphasised that it is the Minister who appoints the board and

has done so for the past six years or so. If the Minister feels that the board is unprofessional, he must take the responsibility, according to the club.

Those are comments from two important greyhound clubs in the Gippsland region, and I do not believe they can be treated lightly. I certainly have some reservations about moving away from any board composition which does not adequately reflect the interests of the country clubs.

Of course, it is suggested in the Bill that the interests of country clubs will be observed because the four-person board is said to comprise a chairman who has no connection with or financial interest in any greyhound racing course or any racing greyhound; a deputy chairman who shall be a person experienced in business or marketing; an executive director, and a member who would be experienced in the Victorian greyhound racing industry. That does not necessarily mean that the appointed member is a person who comes from the country greyhound racing clubs, and I express some concern about that.

The appointment of an executive director is also a new initiative taken for such an appointment within the racing codes. One would have thought that maybe an executive chairman might have been a more effective appointment. I know from personal observation that, for instance, the Chairman of the Harness Racing Board has to give a great deal of time in the course of a year not only to the general administration and control of that industry but also to visiting many country clubs.

It is a time-consuming job and I am sure that previous chairmen in that industry have incurred heavy personal expense and loss in their private business development because of the amount of time they have had to spend on the industry. Therefore, the person who effectively heads the industry within the State could well be an executive chairman.

The board would still have a full-time secretary, which has been the case in the past, but the idea of having an executive director is very new for the racing industries. Although the executive director has the responsibility for the day-to-day operations of the Greyhound Racing Control Board under the proposed legislation, I do not believe it is necessary that there should be such a position as a voting chief executive. I would have preferred to see the position as one of an executive chairman for the reasons I have outlined and from the observations I have made of the harness racing industry over the years.

However, I understand that Mr Ken Carr of Olympic Park is the person being strongly considered for appointment as executive director. He is certainly a person of excellent reputation and, if appointed, I am sure he will be widely accepted throughout the greyhound racing industry.

During the passage of the proposed legislation an assurance needs to be obtained from the government that this new model Ministerially appointed four-member board, as distinct from the representative appointments applying to the Harness Racing Board in Victoria, is not a model that will be applied to other codes of the racing industry. It should not apply to harness racing and it should certainly not apply to the galloping code because the control of that code is vested in the Victoria Racing Club. I should not like to see any alteration to the composition of the boards that control the other two codes of the racing industry. Certainly this is an important new initiative for the greyhound racing industry but an assurance is sought that this model will not be applied to the other codes of the racing industry.

Correspondence from some of the country clubs indicates a concern to ensure that the central grading system is continued within the greyhound industry as a method of

selecting race fields. The system came into existence during the presidency of Mr Brian Halpin and has proved a great success within the industry.

The Bendigo Coursing Association has expressed a strong desire that the system continue and also that the *Pink Guide*, which is prepared by the control board, should be continued. The association has also expressed concern with the TAB distribution within the greyhound racing industry. It considers that the new board should consider altering the present distribution formula. At present the greyhound fund is distributed, firstly, by first cheque to the control board for its operations; secondly, to city clubs, two of them receiving 48 per cent of the balance; and thirdly, to country clubs receiving 52 per cent of the balance.

The city clubs are of the opinion that they should receive a greater percentage of the pool than at present, notwithstanding that the country clubs generate nearly two-thirds of the revenue allocated for distribution. That opinion was expressed by the Bendigo Coursing Association in a letter written by the late Mr Brian Jennings who was secretary of that association. Mr Jennings was not only well known in the greyhound racing industry but was also widely recognised for his wonderful work over many years as secretary of the Bendigo Harness Racing Club. Brian Jennings's untimely death occurred recently. He will be sadly missed within the greyhound, coursing and harness racing industries. He was a wonderful innovator and administrator who gave a great deal of strength to the country racing codes over many years. It was with great sadness that we learnt of his untimely death. He will be long remembered for his great contribution to the industry.

Another interesting contribution came from the Sale and District Greyhound Racing Club. On the composition of the four-man board, the club made the following comment:

> 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. Why change a winning team?

Indeed, a very pertinent comment from that club. I again query whether the reduction to a four-member board that is not a representative board may prove to be not in the best interests of the industry, if the voice of the country clubs is diminished in any way. I certainly hope the people who are chosen for the four-member board will give full recognition to the tremendous importance that country greyhound racing plays in the industry.

Although members of the Opposition are prepared to support the proposed legislation in the interests of the industry, we have made a number of observations which I hope the government will heed, particularly the assurance that this model of a new four-member non-representative board will not apply to the other codes of the racing industry.

The motion was agreed to.

The Bill was read a second time.

The Hon. B. T. PULLEN (Minister for Housing and Construction)—By leave, I move:

> That this Bill be now read a third time.

In doing so, I thank honourable members for their support and interest in the Bill. In relation to the concerns that have been expressed, I understand that the Minister in another place has given assurances on many of those concerns, but I reassure honourable members that the concerns they have raised from the industry as to the changes are not taken lightly by the government. I believe the new board has a strong

obligation to consult with those bodies. I assure honourable members that the changes will be in the spirit of the concerns that they have expressed.

The motion was agreed to, and the Bill was read a third time.

DANGEROUS GOODS (AMENDMENT) BILL

The debate (adjourned from the previous day) on the motion of the Hon. D. R. White (Minister for Industry, Technology and Resources) for the second reading of this Bill was resumed.

The Hon. R. I. KNOWLES (Ballarat Province)—This is an important Bill to amend the Dangerous Goods Act. Before the government introduced the Dangerous Goods Bill, when it had a temporary majority in the Legislative Council following the 1985 election and the Nunawading result had been challenged, the government tended to make great play about the Bill which led to the Act. However, the Opposition believes this Bill is a publicity stunt by the government to appear to be doing something in an area which is of critical importance to the community.

In the *Herald* of 10 March, Dr David Neal of the Law Reform Commission made the observation that each year in Australia there was an average of 500 workplace deaths. That is an incredibly high figure. I am sure that is of concern to all honourable members in this House and it is certainly of concern to the community, although I suspect the significance of workplace deaths and accidents is not fully understood.

The Bill seeks to make some administrative changes, as well as changes to the delegation of responsibility. Those issues were canvassed in another place when the Opposition spokesman, the honourable member for Hawthorn, made it clear that the Opposition was not opposing the Bill. The Opposition certainly believed some of the changes were erroneous and, during the Committee stage of the Bill, amendments will be proposed to ensure that the proposed legislation is made more workable.

The government is proposing to eliminate the need for the Department of Labour to table an annual report. Honourable members will be aware that, over recent years, criticism has been levelled at the Department of Labour about the fact that the government has staffed the department essentially with Labor Party hacks.

The Hon. C. F. Van Buren—Rubbish!

The Hon. R. I. KNOWLES—The facts speak for themselves. The department has been taken over by the trade union movement and, in many ways, operates as a branch office of the Victorian Trades Hall Council.

The Hon. B. W. Mier—It was a lame duck for 50 years.

The Hon. R. I. KNOWLES—I have already made the point that the Bill is about the government trying to be perceived to be doing something without, in effect, tackling some of the real issues. The last time the House debated the dangerous goods legislation, the Opposition roundly made the point that the way to reduce industrial accidents was through education, by informing both employers and employees about the need for safety.

The Hon. B. W. Mier—Were the workers at Simsmetal Ltd educated?

The Hon. R. I. KNOWLES—I am not going to comment on individual cases because, clearly, there are many areas where there is a lack of responsibility on the part of the employers and lack of responsibility on the part of employees. In some cases there is a lack of responsibility in both areas.

The Opposition has regularly argued about the need for education in this field. The government has circulated a thick document of draft regulations for public comment. It contains 100 words in reference to the need for education. It is very clear that there should be a determined effort on the part of all parties to try to tackle the problem.

Although the Opposition does not oppose the Bill, it does not believe it will achieve some of the claims that have been made about it. The Opposition has a large number of amendments which it hopes the government will accept to ensure that the Bill is more workable and will make an important contribution to a significant problem in our community.

The sitting was suspended at 6.25 *p.m. until* 8.3 *p.m.*

The Hon. R. A. MACKENZIE (Geelong Province)—The Bill enhances the enforcement of proper custody for dangerous goods and improves certain administrative requirements under the principal Act. I am sure no honourable member would have any qualms about the intention of the Bill because each of us has concern about the dangerous goods being transported through our community and sold over the shop counter. All honourable members are aware of the increasing use of chemicals in a large variety of industries. I understand that approximately 3000 new chemical substances are discovered and used commercially every year. It is almost impossible for the expert, let alone the average person, to keep up with what is occurring in the chemical industry.

It is important for the government to examine the principal Act from time to time and tighten up certain aspects of it. We must all be concerned about the spillages that are occurring. We have had examples in recent weeks of chemical spillages on our roads. In earlier debate on the Road Safety (Miscellaneous Amendments) Bill concern was expressed by Mr Lawson and Mr Hall about large trucks and tankers travelling at excessive speeds on our highways.

I strongly support the Bill. However, I put forward the suggestion that some type of colour coding should be used to identify a range of chemicals. In many cases trucks carry unmarked chemicals. In the event of an accident occurring in, say, a small country town, it is up to the local Country Fire Authority officer to make a decision about cleaning up a chemical spillage. If that officer does not know the chemical properties of the substance, he may create more damage and danger by the method he uses to clean up the spill. A colour code should be used not only on the trucks transporting the chemicals but also on the drums containing the chemicals so that people know exactly what the contents are.

The only other matter I raise with the Minister relates to clause 2 and I ask the Minister to address this matter during the Committee stage. A large hardware store in Geelong faxed to me today a letter expressing concern about an issue that may have been overlooked by the government in preparing the Bill. The letter states:

> We write to advise you of our great concern about the draft Dangerous Goods (Storage and Handling) Regulations, and to seek your support in having them opened up for public comment and debate before being adopted.
>
> As an independent retail business operating three hardware stores in Geelong, we take pride in offering an extensive range of products and services to the Geelong community.
>
> We support the need for stringent rules regarding the storing and handling of goods which are dangerous or toxic. However, the existing draft if adopted would severely affect our business to the point where we may have to discontinue the retailing of certain products, particularly paint, which are essential to the core business of a hardware store. This would adversely affect both our customers and the employment of some staff.
>
> Quite simply, the draft regulations are impractical to the responsible retailing of many products, especially paint. As one example, it is our understanding that the draft regulations would prevent the opening of

paint cans within a store without extraordinary building modifications, thereby preventing the tinting of paint in most stores which is essential to paint retailing.

Consequently, we believe that the regulations should be opened for public discussion and debate, and their introduction deferred until:

1. a full regulatory impact statement has been prepared, taking into account the total cost and other practical implications on industry and the community;

2. the regulations are modified to enhance safety without impeding responsible business activity and development in Victoria;

3. adequate provision is made for existing installations and premises to allow for their continued operation; and

4. the regulations have been fully considered by all interested parties.

I shall pass that letter to the Minister and ask him to respond to the matters raised.

I support this extremely important Bill and commend it to the House.

The Hon. D. M. EVANS (North Eastern Province)—The National Party regards seriously the necessity of having proper enforcement procedures for the handling of dangerous goods in the community.

The press generally tends to have a field day when an accident involving dangerous goods occurs in a built-up area in the city, especially if the goods are explosive or create a fire. Nevertheless, it is necessary to understand that many industrial processes and many of the goods and services on which the community relies at some stage or other require the use, either in the manufacturing process or in storage of goods that, when mishandled, can become dangerous.

It is essential that persons who have charge of dangerous goods or explosives meet the requirements set out in the Bill, not only for their own safety but also for the safety of employees, the general public and particularly the emergency services, who may be called upon to deal with emergencies. Accidents occur from time to time, and the emergency service is left with the unenviable task of dealing with the accident. It is essential that the danger is fully known and that the emergency service has proper knowledge prior to dealing with such an emergency so that it can deal with it effectively and safely.

The community requires that dangerous goods be used in a proper way. There is misuse of a wide variety of substances that fall into the category of dangerous goods. There is the requirement, not mentioned in the Bill but referred to in the principal Act, that where dangerous or intractable wastes are involved in an emergency there needs to be an efficient and safe disposal method.

That issue was raised by the National Party in this House as the subject of a motion in 1983 and it was suggested then that a single authority should have the power to deal responsibly with intractable wastes and goods of that nature. Some movement has occurred in that area, but there is a great distance to go, if media pictures can be believed. I know that the media tend to sensationalise from time to time, but they have highlighted the fact that dangerous goods are stored in less than safe conditions in some instances around the City of Melbourne.

There is a further requirement for the safe disposal of used dangerous waste containers. That can be met, in some cases, by properly controlled landfill operations or similar methods.

High temperature incineration is used for some toxic and long-lasting waste, but again there is nowhere in Australia that can dispose of that waste. I am aware that the high temperature incinerator ship *Vulcanus* does visit Australia from time to time—the last time was approximately four years ago—and I understand there are plans for

the establishment of a high temperature incinerator in New South Wales. If established that incinerator would act as the disposal unit for other States throughout Australia. I commend that course of action and hope it can take place relatively quickly. Mr Mackenzie referred to the problems of transporting dangerous waste. That is an issue to which I referred during the debate on the Transport (Amendment) Bill yesterday.

The final point I make concerns the storage of dangerous goods on farms. Many chemicals carry labels indicating a certain degree of danger, which is more precautionary than actual, because the substances when properly stored and used are generally safe. Many of those chemicals have a danger factor somewhat less than that of salt water, but nevertheless, they carry the connotation of danger and cause some concern in the community.

I am well aware that a number of farmers have a major disposal problem when they are left with the residue of chemical products they have used. This issue is not addressed in the proposed legislation and it should be considered by the Minister.

The National Party agrees with the spirit of the Bill and acknowledges that considerable work must be done in a legislative form to improve the handling and disposal of dangerous waste throughout Victoria. The National Party will not oppose the Bill.

The Hon. G. R. CRAIGE (Central Highlands Province)—The Liberal Party does not oppose the Bill, but I foreshadow amendments during the Committee stage. All Victorians want a safer workplace and an environment where accidents involving dangerous goods do not occur. Accidents have occurred in Victoria in the movement and usage of dangerous goods and consequently lives have been lost.

Honourable members must be genuine when dealing with the issue of dangerous goods. It is useless to implement legislation that will be a sham, and some provisions of the Bill are a sham. The government says in its advertising that it is doing a good job in dealing with the dangerous goods issue and that it is serious about health and safety issues in the workplace. Increasing penalties for people who transgress the regulations do not address that issue.

Accidents will occur in a work environment where people handle dangerous goods. The Liberal Party believes people require more training in the handling and use of dangerous goods and that higher penalties for people in breach of the legislation will not work. Small businesses are already shackled by regulations but the government is now dumping another truck load of regulations on to small business. Most small businesses, we would all agree, are responsible in using and moving dangerous goods.

The Minister, during his second-reading speech, said that the aims of the Bill were to enhance the enforcement capacity and improve certain administrative requirements. Somehow the Minister believes all the problems will be removed by enacting the proposed legislation. One must ask: why the change? Why the need for an increase in penalties? What information are the provisions in the Bill based on? What information do officers of the Department of Labour have that warrants an increase in penalties and other powers?

The proposed legislation is an attempt by the government to make the general public believe it is serious about this subject. Accidents involving dangerous goods are regularly highlighted on television and in the newspapers. Firemen risk their lives when they attend such accidents because they often do not know what they are dealing with. Will the provisions of the Bill change any of that?

Cooperation needs to occur between the employers, employees and trade unions. Positive, constructive work must be done in this area if the workplace is to be a safer

environment. If trade unions and employers have done their jobs, accidents will be minimised when employees use dangerous goods. There is a poor level of education and training in the workplace regarding the use of dangerous goods. There should be no gimmicks to make people feel safe; genuine reforms should be introduced that will decrease the casualties that occur when people use and transport dangerous goods.

Inspectors of dangerous goods should have a high degree of training. They should be properly qualified to assess potential dangers in the workplace caused by either the use or storage of dangerous goods. The Bill will empower the director-general to delegate the powers and functions of an inspector to people who have no qualifications; and the Bill does not provide for those people to receive any training.

Under the principal Act, police officers, members of the Metropolitan Fire Brigade and officers of the Road Traffic Authority can receive delegated powers. The Bill will extend the range of people to whom powers can be delegated; the provision will apply to both State and Federal public servants. Proposed new section 14 (3) states that the director-general may delegate powers and functions to:

> (*a*) any officer or employee, or the holder of any office, in the public service or transport service; or
>
> (*b*) any member of, or the holder of any office in, the police force; or
>
> (*c*) any member or officer of, or the holder of any office in, a permanent fire brigade under the *Metropolitan Fire Brigades Act* 1958, or any permanent officer or member of a brigade under the *Country Fire Authority Act* 1958; or
>
> (*d*) any officer or employee, or the holder of an office, in a municipality;

Under the Bill local council officers will be given the power to act as inspectors, despite having no qualifications or receiving no adequate training. Under the Bill those powers may be given not only to State public servants but also to:

> (*e*) any officer or employee, or the holder of any office, in the public service of the Commonwealth—

Those public servants can be given:

> all or any of the powers, functions, authorities or discretions of an inspector . . .

If the government intends to tackle the issue seriously it should not hand out mickey mouse medals to public servants who are not qualified to carry out the important duties of inspecting areas where dangerous goods are either stored or used.

People to whom powers are delegated should be highly qualified, because the use, transport and storage of dangerous goods is of grave concern and the matter should be addressed seriously. It should not be a case of jobs for the boys—jobs given to public servants who are sitting around with nothing to do. Because of provisions contained in the Bill thousands of unqualified inspectors will be making judgments about the problems caused by dangerous goods.

Another area of concern relates to the annual reports of the Department of Labour. In effect, the Bill states that annual reports will not have to be submitted. One wonders whether the Department of Labour has something to hide or whether officers of that department are not doing their jobs properly. The Department of Labour has not presented an annual report for 1985–86. The government has published information about highly sensitive areas such as Altona, reports that have featured prominently in the media; and because of such action the government claims it is doing a good job. Some constructive work has been done on this matter, but Altona is not the only area in Victoria where dangerous goods are used or stored.

The Bill seeks to increase the fines for non-compliance with the provisions of the principal Act up to a maximum of $250 000. One wonders whether the department will be fined because of its failure to submit annual reports. Perhaps that example of non-compliance should also attract a fine of $250 000! Many trade unions would jump

at the chance of screwing $250 000 from employers who do not comply with the provisions of the principal Act; yet the Department of Labour feels safe despite the fact that it has failed to present annual reports in recent years.

I doubt whether increasing the level of fines will solve many problems. I also doubt whether the government is serious about controlling the use, transport and storage of dangerous goods—other than running a public relations campaign in an attempt to tell the people of Victoria that it is serious about the problems caused by dangerous goods.

I hope the increased levels of fines will lead to a reduction in the numbers of accidents and injuries caused by dangerous goods. I hope the Bill will lead to an elimination or at least a minimisation of the problems that they cause. There should be a full disclosure of the types of dangerous goods that are transported.

Victorians should be educated about the problems caused by dangerous goods. There is little point in the government imposing higher penalties if those who are involved in the use, transportation and storage of dangerous goods, in particular, are not properly educated about the problems those goods can cause.

I hope the Bill will lead to a reduction in the problems created by dangerous goods, wherever they are used, transported or stored, but I do not believe it will.

The Hon. R. J. LONG (Gippsland Province)—I agree with Mr Craige: without a shadow of a doubt, the government believes that by increasing penalties it will successfully tackle the problems caused by dangerous goods, but honourable members should be aware that that is the wrong approach.

The Minister's second-reading speech is dressed up to suggest that the government is serious about tackling the problem. The major problem with the Bill concerns the definition of dangerous goods. The principal Act contains the following definition:

> "Dangerous goods" means any substance or article prescribed as dangerous goods for the purpose of this Act . . .

The best example I can give of the shortcomings of that definition is that, if hydrogen is defined as dangerous, water should also be so defined because it contains hydrogen. That is the way the definition works! The government must think more carefully about the definition of dangerous goods in the principal Act.

In my province an accident occurred at Nilma crossing. Honourable members will recall that in that case residue from the brown coal liquefaction process at Morwell was being transported to Melbourne to be sent to Japan for analysis. The truck carrying the residue was struck by a train on the Nilma crossing near Warragul. A dangerous problem arose, because no-one knew what the residue contained.

The government has endeavoured to define dangerous goods in a certain way, and the Bill in its present form will present difficulties. That has been proven by the prosecution that followed the Nilma crossing accident.

Honourable members interjecting.

The Hon. R. J. LONG—The government thinks it is a joke, but it is a serious matter.

Honourable members interjecting.

The PRESIDENT—Order! I expressly call Mr Mier to order.

The Hon. R. J. LONG—The second-reading notes do not mention why section 45 of the Act is being amended. The Act is being amended because the government lost

the prosecution in the Magistrates Court in the Nilma crossing proceedings. The government appealed to the Supreme Court but has not waited for an answer and has proceeded with a Bill to amend the Act in the meantime.

The Hon. B. W. Mier—Did you act in that case?

The Hon. R. J. LONG—I did not act in that case.

The Hon. B. W. Mier interjected.

The Hon. R. J. LONG—Do not make such accusations against me because they are completely untrue.

The Hon. D. R. White—No-one would employ you.

The PRESIDENT—Order! I call Mr Mier and the Minister for Industry, Technology and Resources to order and ask them both to desist. I shall not make a third request.

The Hon. R. J. LONG—It is a question of definition of the dangerous goods process. I am sympathetic towards the government in that regard because it is difficult to define dangerous goods. I object to the government in this place amending the Dangerous Goods Act and increasing the penalties to exorbitant limits with a view to saying to the public that it is attacking the problem. The government has failed miserably! An education program is required, and the sooner the government learns its lesson the sooner progress will be made.

The motion was agreed to.

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

OCCUPATIONAL HEALTH AND SAFETY (MISCELLANEOUS AMENDMENT) BILL

The debate (adjourned from the previous day) on the motion of the Hon. D. R. White (Minister for Industry, Technology and Resources) for the second reading of this Bill was resumed.

The Hon. G. R. CRAIGE (Central Highlands Province)—The Opposition does not oppose the Bill but foreshadows a number of amendments during the Committee stage. This Bill is the second occupational health and safety measure before the House this week and one could say this place has become a safety house. Is the government serious about the Occupational Health and Safety (Miscellaneous Amendment) Bill? As outlined in the second-reading speech, the principles of the Bill are a utilisation of the big stick between the eyes approach to making people aware of the problems of health and safety in the workplace. I have some difficulty in understanding what an increase in penalty levels will do to reduce the problems of health and safety in the workplace. One should begin with the fundamentals of training and education and should not use the big stick first.

The second-reading speech says that this Bill will strengthen the compliance and enforcement aspects of the Act. That comment is another furphy: here we go again, the government trying to demonstrate to the people of Victoria that it is serious about preventing accidents in the workplace. The government addresses the matter by increasing penalties and fines for breaches of the Act. Penalties for serious offences by bodies corporate against employees will increase from a maximum of $50 000 to a maximum of $250 000. They are significant increases—although not as significant as some of the pay increases trade unions get for their employees.

The penalties for similar breaches in other States are not as high. When one examines the provisions of the Bill, one wonders if the offences and the penalties have any relationship because the penalties go overboard. Victoria once again is leading the way! Victoria will show everyone that the end result of increasing penalties will be that health and safety will be improved. I cannot believe that increasing penalties will reduce the number of accidents in the workplace. In New South Wales similar offences incur a maximum penalty of $100 000 compared with $250 000 in Victoria.

The nomination of health and safety coordinators is of concern to the Opposition. The clause nominates a person of appropriate level of seniority as the health and safety representative to coordinate health and safety activities on behalf of the employer. The Opposition has some difficulty with that provision and foreshadows an amendment during the Committee stage to enable the employer to have as the health and safety coordinator a person who can be a consultant and has a high degree of seniority within that employer's business.

Proper consultation has not taken place. The government talks about consultative agreements and arrangements, its good record in the workplace and how it has increased cooperation with employers, but it proposes to fine an employer $250 000 for non-compliance. Is holding a gun at the employer's head and threatening to pull the trigger the way of getting him to cooperate?

The increased penalties will do nothing to reduce industrial accidents and to improve health and safety in the workplace in Victoria. The government has gone about it the wrong way. The Occupational and Health and Safety Act was pushed through Parliament when the government held a majority in this Chamber.

The spirit of this Bill relates to penalties and continues to give a great deal of power to shop stewards in their ability to hold up work when premises are declared unsafe. I repeat that the trade union movement has got to this government and has said, "Give us high penalties and we will screw one of the small employers and get $250 000 for you". Government hacks go in and do the work for the John Halfpennys from the Trades Hall Council, so that the dollar is rolling. They need only one, because they think they can set an example.

This Bill does not address the real problem of occupational health and safety in Victoria.

The Hon. P. R. HALL (Gippsland Province)—This is the fourth Bill related to safety matters that has been before the House in the past two days. Yesterday we debated the Road Safety (Miscellaneous Amendments) Bill and looked at the Occupational Health and Safety (Amendment) Bill. Today we have looked at the Dangerous Goods (Amendment) Bill and now we are debating the Occupational Health and Safety (Miscellaneous Amendment) Bill. I am pleased and proud that the National Party has responded positively to each of the four Bills that have been before the Chamber. We wholeheartedly supported the Road Safety (Amendment) Bill and we wholeheartedly supported the Dangerous Goods (Amendment) Bill. The National Party will support this Bill.

I pointed out yesterday that our opposition to the Occupational Health and Safety (Amendment) Bill was because we did not think that, if the Bill was passed, safety procedures would be improved in the workplace. We are conscious of occupational health and safety in the workplace, on our roads and everywhere in our society. That is why we have responded very positively to each of the four safety Bills.

The Occupational Health and Safety (Miscellaneous Amendment) Bill will be supported by the National Party, with some amendments that will be moved by the Opposition. As the Minister pointed out in the second-reading speech, this Bill increases

penalties for breaches of safety procedures in the workplace. The National Party does not feel quite as strongly as does Mr Craige on these increases in monetary penalties for the breaches. We have no real objection to the increased penalties being implemented and we believe some industries—and there are some that wilfully disregard the laws of this State—deserve to be harshly penalised. The National Party has no trouble in accepting that proposal.

However, consideration should also be given to the cost to the employer. Prohibitive measures like this, which impose large fines and require industries to spend money upgrading safety procedures in the workplace, can be prohibitive to the extent that an industry or manufacturing business may no longer remain economically viable. Care must be taken that the rules being implemented by Parliament are not so stringent as to adversely affect industry and enterprise. That is something this country cannot afford. The level of manufacture in Australia at present is not high.

One of the main aspects of the Bill relates to the role of the employer in industrial health and safety issues. Clause 4 allows the employer to appoint an officer to represent his interests in these matters. More importantly, in health and safety issues consultation must occur between the employee representative and the employer representative so that perhaps some potential industrial disputes can be solved amicably before they multiply. Too often in this country industrial disputes have arisen because of zealous union officials instructing workers to go on strike, perhaps more to make a point to an employer than over a legitimate complaint.

This Bill provides for the employer to have representation through his appointed agent when considering health and safety issues. In addition the National Party welcomes the proposed regulations in this Bill covering infringement notices. They are to be expanded and in future will require that an infringement notice served on an employer will give more detail about the alleged infringement. With the employer representative and the increased guidelines given on the infringement notices, the lot of the employer will be improved.

The amendments to be moved by the Opposition seek to strengthen the role of the employer's representative on matters of health and safety and all honourable members agree there needs to be a bipartisan approach to these issues if we are to bring about an improvement in safety in the workplace. It is common knowledge, and the Minister recognised this in his second-reading speech when he said that the provision reflects the existing emphasis on the consultative process under the Act and will assist employers and employer associations to promote a planned approach to improved health and safety performance.

We all recognise the need for these extensive consultation processes, and the amendments to be moved by the Opposition will ensure that more consultation takes place between employee and employer representatives. The National Party has been safety conscious in respect of each of the four Bills that have been before the Chamber in the past two days. This Bill has the support of the National Party, along with the amendments to be moved by the Opposition. We hope this will ensure a safer workplace for all Australians.

The Hon. G. R. CRAWFORD (Jika Jika Province)—I support the Bill because it is appropriate and the provisions are required. I agree that the operation of the current legislation is not perfect. It is not operating in the way that many people in industry would desire. Since the legislation was introduced tremendous development has occurred in the cooperation that is reached between employer organisations and trade unions. A considerable amount of work has been done in the appointment of occupational health and safety officers and the training of those officers. Much work

has been done by people involved on all sides of industry in an attempt to eliminate the cause of industrial accidents and injuries.

However, this is always an ongoing process. It cannot be relaxed at any time because changes are constantly taking place within the workplace and in that process of change new circumstances arise as new products, new compounds, new substances and new production methods are used.

Many trade unions are concerned that in the past penalties have been too low. A real need exists to increase penalties because we are dealing with varied types of employers. Unions have been concerned about some aspects of administration of inspections and steps have been taken to improve that situation.

The attitude among some employers, particularly in the building industry, has amazed me. They take the attitude of "Catch me if you can". If employers think they can save money, they will try to get away with it. If they are discovered, they pay the fines, but the fines are not high enough to discourage them from breaking the law. Employers view the fact that fines are low as a sign of weakness and they take action on the basis of dollars and cents. To that extent, the question of safety and amenities on sites, particularly in the building industry, is a continuing issue. I have seen a union organiser catch an employer doing the wrong thing three times in one month; it is a constant process of repetition.

Many employer organisations are sitting down with union representatives and working out processes to facilitate the appointment of occupational health and safety officers. However, there are people in the industry whose actions necessitate penalties being increased and the provisions of the Act being enforced.

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 to 3 were agreed to.

Clause 4

The Hon. G. R. CRAIGE (Central Highlands Province)—I move:

1. Clause 4, line 2, after "4." insert "(1)".

In so doing, I foreshadow that I shall move amendments Nos 2, 3 and 4 in my name. Amendment No. 1 is consequential and the substance of the amendments is contained in amendment No. 4. It relates to consultation and a balance in the workplace so that people can get on with the job.

The Opposition argues that an employee representative and an employer representative should be present when a problem occurs in the workplace. Any consultation that occurs in the workplace about occupational health and safety should take place only when representatives from both sides are present. Members of the Opposition are serious about health and safety. So that employers can fully understand their responsibilities, there must be a process of consultation. Employers should not be left in the dark and hope everything will be fixed up. The way to solve industrial relations problems is by consultation, and the Opposition does not quarrel with that, so long as it is done in the first instance. A workplace can become safer through consultation, and that is the way to go.

The Hon. P. R. HALL (Gippsland Province)—I support the amendment and in speaking to it I shall refer to the other amendments Mr Craige has foreshadowed. As I said during the second-reading debate, it is important to consider the plight of the employer as well as the employee. People in this country cannot afford to place

unnecessary restrictions on employers. There must be a balance, and the amendments provide that balance.

The amendments will enshrine in legislation the fact that consultation between the employer and employee representatives must take place. The National Party believes that is the only fair and honest way that both parties in disputed matters can receive a fair hearing. It is with pleasure that the National Party supports the amendment.

The Hon. B. W. MIER (Waverley Province)—I oppose the amendment, and in doing so I shall make some comments on the remarks that have been made by Mr Craige and Mr Hall. During the second-reading debate those honourable members both referred to the actions of occupational health and safety officers relating to industrial disputes. That shows that those gentlemen have no understanding or appreciation of what the Bill is about. The Bill has nothing to do with industrial disputes; it is wholly and solely concerned with the concept of industrial health and safety.

The Hon. K. M. SMITH (South Eastern Province)—On a point of order, Mr Chairman, what Mr Mier is saying is incorrect. Industrial disputes were not mentioned.

The CHAIRMAN (the Hon. K. I. M. Wright)—Order! There is no point of order.

The Hon. B. W. MIER (Waverley Province)—Mr Hall and Mr Craige referred to industrial disputes and that proves that they have no understanding of the broad principles and concepts of the Bill.

The Bill provides for the consultation to which Mr Hall referred; it provides that an occupational health and safety officer is required to consult with and know the employer nominee with respect to health and safety coordination within a workplace.

The Opposition, in a sinister and disguised form, is forcing the industrial health and safety officer to act only under the jurisdiction of the employer's representative who has been nominated as a health and safety coordinator. In other words it is a biased, blatant and crude attempt to curtail the activities of the health and safety officer in the workplace. This should not happen; it is completely impracticable.

Employers, firstly, are responsible for health and safety in the workplace, whether it be a construction site or a power station such as those in the Latrobe Valley. I hope Mr Hall will tell the workers at the State Electricity Commission what he proposes. I am sure they would not be happy with the proposal because of their circumstances over the years in health and safety matters.

The Hon. G. R. Craige interjected.

The Hon. B. W. MIER—Mr Craige is not familiar with the health and safety issues in the workplace. I doubt whether he has been involved in health and safety issues in his working life.

The Hon. Robert Lawson—What nonsense, he is a plumber!

The Hon. B. W. MIER—Health and safety is firstly a responsibility of the employer and, secondly, it is a responsibility of the employees under the provisions of the Act which is being amended by the Bill before the Committee. It is the responsibility of employees to ensure that these provisions are adhered to. Employers have no right to curtail the activities of duly appointed health and safety officers in the workplace. The amendment is designed totally to ensure that the employer's responsibility is forsaken. All the employer has to do is to nominate the health and safety coordinator. All the coordinator need then do is to refuse to negotiate on an unsafe situation with the result that the conditions remain unsafe and accidents continue to occur.

The Hon. G. R. Craige—Absolute rubbish!

The Hon. B. W. MIER—Mr Craige says that it is absolute rubbish, but it is not. In this country of ours we know there are tremendous problems with industrial health and safety. Australia-wide eight people a week are killed in the workplace, which is nearly as bad as the situation on the roads. A proposal such as this will deny employees their right to work in safe conditions. I oppose the amendment. I hope the Opposition and the National Party will examine this matter in a different light and support the Bill as it was introduced by the Minister.

The Hon. C. F. VAN BUREN (Eumemmerring Province)—I oppose the amendment. The Liberal Party and the National Party were strongly opposed to safety officers being elected. Their philosophy is that the boss has the right to say what are safe conditions in the workplace. Many members of the Opposition have no experience of a situation in which two people are negotiating and the elected representative has no say because the boss's representative disagrees with him. This is a problem.

It is a consistent tactic of the Liberal Party to stop health and safety representatives being elected. The concept was introduced by the Labor government and it was opposed by the Liberal Party. There is no need for the amendment because the Act provides for consultation before any action is taken.

The Opposition, by moving the amendment, aims to reduce the power of the representative who was elected by the workers to look after their health and safety. The *Herald* on 17 March 1989 in its editorial entitled "A safer place to work" states:

> It is reassuring to see the new Minister for Labour, Neil Pope, giving such a serious, if unglamorous issue such priority. Mr Pope will introduce to the current session of Parliament new laws giving Victoria the most stringent controls and the toughest penalties in Australia.

The article was in the *Herald,* which is a conservative newspaper. It supports what the Labor Party is endeavouring to do. The Opposition is aiming to frustrate the government, which is its consistent tactic. The Opposition does not want elected representatives to have the power to say to the boss that the workplace is dangerous.

I have experience in the printing industry. In some factories the floors were uneven but the bosses would not fix them up. When men were moving big formes about on uneven floors they were likely to get their fingers jammed.

The Hon. K. M. Smith—It is the bosses' fault?

The Hon. C. F. VAN BUREN—Yes, the bosses have the responsibility to provide safe working conditions. The employees expect to work in safe conditions. In the industry from which I came, often there were holes in the floor, which could be the cause of accidents.

The Hon. K. M. Smith interjected.

The Hon. C. F. VAN BUREN—Half the Opposition members would not have worked in conditions such as that.

The Hon. K. M. Smith—It is a long time since you did!

The Hon. C. F. VAN BUREN—The unfortunate thing is that members of the Opposition do not go around and look at some of the conditions.

The Hon. K. M. Smith—I came straight off building sites; I know what it is like.

The Hon. C. F. VAN BUREN—The amendment takes the teeth out of good legislation. The government has been conscious of health and safety in the workplace. Earlier speakers from the Opposition treated the matter flippantly. Mr Long referred to a number of matters in a flippant manner, but this is a serious matter.

The Hon. G. R. Craige—I know.

The Hon. C. F. VAN BUREN—Employers have the responsibility to look after the workplace and provide safe working conditions. The government has taken the matter a step further by running education campaigns on safety. Money has been spent to make the point about safety in the campaign, "Up here for thinking". The government has played its part and the unions have played their part; now it is up to the employers to play their part.

The Hon. P. R. HALL (Gippsland Province)—I should like to respond to a couple of comments made by Mr Mier and Mr Van Buren. It would seem from their comments that they have trouble accepting that an employer has a right to have a health and safety representative to represent his interests as well.

I refer the Committee to page 2 of the Bill. It is actually the government's suggestion that an employer has a right to appoint a health and safety representative. That is stated in clause 4 of the Bill.

The Hon. B. W. Mier—The coordinator, we agree, but why amend that?

The Hon. P. R. HALL—All that the opposition parties want is to have someone to represent the employer as well as the employee. That would give a balanced approach. All that the amendment provides for is a necessary consultation process between those two appointees.

The Hon. B. W. MIER (Waverley Province)—In response to Mr Hall's comments, I point out that the government has actually proposed what Mr Hall suggests. He would understand that if he had read the Bill. However, unfortunately, as I said in my initial remarks to the Chamber, the proposals by the government are confronted with amendment, and the amendment simply nullifies the activities of the health and safety officer. I suggest that Mr Hall is possibly being misled.

The Hon. P. R. Hall interjected.

The Hon. B. W. MIER—He has been misled. If Mr Hall had read the Bill, he would understand and appreciate that what he has been saying has already been agreed to by the government. But, no, there are people on the other side of the Chamber, Opposition members, who wish to go a step further. They showed their hand back in 1984—we know what they are about.

Mr Hall has been completely misled. The government and I agree with him, but Opposition members do not; they just want to destroy the whole principle and concept of the Act and the proposals that are now before the Committee.

The Hon. R. I. KNOWLES (Ballarat Province)—It strikes me that there is some confusion about what the amendment actually proposes. The Opposition applauds the government's initiative of enabling an employer to appoint an occupational health and safety coordinator. We accept the concern that Mr Mier and Mr Van Buren have expressed about the need for an employee occupational health and safety representative to ensure that the law is complied with; and that, in a situation where an employer is ignoring or neglecting his responsibility to provide a safe workplace, there ought to be a mechanism to ensure that that is rectified. The Opposition applauds that. It is at one with the government on that point.

What Mr Craige's amendment proposes is that, in a situation where there is a problem in the eyes of an employee occupational health and safety officer, that person ought to be obliged to consult the employer's coordinator. If the employer's coordinator refuses to do anything about that dangerous situation, under the Opposition's amendment, the employee representative still has all the powers within the existing

Act. The amendment does not delete his powers one iota, but the Opposition is saying——

The Hon. B. W. Mier—There is no need to amend it.

The Hon. R. I. KNOWLES—Given that the whole argument is about improving education between employers and employees, a mechanism which ensures that consultation must occur will assist that process. I must say that I do not understand why the government is resisting so strongly what is a very modest proposal and one that seems to be completely in keeping with the government's own initiative of allowing an employer to appoint his own occupational health and safety coordinator.

I invite the Committee to support Mr Craige's amendment.

The CHAIRMAN (the Hon. K. I. M. Wright)—Order! Mr Craige's first amendment is virtually a test for all four of his amendments.

The Committee divided on Mr Craige's amendment (the Hon. K. I. M. Wright in the chair).

Ayes	22
Noes	18
Majority for the amendment	4

AYES	NOES
Mr Ashman	Mr Davidson
Mr Baxter	Mr Henshaw
Mr Best	Mrs Hogg
Mr Birrell	Mr Ives
Mr Chamberlain	Mr Kennedy
Mr Cox	Ms Kokocinsky
Mr Craige	Mr Landeryou
Mr de Fegely	Mrs Lyster
Mr Evans	Mrs McLean
Mr Guest	Mr Mackenzie
Mr Hall	Mr Mier
Mr Hallam	Mr Pullen
Mr Knowles	Mr Sgro
Mr Lawson	Mr Theophanous
Mr Long	Mr Walker
Mr Macey	Mr White
Mr Miles	
Mr Storey	*Tellers:*
Mrs Tehan	Mr Crawford
Mrs Varty	Mr Van Buren
Tellers:	
Mr Skeggs	
Mr Smith	
PAIR	
Mr Connard	Mrs Coxsedge

The Hon. G. R. CRAIGE (Central Highlands Province)—I move:

2. Clause 4, line 3, after "with" insert ", or persons each with".

3. Clause 4, lines 4 and 5, omit "co-ordinate health and safety activities on behalf of the employer" and insert "be the employer's representative or representatives under sections 26, 30 and 31".

4. Clause 4, after line 5 insert—

'(2) In section 30 (8) of the Principal Act, after "this Part" insert "in consultation with the employer's representative or representatives and".

(3) In section 31 (1) of the Principal Act, after "representative" insert ", in consultation with the employer's representative or representatives.".'.

The amendments were 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.

OCCUPATIONAL HEALTH AND SAFETY (AMENDMENT) BILL

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

Clause 1

The Hon. G. R. CRAIGE (Central Highlands Province)—I move:

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".

As canvassed during the second-reading debate, the Opposition does not support the government on the proposed subsumption of the specialist acts referred to in the Bill. The Liberal Party is of the view that the provisions in the measure will not make the workplace safer.

The Hon. P. R. HALL (Gippsland Province)—The National Party does not agree to the alterations proposed in the Bill. It does not support most of the provisions for the principal reason that the Bill will not lead to safer work practices in the workplace. The lack of specialisation is apparent in this specialised and technically complicated industry. Lack of specialisation is brought about by placing the industry under the Occupational Health and Safety Act provisions.

For those reasons, the National Party opposes the Bill, and supports the proposed amendments.

The amendments were agreed to, and the clause, as amended, was adopted, as was clause 2.

Clauses 3 to 17

The Hon. G. R. CRAIGE (Central Highlands Province)—I invite the Committee to vote against these clauses.

The clauses were negatived.

Clause 18

The Hon. G. R. CRAIGE (Central Highlands Province)—I move:

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".

The amendment was agreed to.

The Hon. G. R. CRAIGE (Central Highlands Province)—I move:

19. Clause 18, line 26, omit "section 18 of".

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

Title

The Hon. G. R. CRAIGE (Central Highlands Province)—I move:

20. In the Title, omit "Occupational Health and Safety" and insert "Limitation of Actions".

The amendment was agreed to.

The Hon. G. R. CRAIGE (Central Highlands Province)—I move:

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".

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 passed through its remaining stages.

SUBDIVISION (AMENDMENT) BILL

The debate (adjourned from earlier this day) on the motion of the Hon. B. T. Pullen (Minister for Housing and Construction) for the second reading of this Bill was resumed.

The Hon. R. A. MACKENZIE (Geelong Province)—Having sought the adjournment of the debate earlier in the day, I had the opportunity of discussing the proposed legislation with the Geelong Regional Commission and some local government bodies in Geelong. I sent them copies of the proposed legislation to enable them to consider what is contained in the Bill and to seek their opinions on it.

As a result of those discussions, I am now happy to support the Bill. The Geelong Regional Commission was very supportive of the proposed legislation. Perhaps the Minister for Housing and Construction could give an explanation to the one question raised by the commission.

As the Bill will entail an alteration to every planning scheme in the State—which represents a huge task for planning bodies—the Geelong Regional Commission asked what the time frame for the program would be. I understand that the government thought that it would be done by July, but the commission believes, because of the extent of the work that will need to be done, that date is ambitious. It wants to know whether a revised program has been established for the alterations which will need to take effect in the planning schemes throughout the State. With those few words, I support the proposed legislation.

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 to 3 were agreed to.

Clause 4

The Hon. B. T. PULLEN (Minister for Housing and Construction)—The Subdivision (Amendment) Bill is technical and a large number of amendments will be moved. I understand they have been agreed to by all parties.

The Bill was read a second time on 13 April and since that date extensive discussions have taken place with a range of groups representing legal, surveying, local government, and property interests as well as with members of the Opposition.

As a result of these discussions, the government proposes to move a number of amendments to the Bill which will improve its effectiveness in a number of areas, particularly in respect of the operation of bodies corporate and the marking out of lots prior to their sale.

I am also aware, however, of concerns that have been expressed in some quarters over the need to widen the provisions of the Bill in relation to the preselling of lots, particularly in major developments which would be strata subdivided under the existing legislation.

At present, as honourable members will be aware, it is possible to presell units within a strata development as long as deposits are placed in an approved trust fund and settlement does not take place until the plan is finally registered at the Land Titles Office. Subdivisions involving land only, however, cannot be sold at all—except for two-lot subdivisions—until the plan is registered.

Under the proposed legislation, any subdivision, whether it be of a building or broadacre land, will be able to be sold as soon as the plan of subdivision has been certified by the local council. It is envisaged that this will sometimes occur before works have commenced on site. The Bill provides a mechanism whereby significant projects can be declared special projects by the Governor in Council and preselling would then be permitted under proposed new section 9AG in the Sale of Land Act.

This process for obtaining a declaration by the Governor in Council is preferable to and far simpler than having to pass special legislation every time a development requires a measure of preselling to help the financial structuring of the project.

Many groups would like to see the provisions allowing for preselling given much wider application. While the government has no objections in principle to this concept, I am sure honourable members will agree that it is important that all interested groups should be satisfied that adequate safeguards exist to protect purchasers who buy property in advance of its development.

Some concerns exist, particularly in the local government area, about the prospect of pre-selling becoming more widespread. Accordingly, the Minister will be instructing officers of his Ministry to liaise with the Attorney-General's Department and to hold discussions with legal, surveying, local government and development interests to determine what legislative changes may be required to provide the safeguards that would allow wider opportunities for preselling to occur.

A final and better informed decision could then be made on the matter of preselling based on broad agreement from all interested groups. If any changes to legislation were required, these could then be introduced into Parliament either later this year or in next year's autumn sessional period.

Before proceeding with the amendments circulated in my name, I advise the Committee that amendments Nos 1 to 16 all relate to clause 4. They have the purpose of enabling authorities which acquire land by agreement rather than by compulsory process to use the provisions of section 35 of the principal Act, which is proposed to be revised by the Bill. Section 35 enables authorities to lodge a single plan for certification that may cover a whole string of separate land purchases along the route of a pipeline or a road-widening. As it is currently drafted, section 35 applies only to land that is acquired "after service of a notice of intention to acquire". The provisions in clause 4 and amendments Nos 1 to 16 will open up the operation of section 35 to cover purchases of land by agreement whether or not notice of intention to acquire is served.

I move:

1. Clause 4, lines 17 and 18, omit "after service of a notice of intention to acquire".

The Hon. ROBERT LAWSON (Higinbotham Province)—Mr Acting Chairman, I am here merely to lend a touch of class to what would otherwise be a very ordinary debate. There are 54 amendments to the Bill.

The Hon. B. T. Pullen—Fifty-five.

The Hon. ROBERT LAWSON—I was not counting the first one. The Liberal Party has no objection to any of them because the Minister for Planning and Environment and the shadow Minister in the other place have negotiated all the amendments, and it has been agreed that the Opposition should not oppose them in this place.

Unfortunately, I missed the second-reading speech because the Bill was introduced into this Chamber and, in my absence, it was decided to proceed to the second-reading debate forthwith. Therefore, I was unable to contribute. Perhaps I should say something about the Bill now.

The Hon. R. I. Knowles—I said we were supporting it; was that right?

The Hon. ROBERT LAWSON—Yes. I do not intend to cause any problems unless you, Mr Acting Chairman, pull me up when I make my rather belated second-reading speech.

This is an extraordinary Bill. Its principal Act is the Subdivision Act 1988. That was found to be defective, although one would not appreciate that from the Minister's second-reading speech. The Bill has been introduced to amend the Subdivision Act 1988, and now the Committee has before it a set of amendments which is almost as long as the Bill itself.

This is a difficult subject and the government continues to introduce various Bills which only nibble away at rather than cure the problems in the principal Act.

The Opposition wishes the Bill well. It hopes the Bill and the proposed amendments succeed. The Opposition is ready and willing to support the proposed amendments.

The amendment was agreed to.

The Hon. B. T. PULLEN (Minister for Housing and Construction)—I move:

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".

The ACTING CHAIRMAN (the Hon. G. A. Sgro)—Order! Can the Minister move amendment Nos 2 to 16, because they are consequential?

The Hon. B. T. PULLEN—It is important in terms of the clarity of the amendments—although they will be agreed to—that explanations are attached to them, given that in time people may want to examine the record to determine some of these points which are highly technical.

Amendment Nos 1 and 2 amend the definitions of "Acquire" and "Vesting date" in the Bill to remove the reference to the notice of intention to acquire, which will no longer be a prerequisite for using the powers in section 35 of the Act.

The amendment was agreed to.

The Hon. B. T. PULLEN (Minister for Housing and Construction)—I move:

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'.

Clause 4 (2) (*a*) of the Bill substitutes section 5 (2) of the principal Act. This amendment amplifies the proposed new section 5 (2) to clarify the steps an authority must take to make use of the provisions of section 35 when all or part of the land it has acquired has been purchased by agreement.

The amendment was agreed to.

The Hon. B. T. PULLEN (Minister for Housing and Construction)—I move:

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),".

This amends section 35 of the principal Act. Clause 4 (3) clarifies that it can apply to acquisition both by agreement and by compulsory process.

The amendment was agreed to.

The Hon. B. T. PULLEN (Minister for Housing and Construction)—I move:

5. Clause 4, page 3, line 9, after "(*a*)" insert "without limiting what can be done by a plan,".

The amendment ensures that a plan submitted by an acquiring authority under section 35 can be flexible and can deal with related matters additional to those listed in the section; for example, to facilitate the consolidation of residual parcels of land with adjacent holdings that are otherwise unaffected or to allow the plan to relocate or remove easements, if necessary.

The amendment was agreed to.

The Hon. B. T. PULLEN (Minister for Housing and Construction)—I move:

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".

The amendments clarify that the partial abuttal of a piece of land with another which is being acquired enables the provisions of section 35 of the principal Act to apply.

The amendments were agreed to.

The Hon. B. T. PULLEN (Minister for Housing and Construction)—I move:

8. Clause 4, page 3, line 27, omit "of the lots are" and insert "land is".

The amendment clarifies the fact that "land" to be acquired need not always be in the form of "lots".

The amendment was agreed to.

The Hon. B. T. PULLEN (Minister for Housing and Construction)—I move:

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)".

The amendments clarify that owners and mortgagees of affected land need to consent if a plan by an acquiring authority increases or reduces the number of existing lots, varies lot entitlements or includes land which it does not intend to acquire.

Amendment No. 10 is a consequential amendment to ensure that the registrar is informed where section 35 is being used in the case of a compulsory acquisition. Amendment No. 11 is a consequential amendment.

The amendments were agreed to.

The Hon. B. T. PULLEN (Minister for Housing and Construction)—I move:

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*)".

The amendments are consequential amendments to differentiate, where necessary, between purchases by compulsory process and purchases by agreement when plans come to be lodged or registered, or land is vested under section 35.

The amendments were agreed to, and the clause, as amended, was adopted, as was clause 5.

Clause 6

The Hon. B. T. PULLEN (Minister for Housing and Construction)—I move:

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".

Amendments Nos 17 to 21 are intended to clarify the circumstances in which easements are implied within a building which is being subdivided, and in respect of common property where a body corporate is involved. These amendments have been sought and agreed to by representatives of the Law Institute of Victoria and the Land Titles Office.

In amendment No. 17, clause 6 (2) (*c*) substitutes section 12 (2). This amendment substitutes proposed section 12 (2) (*a*) to detail circumstances under which easements can be implied.

Amendment Nos 18, 19 and 20 ensure that implied easements enjoyed prior to the registration of a plan—for example, access, overhanging eaves and so on—are also covered by the provisions of section 12.

Amendment No. 21 enables a plan which involves a body corporate to specify that easements are not implied over land shown which is not common property.

Amendment No. 22 corrects an editorial error.

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

Clause 7

The Hon. B. T. PULLEN (Minister for Housing and Construction)—I move:

23. Clause 7, line 33, omit "(3)" and insert "(2)".

The amendment corrects a numbering error.

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

Clause 8

The Hon. B. T. PULLEN (Minister for Housing and Construction)—I move:

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.".

The amendment further clarifies those parts of the Bill which relate to the staging of subdivisions to specify the circumstances in which a plan for a subsequent stage in a subdivision may amend the plan for an earlier stage.

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

Clause 9

The Hon. B. T. PULLEN (Minister for Housing and Construction)—I move:

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 section 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.".'.

The amendments amend the provisions of section 38 of the principal Act in relation to disputes within bodies corporate. The effect of the amendments is to clarify the circumstances in which a court may make an order in relation to a dispute where members of a body corporate are unable to secure a unanimous resolution on a matter and where such a resolution is required. These matters are specified in section 32 (1) and relate to the alteration of common property, the variation of lot entitlements and so on.

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

Clause 10

The Hon. B. T. PULLEN (Minister for Housing and Construction)—I move:

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.

Amendment No. 27 deletes proposed section 30 (4) of the principal Act to clarify that, where two insurance policies have been taken out by a body corporate and an owner, the proceeds of one policy cannot be offset against the proceeds of the other, and the second policy should therefore cover only any uninsured interest that exceeds the value of the first policy.

Amendments Nos 28, 29 and 30 simply renumber subclauses consequential to amendment No. 27; and amendment No. 31 deletes the proposed paragraphs dealing with insurance payments to mortgagees which are already covered more appropriately by the mortgage contract legislation.

The amendments were agreed to, and the clause, as amended, was adopted, as was clause 11.

Clause 12

The Hon. B. T. PULLEN (Minister for Housing and Construction)—I move:

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, an 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".'.'.

The amendment is aimed at simplifying the provisions requiring the marking of lots by licensed surveyors when a development has been completed.

The thrust of the principal Act is that the marking of lots is basically a consumer protection issue between owners and vendors on the one hand, and purchasers or potential owners on the other, with the appropriate safeguards being built into the Sale of Land Act.

In line with this concept and at the urging of various surveying groups, the responsibility for having the marking done is being placed with the applicant and not with an individual surveyor. Accordingly, proposed section 31A of the Surveyors Act

is being deleted and relevant provisions are being placed into section 17 of the Subdivision Act and in a new section 20A.

Surveyors are naturally still obligated by the Surveyors Act to undertake work properly and professionally, but the effect of the amendment is to place the obligation to make sure the work is done on the applicant.

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 13 to 16.

Clause 17

The Hon. B. T. PULLEN (Minister for Housing and Construction)—I move:

33. Clause 17, page 21, line 33, omit "(iv)" and insert "(*ib*)".

This is simply an amendment related to numbering.

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

Clause 18

The Hon. B. T. PULLEN (Minister for Housing and Construction)—I move:

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 subdivision 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 the 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.".

Amendments Nos 34 and 35 are complementary consequential amendments arising from the earlier amendments to clause 4 relating to the purchase of land by acquiring authorities. Their effect is to ensure that the changes now agreed to in clause 4 will apply during the transitional period when the new legislation is introduced and is still operating in parallel with the existing subdivision legislation.

The effect of amendments Nos 36 to 38 is to clarify that plans involving general law land can be dealt with under the transitional provisions as well as land held in Torrens title terms.

Amendment No. 39 corrects a minor error in the Bill by inserting "redevelopment" in place of "development".

Amendment No. 40 ensures that there is no hiatus in the application of the provisions of section 44 (5E) when the section commences.

Amendments Nos 41 and 42 are complementary provisions which amend section 44 (6) of the principal Act to insert new provisions giving continuity to "Lot" and "Unit" entitlements established under the Strata Titles Act and Cluster Titles Act. The amendments further clarify that the provisions of section 9AA of the Sale of Land Act do not affect the continuity given to dealings with units and lots created under those Acts.

Amendment No. 43 ensures that existing rights under the Local Government Act and the Sale of Land Act to sell certain types of lots prior to the registration of a subdivision will continue to apply during the transitional period.

Amendments Nos 44 and 45 correct errors in the proposed additions to section 8A of the Sale of Land Act to clarify what land can be disposed of without requiring to be subdivided.

Amendment No. 46 is an additional saving provision covering lots and units created under the Strata Titles Act and the Cluster Titles Act.

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

Clause 19

The Hon. B. T. PULLEN (Minister for Housing and Construction)—I move:

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".

Amendment No. 47 amends section 4 of the principal Act to clarify that the Act does not apply to land vested, or folios created by the registrar, under certain sections of the Rural Finance Act and the State Electricity Commission Act. These procedures are exempt under existing legislation and had been overlooked when the new subdivision legislation was drafted.

Amendment No. 48 corrects an error by deleting the requirement for land in a plan of consolidation to be in the same ownership.

Amendment No. 49 introduces greater flexibility into the preselling of lots in a "declared" project under section 9AG of the Sale of Land Act by allowing contracts to stipulate their own time limits for avoiding the sale if registration of a plan does not take place.

Amendment No. 50 substitutes provisions into the Sale of Land Act to clarify the circumstances in which a purchaser of a lot "sold from the plan" may avoid the sale if the land as marked out does not accord with the land shown on the plan. This amendment is in part consequential upon the previously agreed amendments to clause 12—see amendment No. 32.

Amendment No. 51 is a renumbering as a consequence of the previous amendment.

Amendment No. 52 deletes the proposal in the principal Act to extend the definition of "development" in the Planning and Environment Act to cover easements, restrictions and encumbrances.

This change is in line with amendments made to the principal Act in the Legislative Council. This amendment also amends the Planning and Environment Act to ensure that planning schemes, where appropriate, can provide for the creation, variation or removal of easements and restrictions.

The combined effect of these changes is to ensure that planning permits do not have to be obtained for easements under most planning schemes and to place the onus on planning authorities to specify, by amending their planning schemes, those circumstances in which they feel a permit should be required for an easement.

These minor corrections ensure that a council's consent is obtained before any instrument that removes a carriageway is registered at the Titles Office.

The amendments were agreed to, and the clause, as amended, was adopted, as was clause 20.

Clause 21

The Hon. B. T. PULLEN (Minister for Housing and Construction)—I move:

55. Clause 21, line 25, omit "(1)".

This is the final amendment, but I indicate in response to some remarks by Mr Lawson that this proposed legislation is actually substantial landmark legislation which was prepared by the Law Reform Commission. I believe in fact it will be a very good Act. The Bill has been subjected to 55 amendments in this Chamber. Some of these amendments are required to tidy up some loose ends and are consequential on those amendments.

As honourable members will appreciate, land subdivision is a highly technical area and not everything is captured at the one time. That is not to say that some of those amendments will not be beneficial to the operation of the Act. Some of the amendments are necessary transitional arrangements. Others were simple errors which were not picked up but which have now been identified. Amendment No. 55 is a minor editorial correction.

The Hon. ROBERT LAWSON (Higinbotham Province)—The Committee has just gone through 55 amendments and it bears out what I said before, that this Bill has been quite sloppily drafted.

When Mr Hunt moved the amendments on the previous occasion, the government was grateful for them. Mr Hunt did a tremendous amount of work on the previous Bill and, if any errors were made, we are only too happy to correct them because, as honourable members know, our motto is cooperation with the government.

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 the amendments were adopted.

The Hon. B. T. PULLEN (Minister for Housing and Construction)—I move:

That this Bill be now read a third time.

I thank honourable members for their cooperation during the Committee stage. In response to the matter raised by Mr Mackenzie in regard to timetabling, the proposal is to exhibit the regulations in general and to proclaim the amended Act. On consultation with the Geelong Regional Commission, I indicate that the commission will naturally be consulted in respect of the amendments to its planning scheme during that period.

The motion was agreed to, and the Bill was read a third time.

DANGEROUS GOODS (AMENDMENT) BILL

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

Clauses 1 to 3 were agreed to.

Clause 4

The Hon. D. R. WHITE (Minister for Industry, Technology and Resources)—I invite honourable members to vote against this clause.

The Hon. B. A. CHAMBERLAIN (Western Province)—I wonder whether the Minister can explain the purpose of his invitation and what it is designed to achieve.

The Hon. D. R. WHITE (Minister for Industry, Technology and Resources)—There have been lengthy discussions during the course of this week on the amendments to the Dangerous Goods (Amendment) Bill. After lengthy discussion, and noting that it was to be proposed in Committee that there would be a series of amendments by the government to which the Opposition would also be proposing a series of amendments, it is now proposed that the government will put forward a series of amendments which reflect proposals from both the Opposition and the government. The clause relates to inspectors' identification cards and reads:

In section 13 (1) of the Principal Act, for "the Minister" substitute "the Director-General".

I take that to be a consequential amendment and the Committee will deal with the substantive issues at a later time.

The clause was agreed to, as was clause 5.

Clause 6

The Hon. D. R. WHITE (Minister for Industry, Technology and Resources)—I invite honourable members to vote against the clause.

The clause was agreed to.

Clause 7

The Hon. D. R. WHITE (Minister for Industry, Technology and Resources)—I move:

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".'.

The amendments were agreed to, and the clause, as amended, was adopted, as was clause 8.

Clause 9

The Hon. D. R. WHITE (Minister for Industry, Technology and Resources)—I move:

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.".'.

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

Clause 10

The Hon. D. R. WHITE (Minister for Industry, Technology and Resources)—I invite honourable members to vote against the clause.

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

New clauses

The Hon. D. R. WHITE (Minister for Industry, Technology and Resources)—I move:

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

(*b*) 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.".'.

The new clauses were agreed to.

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

SECOND-HAND DEALERS AND PAWNBROKERS BILL

The Hon. E. H. WALKER (Minister for the Arts)—I move:

That this Bill be now read a second time.

The Bill is a substantial reform of the law governing the regulation of second-hand dealers and pawnbrokers. It has the twin objectives of replacing unnecessary regulatory controls with a more efficient scheme of licensing and providing effective measures to combat dealings in stolen goods. The Bill fulfils a substantial commitment made by the government last year in its criminal justice policy document entitled *Victoria Building a Law-Abiding Society Together.*

Existing regulation of these industries is contained in three Acts: the Second-hand Dealers Act 1958, the Pawnbrokers Act 1958 and the Marine Stores and Old Metals Act 1958. These Acts have been the subject of a discussion paper issued jointly by the Victorian Law Reform Commission—VLRC—and the Regulation Review Unit—RRU—as part of the reference the government has given them to inquire into occupational regulation. The discussion paper, issued in May 1988, described the existing legislation as archaic and anachronistic. It proposed that the legislation be consolidated into one enactment with a substantially streamlined system of regulation. In essence, the VLRC and the RRU proposed that only those controls justifiable by reference to the need for effective crime control or consumer protection be retained.

The Bill implements the thrust of those proposals. In particular, it removes a number of obsolete restrictions; for example, under existing laws there are special restrictions on the trading hours of pawnbrokers and second-hand dealers. The Bill will allow second-hand dealers and pawnbrokers to operate like any other traders under the Shop Trading Act. Other unnecessary restrictions, such as the requirement that metal collectors wear badges and not use "insulting language", will also be removed. The government does not, however, accept the VLRC and RRU suggestion that the requirement to obtain a licence in order to operate as a second-hand dealer or pawnbroker be removed. The government believes a licensing scheme is necessary to ensure that only appropriate people act as second-hand dealers or pawnbrokers and to prevent criminal elements from moving into the industry.

However, the Bill effects important changes from the current cumbersome system of licensing. At present, licences can be issued only by a Magistrates Court. An applicant must pay a nominal fee and satisfy the court of his or her good character. In

1986, Magistrates Courts issued about 8400 licences to second-hand dealers, 550 to collectors of old metals and 30 to pawnbrokers. The cost of processing these applications exceeds the revenue gained and diverts courts from their proper functions. The Bill therefore vests the licensing function in local councils. The police will have power to object to a licence being granted or renewed if they believe the applicant is not a fit and proper person to hold a licence. This scheme will allow both local control and police input into the licensing process. A licence fee will be payable to the council. The maximum fees will be fixed by regulation at a level allowing the recovery of administrative costs. Local councils will be able to set conditions on the grant of a licence in appropriate cases. In addition, licences will be subject to revocation by the council, either on its own motion or that of the police. A licence may be revoked if the holder has committed an offence of dishonesty, breached the requirements of the Act or a licence condition, or is otherwise no longer a fit and proper person to hold a licence. A right of appeal from any licensing decision will lie with the Administrative Appeals Tribunal.

The Bill contains other provisions designed to prevent the sale of stolen goods through second-hand dealers and pawnbrokers and to allow the tracing and recovery of those goods. A second-hand dealer will be required to verify the identity of a person selling goods to the dealer and to keep records of that identification. Second-hand dealers will also be required to keep accurate and complete records of goods obtained by them. After buying goods, a second-hand dealer will be required to keep them for seven days before selling them. In addition, the police will be able to prohibit sale of the goods for a further 21 days. In appropriate cases, the police may extend this quarantine period for a further 21 days. The police consider that these measures are essential to effective law enforcement. They will ensure that dealers exercise appropriate care before buying goods as well as providing an opportunity of tracing and recovering stolen goods.

The Bill also provides a simple procedure by which the owner of stolen goods can recover them from a second-hand dealer or pawnbroker. At present, a full and complicated legal action is required. Under the Bill, however, a simple procedure is available enabling the owner to obtain an order from a clerk of a Magistrates Court if there are reasonable grounds to believe stolen goods are in the possession of a dealer. Upon the making of such an order, the dealer will be required to satisfy the court that the goods were not stolen or were otherwise rightly the property of the dealer. If the dealer or pawnbroker fails to lodge an objection within 21 days, the goods must be returned to the applicant. If an objection is lodged, the question of ownership must be resolved by the court. This procedure will allow an inexpensive and quick mechanism by which title to goods can be resolved.

The Bill also removes an archaic rule that facilitates the sale of stolen goods in markets. The general rule governing the sale of goods is very simple and very sensible: no-one can sell what he or she does not own. So, for example, if a thief sells goods to a second-hand dealer the dealer does not get good title to them. The goods remain the property of the original owner. There are, however, a number of exceptions to this rule. One of them concerns "markets overt". If a person buys goods in good faith in a public open market between sunrise and sunset without notice of any defect in the title to them, he or she acquires good title to them even though they are not owned by the seller. The rule does not apply to the sale of cattle but it does apply to the sale of other livestock. This rule dates from at least 1472. Whatever the historical justification for the rule, it is plainly no longer appropriate. The rule has the potential to operate as a thieves' charter, an invitation to the "fencing" of goods in markets. The rule governing the market overt exception does not apply in New South Wales, Queensland, the Australian Capital Territory, New Zealand, Scotland or Wales and it is high time that

it was removed in Victoria. The Bill does this by repealing section 28 of the Goods Act 1958.

The Bill provides an important package of changes in relation to the sale of second-hand goods. These changes will allow more effective measures to prevent stolen goods being disposed of through second-hand dealers or pawnbrokers while providing those industries with a measure of deregulation. The Bill, therefore, meets two important government objectives: to allow business to operate more efficiently and to provide more effective crime control.

I commend the Bill to the House.

On the motion of the Hon. R. I. Knowles, for the Hon. HADDON STOREY (East Yarra Province), the debate was adjourned.

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

LAND (MISCELLANEOUS MATTERS) BILL

The Hon. B. T. PULLEN (Minister for Housing and Construction)—I move:

That this Bill be now read a second time.

The second-reading speech has been prepared in two sections in the interest of saving time. I propose to read the first section, which gives a brief outline of the provisions of the Bill. The second section provides detailed information and is incorporated in the copies of the speech circulated for the information of members. As I do not propose to read the second section of the speech to the House, I seek leave to have that section incorporated in *Hansard* as part of the second-reading speech to the Bill.

Leave was granted, and the second section will follow section one.

The Hon. B. T. PULLEN—As stated, I shall now give a brief outline of the provisions of the Bill. It provides for the revocation of permanent reservations in respect of certain parcels of land, the particulars of which are described in the schedules to the Bill. Use of the parcels of land for the purpose for which they are reserved is no longer required or the land is more urgently required for other purposes.

The Bill also amends the Melbourne Lands Act 1987 simply to correct an error in the land description in the schedule to that Act. It amends the Kew and Heidelberg Lands Act 1933, the Kew and Heidelberg Lands Act 1958 and repeals two Acts that no longer serve any useful purpose.

RICHMOND LANDS—PART 2

This land is referred to in Items 1 and 2 of Schedule 1 to the Bill. The revocation of the reservations for the purpose of an abattoir and of the relevant land titles will enable this surplus land to be sold.

BALLARAT LANDS—PART 3

The land referred to in Items 3 and 4 of Schedule 1 to the Bill is the Ballarat City Baths Reserve in Armstrong Street, Ballarat. The reserve is not used for the purpose for which it is reserved and revocation of it and of the relevant land titles will enable the land to be sold or used for other purposes.

POMONAL LANDS—PART 4

The Pomonal public hall reserve is the land referred to in Item 1 of Schedule 2 to the Bill. The site has not been used for the purpose of the reservation since its creation in 1933 and as it is not required for that purpose, the reservation should be revoked.

QUEEN VICTORIA HOSPITAL LANDS—PART 5

The land referred to in Item 2 of Schedule 2 to the Bill is the Queen Victoria hospital reserve in Melbourne. The hospital has been closed and the land is no longer required for hospital purposes. Revocation of the reservation will enable the land to be sold.

MALVERN LANDS—PART 6

The land referred to in Item 3 of Schedule 2 to the Bill is a handicapped children's reserve in Malvern Road, Toorak. The site has not been used for the purpose for which it was reserved since 1978 and revocation of the reservation will enable the land to be sold.

KANIVA LANDS—PART 7

The land referred to in Item 2 of Part 1 of Schedule 3 to the Bill is portion of a recreation and public gardens reserve in Progress Street, Kaniva. The site is used for the purpose of a Country Fire Authority—CFA—fire station and revocation of the reservation as to that portion will enable sale to the CFA.

HEIDELBERG LANDS—PART 8

The land referred to in Item 3 of Part 1 of Schedule 3 to the Bill is portion of a plantation purposes reserve in Warringal Place, Heidelberg. Revocation of the reservation in respect of that land will enable the land to be used as part of the Bell Street–Banksia Street road link.

YARRA BEND PARK LANDS—PART 9

This part of the Bill will establish a new boundary between Yarra Bend Park and the former Willsmere Hospital reserve land. The land referred to in Part 1 of Schedule 2 to the Bill is portion of Yarra Bend Park. Revocation of the park reservation in respect of that land will enable the land to be sold together with adjoining land of the former Willsmere Hospital reserve. Two portions of the former Willsmere Hospital reserve will become part of Yarra Bend Park.

GENERAL PROVISIONS—PART 12

This part contains the usual provisions of a measure of this type to ensure that the Crown is not liable for compensation for anything done under or arising out of this proposed legislation and to direct the Registrar of Titles to amend records kept under the Transfer of Land Act 1958. It also contains an amendment of the Melbourne Lands Act 1987 to correct an error in the description of land in the schedule to the Act and provides for the repeal of two obsolete Acts.

The second section, for which leave to incorporate in Hansard was granted, was as follows:

SECOND SECTION

RICHMOND LANDS—PART 2

Richmond abattoir is situated on 3·03 hectares of Crown land at the corner of Barkly Avenue and Burnley Street, Richmond permanently reserved by Order in Council of 30 June 1890 for an abattoir and general municipal purposes. Land titles restricted as to purpose for which the land can be used are held in the name of the municipality. As there is a doubt as to whether the earlier reservation of 1862 was revoked the Bill also revokes that reservation. Until April 1987, the site had been used as an abattoir by its most recent tenant, Smorgon Consolidated Industries. The site is now disused and the Richmond City Council is deriving no revenue from it, either by way of rates or rent. However, council does use an area of 0·3 hectares as a depot.

The council and the local residents are not in favour of the site being continued to be used as an abattoir and council only wishes to retain use of the small depot site. It is not considered to be appropriate to have an abattoir in an inner city area. Until the permanent reservation and land titles are revoked the site cannot be sold or used for any other purpose. To leave the land idle would be inefficient use of a valuable inner city site. The site has been assessed as government land in the land classification process and will be disposed of or used in accordance with government asset management policies.

BALLARAT LANDS—PART 3

In 1880, an area of 1682 square metres of Crown land in Armstrong Street, Ballarat was permanently reserved as a site for public baths and was granted later in the same year to the City of Ballaarat for the purposes of the reservation. In 1885, an area of 607 square metres in Armstrong Street adjoining to the north of the previous area was also permanently reserved and granted to the city for the same purpose.

The baths operated for nearly a century as the city baths until a shift in population and the development of better facilities elsewhere made them redundant. The baths have not operated since about 1970. The site has been assessed as government land in the land classification process and will be disposed of or used in accordance with government asset management policies. The buildings remaining on the site are the property of the City of Ballaarat, but are virtually worthless. The City of Ballaarat supports the proposed revocation.

POMONAL LANDS—PART 4

An area of 9030 square metres on the Ararat–Hall's Gap Road at Pomonal was permanently reserved as a site for public hall and public recreation on 25 January 1933, and placed under the control of a local committee of management. Although this land was made available for a public hall at the instigation of the Pomonal progress committee and fruit growers association, the hall was actually erected on freehold land opposite, as were recreational facilities.

The reserve has not been used for the purpose of the reservation since its creation and there has been little public use of the reserve, except for some occasional tree planting and nature study over the years by the students of the adjoining State school. The appointment of the committee of management has lapsed. In view of the facilities for public meetings and recreation developed nearby on freehold land owned by the Shire of Ararat, the current reservation of this area is now inappropriate. The area, together with a further parcel of Crown land to the west will be re-reserved as a site for the conservation of an area of natural interest in accordance with the recommendation of the Land Conservation Council which has been approved by the government. The tree plantings and nature study activities of the school will be allowed to continue.

QUEEN VICTORIA HOSPITAL LANDS—PART 5

In a press release of 24 August 1988, the Minister for Major Projects announced the plans for the State Library, a new site for the Museum and the sale of the Queen Victoria hospital site. The proceeds of the sale of the hospital site are to be used towards funding refurbishment of the State Library and the building of the new Museum. The Queen Victoria hospital site is Crown land permanently reserved for hospital purposes. In order to sell the site, the permanent reservation needs to be revoked. Revocation of the reservation will not pre-empt any planning decisions which may be taken in respect of the site. The land has been assessed as government land in the land classification process.

MALVERN LANDS—PARTS 6

This property known as 795 Malvern Road, Toorak was purchased by the Victorian government in 1949 to enable the establishment of a centre for the treatment of handicapped children. The site was permanently reserved for the purpose of a training and treatment centre for handicapped children in 1978. The Spastic Society of Victoria was appointed as the committee of management in April 1978. The buildings located on the site became unsuited to the needs of the society and were demolished in 1978. The site has remained vacant since that time.

No future development for the purpose of the reserve is envisaged for the site as Ministry of Education considers that existing educational facilities would be able to cater adequately for these requirements. The site has been assessed as government land in the land classification process and will be used or disposed of in accordance with the government's asset management policies.

KANIVA LANDS—PART 7

The site comprising 294 square metres is part of an area permanently reserved in 1931 for recreation and public gardens purposes. The Country Fire Authority owns adjoining Crown allotment 9, which was once part of the original reservation prior to 1931. However, that land is too small to allow for future

extensions to the fire station. With the agreement of the Shire of Kaniva, the authority is currently using portion of the adjoining reserve and has built a sheet iron radio shed on the land and uses an existing fibro-cement building that was once a band hall. Revocation of the relevant portion of the reserve shown by hatching on the plan in Part 3 of Schedule 3 will enable it to be sold to the authority.

HEIDELBERG LANDS—PART 8

In 1963, an area of 7942 square metres at the intersection of Warringal Place and Banksia Street, Heidelberg was permanently reserved as a site for an ornamental plantation. The City of Heidelberg as a committee of management has controlled the reserve since 1969. The government has designated the proposed Bell-Banksia streets link as one of the highest priority for road works in the metropolitan area following the metropolitan arterial road access study—METRAS.

As a result of an environment effects statement in 1979, the Melbourne and Metropolitan Planning Scheme was amended to provide for an improved road link between Bell and Banksia streets. The project requires the excision from the reserve of 2154 square metres, shown by hatching on the plan in Part 4 of Schedule 3 of which about 1769 square metres will be needed for the road, leaving 385 square metres isolated from the remainder of the plantation reserve. Proposals for the disposal of surplus land will be developed in conjunction with Heidelberg council and the Austin Hospital to ensure compatibility with adjacent land use and planning initiatives proposed by council.

By way of compensation, the Road Construction Authority—RCA—has agreed to provide replacement open space and will enter into a formal agreement under section 45 of the Transport Act. The RCA will engage a consultant to advise on landscaping the reserve and replacement of the 24 trees of non-local species that will need to be removed. Some council-owned park land will also be required for the project and it will be replaced as well.

YARRA BEND PARK LANDS—PART 9

These provisions of the Bill are an important step in facilitating the government's sale of the former Willsmere psychogeriatric hospital to the private sector for sensitive and imaginative redevelopment. Consistent with the November 1985 recommendation of the social development committee the government has decommissioned Willsmere Hospital which had for many decades been recognised as obsolete and unsafe for human services provision. The government is selling the Willsmere property to pay for modern psychogeriatric replacement facilities. More than $37 million has been spent to date on providing seventeen new facilities throughout the metropolitan area, and the refurbishment of four existing facilities.

The Yarra Bend Park boundary, defined by legislation in 1933, has always been inappropriate at its interface with the Willsmere property. It cuts across the main arrival precinct of the hospital site. As a result, the park trustees and hospital management effectively ignored the legal boundary and operated under a so-called management boundary. With the sale of the Willsmere property imminent, the legal and management boundaries were reviewed and a community consensus quickly reached that neither was in the best long-term interests of the park or the Willsmere property.

A proposed new boundary, consistent with the State conservation strategy provision that there should be no net loss in quantity or quality of land in the park, was tested for public reaction by the Minister for Planning and Environment through a planning scheme process. The new boundary proposed in this Bill reflects public input through that process and some of the subsequent comments of an independent review panel appointed under the Planning and Environment Act.

Public input highlighted two particularly significant areas of the Willsmere property—the so-called nurses' home site and the north-west shoulder. This Bill ensures retention of the nurses' home site and a substantial part of the north-west shoulder for future use by the public. It achieves a sensible balance providing addition of key areas of the Willsmere property to the park, and allowing sensitive redevelopment of the balance of the Willsmere site. Inclusion of the former nurses' home site, for instance, provides for a very significant addition of land to the park offering spectacular views to the city skyline.

The Bill presents a practical and responsible approach to realignment of the park boundary. Although there are those who would seek transfer of much more of the hospital property to the park, this Bill recognises that the Kew area is already well endowed with public parkland, and also meets the objective of facilitating funding of long overdue modern psychogeriatric facilities which have replaced the Willsmere Hospital operations through sale of the hospital property.

I commend the Bill to the House.

On the motion of the Hon. R. I. Knowles, for the Hon. M. T. TEHAN (Central Highlands Province), the debate was adjourned.

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

FIRE AUTHORITIES BILL

This Bill was received from the Assembly and, on the motion of the Hon. D. R. WHITE (Minister for Industry, Technology and Resources), was read a first time.

PRESCRIBED WEAPONS BILL

This Bill was received from the Assembly and, on the motion of the Hon. D. R. WHITE (Minister for Industry, Technology and Resources), was read a first time.

The Hon. D. R. WHITE (Minister for Industry, Technology and Resources)—I move:

That this Bill be now read a second time.

The proposed legislation is a simple amendment to the Firearms Act to control dangerous weapons, such as flick-knives, and complements the strategies announced by the government in *Building a Law-Abiding Society—Together* to combat violence in the community and to reduce crime on public transport. It also reflects the government's concern about the ready availability of dangerous weapons that can be used in the commission of crimes of violence. This concern is shared by the Transit Police, who are confronted by the problem of increasing carriage of a range of weapons on the Met transport system.

Police statistics show that the use of knives and weapons other than firearms in armed robberies increased by 53 per cent in the past three years, while the total number of armed robberies rose by only 2·7 per cent. During the same period the rise in the use of knives in serious assaults was almost double the increase in the total number of serious assaults. It has become evident that existing provisions relating to offensive weapons are no longer effective.

The Bill provides for prohibition of the manufacture, sale, possession and use of weapons that will be prescribed in regulations. It is intended to prescribe a range of weapons for which there can be no peaceful purpose: for example, flick-knives; disguised swords, knives or daggers; knuckle-dusters; and high-powered hunting slings that include a wrist or arm brace. These weapons are already prohibited imports and many are banned in other States. However, currently in Victoria, if one can get hold of these articles, it is not an offence to keep them, or to dispose of them by sale. By using regulations to prescribe articles, swift action can be taken as new undesirable weapons enter the market.

Although the provisions of the Bill will substantially improve law enforcement efforts in relation to dangerous weapons, it must be acknowledged that there remains a range of articles which are potential weapons but which also have legitimate uses. Such articles range from crossbows and martial arts equipment to everyday items like butchers knives. Given the complexity of this area and the need to ensure that individuals and groups in the community can be fully consulted, the government has asked the Law Reform Commission for a report on ways in which the misuse and abuse of such articles might be limited, while ensuring that people with legitimate reasons for using these articles are not disadvantaged. The commission is due to report by the middle of the year, thus enabling necessary proposed legislation to be introduced in the spring session of Parliament.

The Bill is a major contribution to the government's ongoing commitment to controlling crimes of violence in Victoria.

I commend the Bill to the House.

On the motion of the Hon. R. I. Knowles, for the Hon. B. A. CHAMBERLAIN (Western Province), the debate was adjourned.

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

NATIONAL PARKS (AMENDMENT) BILL

The debate (adjourned from the previous day) on the motion of the Hon. B. T. Pullen (Minister for Housing and Construction) for the second reading of this Bill was resumed.

The Hon. M. T. TEHAN (Central Highlands Province)—The National Parks (Amendment) Bill has been presented as "an historic piece of legislation". I agree that the wilderness component of the Bill will enshrine wilderness of its own accord and for its own values in Victorian legislation, and is therefore historic.

The other major portion of the Bill pertains to the prohibition of mining in both State and national parks. I propose to deal independently with each of the major components of the proposed legislation. They are probably as unrelated as chalk and cheese but in combination they will add substantially to the build-up and to the value of the national parks system throughout Victoria.

I first make some comments about the second-reading speech made by the Minister for Housing and Construction. I refer especially to the opening paragraph of the speech, which after setting out what the Bill purports to do in amending the National Parks Act 1975 says:

> This historic piece of legislation ranks alongside other landmark conservation legislation introduced by the Cain Labor Government—legislation to establish the Flora and Fauna Guarantee, to protect whales and other cetacea, and to establish the outstanding national park areas in East Gippsland and the Alps.

It would not have been ungenerous of the government to acknowledge that there is no way the legislation could be implemented, as it builds on legislation introduced into the House and the other place during the 1970s, if it had not been for the cooperation of the Liberal Party.

The proposed legislation and other associated measures require the cooperation of both parties to pass through Parliament. The measures are not government legislation but Parliamentary legislation that will establish wilderness and ban mining in national parks, and they are part of a legislative package that has created the Flora and Fauna Guarantee and is building up the protection of the natural resources of the State.

The emphasis on the environment over the past few years is building on a substantial base, principally the work of the Honourable Bill Borthwick and a former Premier, Sir Rupert Hamer. The concept of wilderness has continuing historical significance and is mentioned throughout history. The Old Testament says, "old men shall dream dreams, . . . and young men shall see visions." Unless we have situations where people can be with themselves and nature we will not have the ability to dream dreams and to see visions. The proposed legislation, in terms of its wilderness impact, is part of the seeing of visions that young people are seeing and yearning for in today's age.

The Bible refers to wilderness. After the baptism of Jesus he was led out into the wilderness to be tempted, so not only is it a time for spiritual building up and spiritual

confirmation but it may well be a time for temptation. That is where the conflict between Jesus and the Devil took place.

There are many references to people of great significance to society looking for a quite place. In essence the wilderness is a quiet place. It can be a special thing; it can be a wild thing; but it is in itself loneliness and it is naturalness; it is in its integrity that we find its major values. People have sought this throughout the centuries and more than ever before people are seeking it now.

It is harder and harder to find opportunities to retreat to a quiet place and to find areas that man has not, will not and cannot interfere with. That issue was significant in a debate that took place in this Chamber some weeks ago when the values of the Antarctic were debated. The House resolved that the Antarctic be recognised as a special place, as a place where man's interference can be minimised.

The House unanimously agreed that this unspoiled wilderness and special place, so delicately described to us by Mr Mackenzie, who has spent time there, should be held special by generations because it has intrinsic values. We cannot all go to the Antarctic and should not have to go there to find wilderness areas.

Shortly after America had been through 150 years of great development, of taming a continent and of building a civilisation as it did, the Americans realised as they went through their forests, their land formations, took water into the desert and placed man's hand on all that untamed and unknown continent that there are some places where people should say, "Leave it alone. Let it be. Enough is enough".

In 1851, the philosopher Paul Thoreau said, after acclaiming the civilisation that had been built by people who had come to the United States of America seeking freedom:

> Let me live where I will . . . on this side is the city, on that the wilderness, and ever I am leaving the city more and more and withdrawing into the wilderness.

Another philosopher, Aldo Leopold, was loath to stop the growth of that civilisation; he recognised it for what it was. But he illustrated the effects of the problems caused by development by using the analogy of subdivisions. He referred to six areas of subdivision and sad:

> What I am trying to make clear is that if in a city we had six vacant lots available to the youngsters of a certain neighbourhood playing ball, it might be 'development' to build houses on the first, and the second, and the third, and the fourth, and even on the fifth, but when we build houses on the last one, we forget what houses are for. The sixth house would not be development at all, but rather . . . stupidity.

That analogy may give honourable members a context in which to look at the Bill. If we seek a special place, a wilderness, we should not look at the third, fourth or fifth subdivision; but when we get to the sixth, we should say, "Enough is enough. This is special; let it be".

In modern times with their hustle and bustle when a person can, through the development in communications and transport, go anywhere at any time, it is important for people to find somewhere where they can say, "I am here, alone"—although the Bill does not refer to wilderness areas.

Recently I was fortunate enough to travel to Nepal and, with some huffing and puffing and an arduous climb, ascended 9000 feet in the Annapurna region. I camped on the edge of the snow-clad area. It was an unparallelled joy to wake in the morning and to let one's gaze travel all the way to the peak of a mountain that few, if any, other people had climbed. I knew I was in a true wilderness area. In the afternoon, when one had finished trekking and the clouds lifted, one could again gaze on the mountain peaks that were splendid in their naturalness; and at such a time one would realise

that one was alone and in an area where very few people had ever been. I wish that all honourable members could experience the visual beauty of that region.

Three months later, after I had returned to Melbourne and after a busy day not unlike today, I remember walking out of my office tired; but I stopped and thought of those mountain peaks. I realised that they had been there for thousands of years and that they would remain valuable wilderness areas for people of this age to enjoy.

I have tried to describe the notion of wilderness in somewhat metaphorical terms. In this place honourable members must be more pragmatic. Words must be found to define more precisely the experiences I have described.

I shall refer to a study conducted by Katherine Preece and Robert Lesslie for both the Ministry for Planning and Environment and the Australian Heritage Commission. I spoke to Kathy Preece shortly after the study had been completed. I also spoke to members of the Australian Wilderness Society, including Robert Waterman, who spoke knowingly of the subject.

Preece and Lesslie set out four indicators of wilderness. Wilderness cannot be described in terms of its use; instead it must be described in terms of its qualities. They use terms such as "remoteness" and "naturalness" that must be included in any worthwhile definition of wilderness. The first factor to which they refer is remoteness from settlement, which is defined as remoteness from settled land or, within natural areas, points of permanent occupation. So wilderness must be situated away from where most people live; it must be a quiet place, a special place.

The second factor to which they refer is remoteness from access, which is defined as remoteness from constructed vehicle access routes or points. Even when we are in our own homes, we realise that, no matter how quiet the neighbourhood is or how much we are able to relax, if one's home is situated close to a freeway, it can hardly be described as being an area remote from access. An area cannot be defined as wilderness if cars pass close by or unknown vehicles are likely to enter it.

Preece and Lesslie's third factor is aesthetic naturalness, which is defined as the degree to which the landscape is free from the presence of the permanent structures of modern technological society. That is a quality that all of us hope to preserve in Antarctica; and fortunately it is impossible to establish the permanent structures of our modern technological society in the Annapurna region.

The fourth factor is defined as biophysical naturalness, which is the degree to which to which the natural environment is free of biophysical disturbance due to the influence of modern technological society. So wilderness would be free from manmade interference.

Those factors give us some idea of the notion of wilderness and they can be used to establish whether there are wilderness areas in national parks such as those proposed in the Bill. If they are found, management structures should be imposed that are different from those used to manage other areas of public land, whether they are Crown land, State parks or national parks under the management of the Department of Conservation, Forests and Lands.

The Liberal Party supports the concept of wilderness. It supports the need for wildnerness parks. I understand that the Land Conservation Council, which was established in the 1970s, is currently undertaking a study to find wilderness parks in Victoria and to ensure that they will be protected by the Bill.

I ask the Minister for Housing and Construction, who is the representative in this place of the Minister for Conservation, Forests and Lands, to take heed of the need for proper management and control of potential wilderness areas that are covered by

the Bill while the government awaits the recommendations of the Land Conservation Council. Those areas must be managed in anticipation of what the Bill will require of wilderness areas once those areas are covered by it. Those areas are not protected at this stage. The House is considering only two formalised wilderness parks in Victoria. If those parks are to be protected, it is paramount that they be managed in a way that is compatible with the Bill.

I foreshadow an amendment during the Committee stage of the Bill relating to wilderness. The Liberal Party, with the support of the National Party, will be seeking that the concept of wilderness in parks, even in the zoned areas within national parks, be introduced, set up and developed under the auspices of Parliament rather than under the discretion of the Minister.

It is imperative that the closing of any area as a wilderness must come to Parliament. It is not illogical, nor is it unduly onerous, that the establishing of wilderness parks be under the auspices of Parliament. The foreshadowed amendment will require that wilderness areas be made and unmade by Parliament. That is consistent with the Bill and has the support of both opposition parties. It is necessary that Parliament understand the full significance of what it is doing when establishing special areas. As the proposed legislation suggests, the guarantees are there, but a provision must be put in place for Parliament to make and unmake wilderness zones within the national parks.

There are people who feel as strongly as I do about the values of this wilderness concept, and Parliament will understand the growing need for wilderness areas.

Part 3 of the Bill refers to the prohibition of mining in State and national parks. It came to me as some surprise that legislation was required to prohibit mining in national parks. I had taken it for granted that the National Parks Act prohibited mining in national parks. A permit for mining in national parks has not been granted for more than twenty years, and probably longer than that. As I understand section 40 of the National Parks Act, the Minister has discretion to grant a permit, but has never exercised that discretion over the past twenty years. It is necessary to have wilderness areas proclaimed by Parliament because the Opposition is concerned about the discretion of the Minister and, similarly, the government is ensuring that Parliament also prohibits mining in national parks by taking the discretion out of the hands of the Minister and putting it into legislation. I see no inconsistency in the procedures under the two parts of the Bill. What one has for one part, one has for the other. We are attempting to create the best possible national parks that we can have, and the declaration of wilderness areas and prohibition of mining in national parks will remain the prerogative of Parliament.

It has been said that there should not be prohibition of mining in State parks. That comes from a misunderstanding of what is a State park. When one examines the Bill, it becomes obvious that if one wants to protect one's national parks, one automatically wants to protect one's State parks which, in effect, are identical with national parks but smaller; and because they are smaller, they are closer to centres of civilisation. In most cases they are more accessible to the population and, to that degree, they have an additional value because of their availability.

There are numerous national and other parks. There are 33 State parks set out in proposed Schedule Two B of the Act, such as Warrandyte State Park; Werribee Gorge State Park; Whipstick State Park near Benalla; Pink Lakes State Park in the Mallee; Cape Nelson State Park, and Barmah State Park. Many of the State parks are in the Western District; and Eildon State Park is accessible to people throughout Victoria. Those State parks must be given the same significance in terms of the value as national parks, and it is logical that mining should be prohibited.

An argument was put that exploration in national and State parks should be prohibited. That is a more difficult question to come to terms with. It was something that had to be considered because, in not permitting exploration to some degree, we are closing off our sources of knowledge. I see difficulty in closing off any source of knowledge, exploration and research unless it can be counterbalanced by a worthwhile argument.

The Opposition examined this matter carefully, but it is indicative of the values we put on the parks and what they stand for that we decided that, on balance, those qualities, values and the criteria that are established in parks are of such fundamental worth and value that it is better to leave them alone and to pull back from our search for knowledge and discovery.

Those questions were explored, and rightfully explored, and the Opposition decided that the intrinsic value of the parks offset what is a generally accepted desire to know, to research, to find out and to explore.

The second-reading notes point out that the Bill would prohibit mining and exploration in both national parks and wilderness areas. The Liberal Party supports that prohibition for the reasons I have outlined. The Bill makes specific provision for wilderness areas, and the Opposition supports that provision. It is of such importance that those areas should be made and unmade by Parliament. I hope that never comes to pass, but the provision has to be put in place as a protective device.

The second-reading speech is significant in that it adds five more parks to the State's system of world-class parks and reserves. With those additions, practically all of the Land Conservation Council's recommendations for national and State parks accepted by various governments over the years will have been implemented. That is worthy of congratulation from both sides of the House. It was a Liberal government that set up the council. I have spoken before of the work of the Honourable Bill Borthwick in setting up that council, of the members who have served on it and the recommendations the council has made. The Opposition is delighted that the Bill takes the recommendations of the council to completion.

I have foreshadowed the amendments to come, the main one being the requirement that the wilderness creation and the wilderness determination will be under the auspices of this House and the other place. I foreshadowed two other minor amendments in relation to management; one relating to the control of indigenous animals within a wilderness area. It became totally impractical not to look at the need for a manner of control of indigenous animals. The Bill relates to the need to preserve and protect the natural environment, including indigenous flora and fauna and features of economic and geological significance. I suggest it is imperative to control even indigenous species if it is not possible to keep the natural balance of the way nature operates. The approval of the Director-General of the Department of Conservation, Forests and Lands will be required.

Similarly, we will be looking at controlling non-indigenous animals, animals that are not rightly at home in wilderness areas, such as deer and rabbits. Provision will be made for control of those animals.

I am delighted to support this Bill which will put into legislation what has been generally accepted as a natural fact, that there will not be mining or exploration in State or national parks, and I am even more delighted to be part of the legislative process that protects wilderness, that acknowledges wilderness and that allows for the creation of wilderness and for the values I have outlined at a time when it is vital to the future of civilisation.

The Hon. D. M. EVANS (North Eastern Province)—The Bill contains a number of different provisions, although they all come under the heading of the National Parks (Amendment) Bill and in many ways it is probably appropriate to deal with it as a Committee Bill because many of the provisions barely hang together.

For those who have taken the trouble to read the measure and try to understand it, it is a tricky piece of proposed legislation because a number of the concepts that it contains are difficult to determine. It seems to me that the Bill amends clauses which the Bill itself has just amended; it chases its own tail a little!

It might be reasonable to go through and examine in a general sense the various issues raised the Bill. Mrs Tehan concentrated a great deal on the issue of wilderness and although I must admit an excursion to Annapurna may be fascinating, I believe it is in Nepal and not in Australia. Although that area is undoubtedly one in which to describe wilderness, unfortunately we have a different concept within Australia. We do not have peaks of 27 000 or 28 000 feet in Australia.

In the early 1970s the Liberal Party set a target of 5 per cent of the total land area of the State to be included in national and State parks. We are rapidly approaching a figure of 10 per cent and the Land Conservation Council is currently engaged in investigations and producing recommendations which, if accepted by the government and by Parliament, will extend the percentage of the total land area of Victoria contained in the parks system very much beyond the figure of 10 per cent. The total area of public land in Victoria—when and if the National Parks (Alpine National Parks) Bill passes through Parliament after it is debated in a few days time—that will be included in the parks system will approach 25 per cent.

Because of this increasing proportion of land well beyond the target set in the original legislation by the Liberal government at that time, it is clearly becoming necessary for a further category of land to be determined and to identify and set management goals and philosophies for a new and more closely protected area of land. The mere fact that so much of our public land is coming into the parks system and because the demands of the public for recreation and other uses in the park areas is such, the concept of a national park being a closely restricted area is rapidly losing the force it had.

A new category is emerging of very exclusive use which is being called "wilderness" and I think Mrs Tehan set that definition down in glowing and graphic terms a few minutes ago. If we are moving towards an increasing amount of area in national and State parks, which are of themselves restricted land management use areas, and going into a further category of wilderness as the new and exclusive character areas, we should be aware of the comment made by the late R. G. Downes, the first Chairman of the Soil Conservation Authority of Victoria, many years ago. I quote from a document that is twenty years old entitled *Man the Earth and Tomorrow.* Mr Downes said:

> The most useful lands to a community are those areas having characteristics which provide the community with a wide range of choices for its issue. The least useful areas of land are those having characteristics which restrict its use to one or two possible choices.

I think Mrs Tehan has correctly drawn attention to the fact that it may be necessary, for good reason, to severely restrict the choices the public has for the use of its land, but if we do that it is also necessary to take good care that we do not tie up too much of the use of the public's land in those very restricted areas because in the definition of wilderness contained in the legislation before the House, a rather loosely worded definition which almost by its management practice provides a definition rather than particularly setting down in the clauses that it is a definition, some uses are permitted.

They are very exclusive uses for a very exclusive group of people. Not many people will be able to enjoy this new category of wilderness but some people will, and those people have a clear vested interest, and they are entitled to put it forward, of their particular desires: that is, to experience the feeling of wilderness, of being right away from all signs of civilisation. I have experienced that feeling of knowing that nobody was within miles of where I was. I was on foot and there was no sign of human activity whatsoever. I did not have to go very far because it was in north-eastern Victoria and the area is still not in national or State park.

The Hon. W. R. Baxter—And may it never be!

The Hon. D. M. EVANS—It may never be, but I have experienced the feeling of total isolation and of knowing that there was no-one in sight. It is a strange feeling.

Wilderness, by its definition, requires a substantial area to be set aside. If we are going to set aside considerable areas of the State, and if the areas are to be restricted to an exclusive group of people, it is important that such a declaration is made only after extremely careful consideration.

The Bill does not provide that the people of the State will have the opportunity of making a judgment through the proper forum of Parliament. I indicate that the National Party is opposed in principle to the Bill. However, it appears likely that the motion for the Bill to be read a second time will be agreed to. The National Party will support the amendments to be proposed by the Liberal Party during the Committee stage. The amendments will ensure that the control of the land remains with the people through their representatives in Parliament, where all such issues of exclusive restriction and categorisation of land can be properly discussed. It is essential that the opinion of the people who own the land and know exactly what is happening with it have an opportunity of exercising their right of choice and their right of having their opinions heard.

The next issue that comes forward is mining in national and State parks. As has already been indicated, the principal Act provides that mining, mining exploration or mining activity can take place in a national park only with the approval of the Minister. The Minister has discretion on this issue, but for many years, with one or two exceptions, no mining operations have taken place in national parks. The Red Robin mine is an exception and is provided for in the existing legislation. Such exemptions are generally included in the schedules to the principal Act.

It is the view of the National Party that if an area is declared a national park it would not be appropriate for mining operations to take place within that area. I am well aware that, prior to making a recommendation for a change in land management category, the Land Conservation Council conducts a formal evaluation of the various properties, values and resources available within a particular area. It makes some assessment as to whether any minerals may be in the area. If minerals exist in the area, it is the common practice of the council to recommend that that factor be taken into account. The council either recommends that the mining continue—as is the case with the Red Robin mine or the Cobberas–Tingaringy National Park, which was referred to in the Minister's second-reading speech—or that the declaration of a national park be deferred until the mining issue is determined.

The Bill extends beyond the principle of no mining in national parks, an issue the National Party believes is reasonable and proper. The Bill extends to the issue of whether the public should know what is within its own land. Minerals cannot be mined where they do not exist. Less than 0·1 per cent of Victoria's total land area is currently mined. Almost one-quarter of the total land area of Australia is not readily available for mining. It is worth noting that almost everything we use in our daily

lives comes from either a mine or from the land. Our sophisticated society requires the use of natural resources, both renewable and non-renewable, in order to sustain our standard of living.

If we are using resources from areas that should not be touched, the big problem is not so much the use of those resources but simply that the world is overpopulated. Recently this Chamber debated a motion about Antarctica moved by Mr Mackenzie. Honourable members will recall that I spoke on behalf of the National Party and supported the proposition that Antarctica should not be subject to mining. In fact, the National Party believes the Federal government should take positive action to ensure that mining does not take place in Antarctica.

One of the arguments cogently advanced by Mr Mackenzie was that not only is Antarctica a difficult place to work and not only would it be improper and unreasonable for mining to put that fragile environment at risk, but also there are plenty of other places in the world from which iron, steel, silicon and so on can be obtained.

As I said, it is true that minerals can be mined only where they exist. One cannot dig a mine and expect to find the things one must have to sustain our highly technological society unless one digs in the right place.

The government is concerned about certain aspects of the mining industry in this State. A review of the Mines Act is currently being undertaken by a former member of this House, Mr Michael Arnold. A Green Paper has been issued on the matter and I understand a White Paper will shortly be presented. Eventually a draft Bill will be drawn up and proposed legislation will be presented to Parliament.

In that case, it seems premature to include in this Bill the rigorous provisions dealing with mining and mining exploration. It would seem more appropriate to wait, particularly as the Minister has discretion in this area. As Mrs Tehan pointed out, for many years mining or mining exploration has not taken place in a park area. The current change is not yet necessary because there is no great risk at this time. As I said, currently only 0·1 per cent of the total area of Victoria is subject to mining.

If the Bill is passed, some 24 or 25 per cent of the public land of Victoria will be unavailable not only for mining but also for mining exploration. In that case we will not know where additional minerals can be found. It is worth noting the recent publicity about the possibility of a new cold fusion process for power production. I understand that some cold water has been poured on the theory, but, had it been true, a vexed question may have arisen. Palladium, a metal that appears to be essential to the cold fusion process, had it been genuine, may well have been found in certain areas of Victoria designated as national or State parks.

The interesting situation could have arisen where a substance that could substantially reduce the greenhouse effect would have been unavailable because it was in a national park. A substance that could have had a marked effect on the problem worrying people more than anything else in the world could not have been looked for unless special legislation was passed to allow that to take place. I suggest that is an extreme case because it is necessary to make the point firmly. Metals that the community needed may be unassailable because of this situation.

I do not suggest that iron ore is mined in national parks, because that can be obtained from Western Australia. We all use iron ore because we all drive motor cars. Every day of our lives we use products that come from mines.

The farming community is concerned about mining on private land. A campaign is being waged by the Victorian Farmers Federation to give to landowners the power to

veto mining on their land. That is the same right that is included in the Bill, which precludes exploration and mining in national parks.

The Bill is a clear indication to landowners that they should have the same power to veto. Why should the Minister have the power to decide against granting exploration licences if the landowner does not have the same control over his or her land? A precedent is being established.

Federal Parliament House is a magnificent building. At one stage it was decided that marble should be used from an area in northern Victoria but because of mining restrictions that marble was not able to be obtained and, as a result, Italian marble was used.

The National Party's views are clear: there should not be mining in any area declared a national park, but it takes a different line from that taken by Mrs Tehan. The National Party is concerned about low level exploration not being permitted in national parkland. Such things as aerial surveys make no impact on the land. In that way a mining inventory of minerals can be carried out by commercial firms. No-one is suggesting, certainly not the National Party, that exploration or mining should be undertaken that was not environmentally sensitive.

Each person depends on many things that come from mines. I am sure that all honourable members wear watches. Some honourable members wear cufflinks, but that does not mean that we must behave like pigs in a trough, by making a mess to get those minerals out of the ground. We use these substances, but we should have sufficient conscience to understand that it is unreasonable to make a mess in someone else's backyard because we are not prepared to manage our own areas responsibly.

The provision which disallows exploration and mining of the resources is not acceptable. It has been said that the National Party would do many things if it had its way, but all that would happen is that it would find out what was contained in those parks. The community would then have the opportunity of making a conscious decision on whether it would be in the public interest to do certain things to extract those minerals. Consideration would then be given to the conditions of that extraction and what restitution would be made. Examination would be made of the effect on the environment through an environmental impact statement. It may be that after all that was known it would be decided that mining should not take place. That is a proper process, but it is a process that is gone through with full knowledge rather than ignorance. The community should not remain ignorant.

The key issue on mining is followed by a procedure under which certain areas that are currently categorised as State parks are included in a new category for the purpose of facilitating the no mining, no exploration clause. It does not matter that there is a new category. That has been put forward as the key provision.

Finally, there are a number of new State parks included in the Bill. The areas are set out in the proposed legislation. The National Party believes the category of national and State parks should be exclusive, indicating an area of particular value for which a strict land management regime should apply. It is not inappropriate that areas be proposed for additional State parks. In that sense the National Party has no objection to that matter.

The Bill is confusing in the matter of the wilderness park, despite the fact that it is a proper category. A new exclusive category is dealt with in the Bill.

The National Party is concerned about the right of the public to know about its hidden assets. The Bill in its current form will not be supported by the National Party.

The Hon. C. F. VAN BUREN (Eumemmerring Province)—I have much pleasure supporting this important Bill. I congratulate Mrs Tehan on her contribution. She made an excellent speech. The way in which she spoke about the wilderness was worth listening to, but the only thing I disagreed with is that she does not take the Minister's word and she foreshadowed that she will move an amendment in the Committee stage. That amendment should not be supported.

The National Party does not support the park concept. It wants a park in Antarctica because there there are no trees. I understand much discussion and work was done to obtain agreement between the parties. We have been waiting for some time to debate the Bill. I am glad that discussions were held and agreement was reached. It is unfortunate that the corner party has refused to be part of the negotiations and the discussions.

I am proud of the Cain government's record in the environmental area. Since the government came to office it has taken the opportunity to create more parks and to do such things to preserve our environment by creating parks and wilderness areas.

The government has attempted, as Mr Evans was saying, to strike a balance between the products needed from the forest and what is needed for recreational and other purposes. A good example of this is the Labor government's timber industry strategy, which balances all those areas of conflict. I congratulate both the former and present Ministers for Conservation, Forests and Lands on that strategy.

A lesson to be learned from the recent Tasmanian election is that people are concerned about the environment. They are demanding that there be parks, that our wilderness areas be looked after and that concern be shown for the environment in which we live. Politicians, irrespective of the parties to which they belong, should understand that message; if they have not received the message and do not understand it, I believe they are burying their heads in the sand. The concern for the preservation of parks and wilderness areas has been proved time and again, such as in the battles against construction of the Franklin dam in a wilderness area in Tasmania and in the recent elections in that State.

One of the main purposes of the Bill is to make provision for the prohibition of new mining activities in national parks, State parks and wilderness areas. I understand the Opposition has had some problems with that. The government has no problem with it, because it realises that mining and exploration lead to destruction of parks. It understands the problems that mining creates. The government knows that the attitudes of the mining companies and people associated with them relate to mining the product; they are not concerned about the environment, but about the profit margin. They are not concerned about looking after the environment and they are not interested in protecting the wilderness areas.

Another key point in the Bill is the provision for the creation of five new parks. People in Tasmania, Victoria, and probably throughout Australia, are demanding that new parks be created so that we have something to pass on to the future generations. If we adopted a policy of just chopping down trees and not creating parks we would have nothing to hand down to future generations; that is a duty that we all have, and that is what the people in the community take very seriously.

It is amazing that the people with whom I come into contact are constantly talking about the environment, the ozone layer and the greenhouse effect; those are the issues that concern them. The only way in which we can address some of those issues is by creating parks rather than cutting down trees and wrecking the environment.

Since its election in 1982, the government has been opposed to mining and exploration in national parks. It has had no problem with its stand. It considers it to

be most inappropriate to allow companies to mine in parks because that destroys them. There is no need for mining in parks. There are plenty of areas other than parks where mining can take place. Australia is a lucky country and minerals can be found in most places, so there is no need for companies to mine in and dig up parks.

Through the Bill, the government will ban any new exploration and mining in national parks. In creating the new parks, the Bill will not remove much land from mining. Victoria has 33 national parks, 30 State parks, and 2 wilderness areas, which represent approximately 7 per cent of the total area of Victoria, or 1·5 million hectares. Therefore, there is plenty of land throughout Victoria where mining can take place. With the newly created Alpine National Park and the five new parks proposed to be created through this Bill, the total park area of Victoria will be 8·4 per cent, or 2 million hectares. Therefore, some 92 per cent of the State will still be available for mining or other activities.

The government will honour current contracts. The companies know the government's attitude. The government has not suddenly walked in and said, "You must stop your mining". The current contracts and agreements that have been reached will be honoured. Those points have been successfully negotiated with the companies concerned, and they have accepted the government's point of view. The companies will now lose only approximately 38 000 hectares of land, which they will not be permitted to mine.

The government has a clear policy on wilderness areas. I am not able to describe wilderness in the same way that Mrs Tehan did earlier—she did so very well—but I point out that the government has a firm policy to protect Victoria's wilderness areas. Since European settlement in Australia there has been a change in the land. Land has been declared for agriculture, mining and so on, which has destroyed much of the environment. There have been cattle grazing, timber harvesting and other activities, which means that very few areas on this continent have remained unaffected.

The Bill represents a first for Victoria. I have been fortunate enough to be able to enjoy walking in parks and wilderness areas, which are really to be admired. When one visits such areas one has a feeling of solitude, peace and tranquillity. Wilderness areas give nature lovers the opportunity of studying flora and fauna, and also of experiencing that solitude and the feeling of being away from it all. People like me who like bushwalking and visiting those areas are able to feel at peace and in harmony with nature when they are there.

The government's management of national parks and wilderness areas has always been criticised by the Opposition. The more I visit parks and the more I speak to rangers and to people who visit those areas, the more I realise that they are proud of the government's attitude towards looking after parks, ensuring that there is no erosion, and ensuring that people walk through those areas rather than taking their four-wheel drive vehicles, digging up the ground and wrecking the environment. The more I see of these areas the more convinced I become that the government is doing the right thing in its management of these areas.

I refer to the creation of the five new parks. It is important to preserve parks and wilderness areas for future generations. As I said earlier, recently I visited the Wilsons Promontory National Park, where I saw many people using the park for camping, bushwalking, boating on the Tidal River, and many other activities.

We have an obligation to ensure that those sorts of things are preserved and that new parks are created for the enjoyment of future generations. Trees are important to us in our battle against the greenhouse effect and we must ensure that sufficient parks are created to assist in that regard.

The creation of the five new parks has resulted from the recommendations of the Land Conservation Council. That council was established by the Liberal Party when it was in government, and we now have a duty to preserve these natural areas.

I shall raise two points that are of concern to me, as they relate to my province. Firstly, I refer to the Gembrook Regional Park, which extends to the Bunyip State Park. People in the province that I represent no longer have to travel for miles to enjoy parks; this park is just around the corner, and they are able to enjoy family days.

I have much pleasure in commending the Bill to the House.

The Hon. M. A. BIRRELL (East Yarra Province)—I am delighted to be able to support the Bill. It is an extremely important measure in protecting our environment and in sending a message to the community that Parliament believes there are further steps that have to be taken to ensure that certain special parts of Victoria are safeguarded for the enjoyment of future generations of Australians.

The Bill is an extremely important one. I wish to speak only briefly in particular about the wilderness aspects and the issue of mining.

The proposal before the House will ensure that we can protect in a solid legislative framework the wilderness zones of Victoria. Under the existing parks legislation it would be fair to say that substantial measures are in place to protect the wilderness, but there has been a growing awareness, particularly over the past decade, of the special nature of these zones and the requirement for unique management plans and management styles.

It is correct that there should be legislation that reflects the changed attitudes and the unique nature of the areas.

Less than 3 per cent of Victoria remains in a wilderness condition. It is arguable that there has been an encroachment upon that very small part of the State. Wildernesses are effectively refuges for native flora and fauna, and are of great "value" no matter what measure is used for assessing value. They take on the nature of being undisturbed and natural tracts of land. No-one would challenge the fact that they are important for the future, if we want to be able to look to the past.

The important nature of the wilderness was perhaps most uniquely highlighted by the Victorian National Parks Association, which in one of its pamphlets posed the question: why is wilderness important? The pamphlet listed the following seven reasons why wilderness is important:

> Wilderness areas have important educational, scientific and recreational values.
>
> Wilderness areas provide a refuge for our native plants and animals so that they may continue to flourish in the wild.
>
> Wilderness areas contain a rich pool of genetic diversity.
>
> They provide opportunities for self-reliant minimal impact recreation.
>
> Wilderness areas provide a refuge for people to escape the stresses of modern living—they provide opportunities for solitude and peace far from the influence of modern society.
>
> Wilderness areas are a valuable baseline against which we can measure damage and degradation elsewhere in our environment.
>
> Wilderness is a diminishing and irreplaceable asset.

I agree with all those sentiments and perhaps the last is the most important. It is a diminishing and irreplaceable asset, and the time for us to act is now. If we wait ten years we may not have a wilderness area of any note or size to preserve. It cannot be re-created and as a refuge it must be protected.

I commend Mrs Tehan for the outstanding contribution she made to the debate and for the leadership that she has shown in preserving those areas. She referred in particular to the work done by Kathy Preece and Rob Lesslie in *A Survey of Wilderness Qualities in Victoria.* That publication went to the Ministry for Planning and Environment and the Australian Heritage Commission.

The survey used important indicators that I want to refer to briefly for the definition of "wilderness", and I put them into four categories: remoteness from settlement; remoteness from access; aesthetic naturalness; and biophysical naturalness. Clearly, when the government is declaring wilderness zones it will have to be guided by those four important criteria, and I look forward to it doing so. As Mrs Tehan pointed out, the Liberal Party will be moving an amendment to ensure Parliament has a role over the zones, and that is natural and consistent with the fact that Parliament establishes national parks or State parks.

In a real sense the amendment has no unique relevance to the Bill. The Opposition moves in virtually every Bill that comes before the House these days to insert amendments which safeguard the primacy of the Parliament rather than leaving issues to the executive.

The second issue I shall discuss briefly concerns mining. I do not believe it is ever desirable to have mining in a national park or a State park, let alone in a wilderness area. There can be no mining under section 40 of the National Parks Act anyway, unless Ministerial approval is obtained. It is proper that there be a total prohibition. If there were ever to be mining in a national park—heaven forbid—the proposal would have to come back to this place and be subject to the desirable heavy debate that any such incredible proposition would bring forth. I do not believe that at any time in the future mining in a national park would be tolerated.

I do not believe there would be any reason for opposing this Bill; indeed, it deserves full support. As the Minister stated in his second-reading speech, "The economic impact of putting the issue beyond any doubt in legislation is arguably nil", and that is true because there is no mining proposal now, and we want to ensure that that remains the case beyond any doubt.

Finally, the Liberal Party supports the Bill to continue the Liberal stance in favour of environmental protection and conservation.

The Liberal Party established Victoria's major national parks and the Land Conservation Council; it established the National Parks Service.

During its period in government the Liberal Party ensured that those national parks and State parks were well resourced. That is the issue of the 1990s—not creating national parks but making sure they are properly and adequately managed so that we do not just have the boundaries in legislation, but also have the money to ensure that there are enough rangers and other necessary resources.

I am pleased to be able to participate in the Parliament that will pass this Bill. In the years ahead we will be able to reflect on this Bill with great pride in the fact that we have played an important part in protecting Victoria. That cannot be said of all legislation, but the passage of this Bill will be an important and historic occasion.

The Hon. R. A. MACKENZIE (Geelong Province)—The National Parks (Amendment) Bill amends the National Parks Act to prohibit mining and exploration in State parks, national parks and wilderness areas; it makes provision for five new parks and alterations to boundaries of some existing parks. It makes specific provision for wilderness areas, and makes other amendments to the Act. As the second-reading speech states, it is an historic piece of legislation.

I begin by complimenting Mrs Tehan on her speech on the Bill tonight. She spoke in biblical terms regarding the wilderness and made references to wildernesses that have been mentioned in the Bible. Listening to Mrs Tehan reminded me of the conversion of St Paul on the road to Damascus because from what Mrs Tehan said it would appear that the Liberal Party had undergone a conversion. No-one is more pleased than I that the conversion has taken place.

I admired Mrs Tehan's speech tonight. It was one of the best speeches I have ever heard a Liberal Party politician make on the issue of conservation. As the Minister for the Arts and I well remember, eight years ago we fought tooth and nail against the introduction of mining exploration in Gippsland Lakes parks, and I recall how the hard-nosed members of the Liberal and National parties at that time refused to listen, or to even take the arguments on board.

I am pleased that the Liberal Party has gone down the road to Damascus, seen the light, and is now supporting proposed legislation such as this. As Mrs Tehan pointed out, wilderness areas are very important. She spoke of wilderness areas mainly as providing places of solitude for the individual, and Mr Birrell referred to other important aspects, as outlined in the National Parks Association information sheet.

They are right; a wide variety of uses is provided for in wilderness areas. As Mrs Tehan said, in this age it is important that people have somewhere to go and be provided with the opportunity of finding solitude.

I disagree with Mr Evans, who spoke about Australia not having mountains as high as 27 000 feet. Mrs Tehan spoke of wilderness areas providing the opportunity for seeking solitude, and that does not have to be sought on top of a mountain range. Wilderness areas can be in the desert or on coastlines.

The Hon. D. M. Evans—I was gentle in my criticism.

The Hon. R. A. MACKENZIE—Yes, Mr Evans was. The most important aspect of wilderness areas is that they provide undisturbed areas by which other areas can be gauged. They can be used as controls. In a normal scientific experiment, one has a control against the experiment that one comes back to. Wilderness areas provide that control. One can go back to them to discover what an area would have been like if man had not interfered with it in one way or another. That is a most important aspect of wilderness areas.

I am pleased that wilderness areas will be enshrined in legislation in this State. I listened with interest to the amendments foreshadowed by the Liberal Party. I am in a little difficulty here because I have always supported the principle that Parliaments should scrutinise matters of this nature. I understand why the government has proceeded with the Bill as it has. While the foreshadowed amendment is understandable theoretically, in practice it might not work out. One of several reasons for that is this is the last week of the sessional period. When there are 35 or 40 Bills to be considered, honourable members know that by the Thursday there will be some casualties.

It is often the case that conservation and national park issues do not have high priority when compared with issues in the fields of transport and education. When the Premier and Ministers make decisions about which Bills must be removed from the list to be considered, the Bills dealing with conservation are generally the ones that are withdrawn. It could happen that another six months will elapse before the Bill is considered again and the same thing might happen during that sessional period. They are some of the dangers associated with delaying the passing of the Bill.

I refer to wilderness zones, which are different from wilderness areas. There is legislation that designates zones. Zones are created in national parks for recreational activities, such as deer stalking. Wilderness zones are simply another zone.

If the Liberal and National parties proceed with their foreshadowed amendment they will disrupt a well-established planning process. The need to legislate for wilderness zones as opposed to wilderness areas will change the process of creating zones in national parks, which has been part of the National Parks Act since it was passed by the previous Liberal government in 1975. I put those valid points to the Liberal Party for consideration.

In New South Wales, the Liberal–National Party coalition gave unanimous support to legislation which provided almost exactly the same process of designation of wilderness zones as is proposed in this Bill. The opposition parties' colleagues over the border have been happy to support this type of legislation.

I have before me a letter from the Wilderness Society Inc. which outlines some aspects of concern in respect of the National Parks (Amendment) Bill. The letter points out that it was in 1987 that the New South Wales coalition gave its unanimous support to similar legislation, which enables a member of the public to remedy or restrain anyone breaching the Act relating to wilderness areas as well as the Act relating to national parks and wildlife.

Those provisions are not enshrined in legislation in Victoria; neither are they included in the Bill. The government should give consideration to including such provisions and I hope the Minister for Conservation, Forests and Lands will introduce appropriate legislation to provide those opportunities for citizens.

I cite an instance of something that occurred recently. In the past couple of days it has come to my knowledge that last month the Army was given permission to carry out an exercise in the Little Desert. The authorisation was to carry out certain manouevres in a designated area. The Army personnel were—I suppose it was assumed that they would act responsibly—allowed to perform their manoeuvres. Unfortunately they went far beyond their authorisation and ruined a large area. They chewed up and ruined an extensive length of road through the desert and they dug huge gun emplacements from which they just walked away. The local council estimates it will cost in the order of $20 000 just to repair the road. The damage was discovered by citizens—bushwalkers. If there were appropriate legislation, a citizen could take some action in such a case and seek compensation from the Army. Again, I ask the government to consider providing standing for citizens by introducing an appropriate Bill, perhaps in the next sessional period.

I am pleased to support the Bill, which is an historic piece of proposed legislation. It is historic in the form in which the government has introduced it and it is historic in that it has been supported strongly and sensitively by the Liberal Party. The National Party, too, has mellowed a great deal. Apart from a little sting in the tail at the end of his speech, Mr Evans has also mellowed considerably from the person I have known over the years. One can begin to take heart that a great green wave is starting to wash over the political scene in Victoria.

I hope the Bill is just the first of a range of Bills that will establish national parks and protect our environment. We must protect the areas we all hold dear. While we have different views about what is important, all honourable members would agree that some areas of our State must be retained for their ecological and other features.

I should like to live in an ideal world—as would Mr Evans—where we could allow activities such as mining exploration and mining to take place in some areas that are now protected. We could do that if we could assume that sufficient conditions would be put on any such activities. However, we know from practical experience what happens in those circumstances.

Honourable members observed what happened in Alaska only a few months ago when special conditions were thrashed out for the transportation of oil in that area.

Those conditions were not adhered to and a terrible disaster occurred. One has only to travel to areas that were supposed to have been mined under certain conditions to recognise that many forests have been damaged. Bendigo is an example of that outrageous behaviour.

Although theoretically I understand the point Mr Evans has made, in my heart I know his proposal does not work in practice. It is important that a hard line be taken on this issue, and I am pleased that the government has taken that step.

I strongly commend the Bill to the House. I shall listen with interest to arguments put forward by honourable members in the Committee stage.

The Hon. G. A. SGRO (Melbourne North Province)—When Mrs Tehan commenced her speech on the debate she referred to biblical times and mentioned Jesus. I advise the House that I was born some 2000 kilometres away from where Jesus was born, so I can speak with some experience about the wilderness.

A few weeks ago I travelled with a friend to north-eastern Victoria and from a tower on the top of Mount Benambra I saw the Dartmouth dam on one side and the real wilderness on the other side, including Mount Kosciusko and the rest of the high country. I was born in Europe and have travelled through many countries. One does not have to go to Nepal, as Mrs Tehan suggested, to see beautiful country and wilderness. I invite all honourable members, including Mr Evans, who represents north-eastern Victoria——

The Hon. D. M. Evans—And does it well!

The Hon. G. A. SGRO—Mr Evans may have visited the wilderness area but I do not know whether he represents it well. I advise the House that that part of Victoria is one of the best wilderness areas in the world. That part of Victoria belongs to the rest of the world. One does not have to travel to Nepal to see beautiful mountains.

Mr Evans referred to the fact that the marble used in the new Parliament House in Canberra was not allowed to be mined in Victoria. Thank God that Victoria's mountains were not ravaged. The marble for the new Parliament House was obtained at Carrara in Italy. Shame on the people of Carrara! I have been there and have witnessed the destruction of that mountain for the sake of a quick dollar. I commend the responsible Minister and other people who have prohibited mining in wilderness areas, including mining for a few pieces of marble to be used in Parliament House in Canberra.

Mr Evans suggested that if exploration occurred, there would be no damage because there may not be a need to mine. He is well aware that first one has to dig the ground——

The Hon. D. M. Evans—No, you can look at it from the air.

The Hon. G. A. SGRO—I have not witnessed a scientist discovering any mineral by looking at the ground.

The Hon. R. A. Best—They have satellites.

The Hon. G. A. SGRO—They may have satellites, but any further exploration will damage the wilderness. I believe the Bill will adequately cover those issues. Exploration of minerals should not occur because once people find something underneath the ground, they say, "Look, there are many millions of dollars under the ground; why can't we mine it?". That is what is happening in many parts of the world. We do not want exploration to occur in wilderness areas because there would then be mining all around the country.

Earlier I informed the House that I visited north-eastern Victoria and saw many beautiful mountains. On the way back I saw many trees and forests. Honourable members have been involved in many debates about trees over the years. If Mr Evans and the National Party had their way, trees which took 200 or 300 years to grow would be destroyed. I saw beautiful trees which are unique in the world. The gum trees, the eucalypts, are unique. They do not exist in many other parts of the world and should be protected. I saw forests in north-eastern Victoria and New South Wales that I have not seen anywhere else in the world.

The Hon. R. J. Long—Did you see any blackberries?

The Hon. G. A. SGRO—Yes, many blackberries. We brought them here from Europe.

The Hon. K. M. Smith—It is your fault!

The Hon. G. A. SGRO—If I had my way, you know what I would do with them. The National Party wants to allow cattle to roam the high country. Do honourable members really know what cattle have done and are doing to that country? On the way back from Mount Benambra I travelled nearly 2000 kilometres and saw the real world. I saw many animals, many hundreds of beautiful white cockatoos and corellas.

The Hon. R. S. de Fegely—Beautiful cockatoos!

The Hon. G. A. SGRO—If the opposition parties had their way, they would shoot them, yet they talk about the wilderness. On the one hand, representatives of country Victoria say they want the wilderness but, on the other hand, they destroy the animals. I saw many kangaroos and emus in my travels. Whenever I travel to Europe I tell the people I meet about the animals and wilderness existing in this country.

In many parts of Europe people think I am telling fibs because nothing like that is left in Europe because everything has been destroyed, including their forests. I know that when I tell them about the wilderness existing in Victoria and Australia, some believe me and some do not. Over the past three or four years more than 50 people have come to Australia as tourists because I had told them about what we have in this country. It is important that honourable members appreciate that the Australian wilderness and native animals are unique. It is important that honourable members tell their friends and acquaintances overseas about Australia's assets. They should appreciate that many overseas visitors come to Australia to look at the kangaroos which the National Party wants to destroy. Members of the National Party want to shoot emus, corellas and other birds. If they had their way, many Australian animals would be killed. It is strange that at present the opposition parties are talking about a coalition.

The Hon. K. M. Smith—Get on with it!

The Hon. G. A. SGRO—I will get on with it, if Mr Smith will listen. If Mr Evans had his way, he would destroy many parts of the bush.

The Hon. D. M. Evans—That's not right.

The Hon. G. A. SGRO—Victoria has a lot to offer the rest of the world. As Mrs Tehan said, the world is growing smaller each year. Victoria has a lot to offer the world, and the Bill will go some way towards protecting Victoria's wilderness.

Earlier Mr Birrell said that this is an historic Bill because it will set a precedent for the future of Australia and the world. I am delighted to support the Bill. If the National Party is serious about the Bill, it will not propose any amendments in the Committee stage.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2

The Hon. B. T. PULLEN (Minister for Housing and Construction)—I thank honourable members for their contribution to the debate and their support for the concept of wilderness. I reinforce the point made by other honourable members that it is not necessary to travel to other countries to find examples of wilderness. To that extent, I disagree with Mr Evans. I had a vivid experience of wilderness with a friend of mine, Les Southwell, who is well known for what he has written about south-west Tasmania. He is the author of *Mountains of Paradise* which is a definitive and photographic essay on Lake Pedder in south-west Tasmania.

I had the pleasure of going on a trip with Les Southwell many years ago. He had just returned from a trip to Norway and other parts of Europe. We walked around Wilsons Promontory and experienced the changes of weather from sunlight to mist. Les was moved to say that in his travels overseas he had not experienced the equal of some of the scenery that Wilsons Promontory offered. Many places in Victoria can arouse a mental echoing of his sentiments, and we should be proud of places we can visit and enjoy.

Mrs Tehan raised the matter of protection of possible wilderness areas. An area adjacent to the Mount Kosciusko wilderness area, Davies Plain, referred to in the Land Conservation Council report is of wilderness quality. I give an assurance that it will be preserved and maintained with the prospect at some time of it being designated a wilderness area.

With regard to East Gippsland, the former Minister for Conservation, Forests and Lands, the present Minister for Education, in the debate on timber indicated that several areas such as the West Thurra area, Good Hope Creek, and Swamp Creek would be protected and preserved for consideration for future wilderness designation.

The clause was agreed to, as were clauses 3 to 5.

Clause 6

The Hon. B. T. PULLEN (Minister for Housing and Construction)—I move:

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".

These amendments make corrections in grammar.

The amendments were agreed to.

The Hon. M. T. TEHAN (Central Highlands Province)—I move:

1. 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".

Clause 6 proposes to insert in the principal Act section 17A, which provides, in part:

(2) The Director must ensure that each wilderness park is controlled and managed in accordance with the objects of this Act in a manner that will protect and enhance the park as a wilderness including, insofar as is practicable and appropriate, the taking of measures to—

(*a*) preserve and protect—

(i) the natural environment including indigenous flora and fauna and features of ecological, geological or scenic significance; and

(ii) features of archaeological or historic significance; and

(iii) features of scientific significance; and

(*b*) the eradication or control of non-indigenous flora and non-indigenous fauna.

My amendment proposes to insert the following new paragraph:

(*c*) for the control of indigenous fauna to the extent necessary for the preservation and protection of any species;

It is within the ambit and the meaning of the clause. The director must ensure that the flora and fauna are preserved and protected. It is an additional power to have the control of indigenous fauna to the extent necessary for their preservation and protection.

The Hon. B. T. PULLEN (Minister for Housing and Construction)—The government does not oppose the amendment.

The Hon. D. M. EVANS (North Eastern Province)—The National Party supports the amendment. It is important to understand that there has to be a means of management because of restrictions of area. There is a finite boundary to the area and it may be necessary that certain measures be taken to control indigenous species.

I direct attention to the difficult position that arose in the Hattah–Kulkyne National Park a couple of years ago when kangaroos virtually starved to death, and the methods taken to relocate them created a much greater difficulty. The Committee should support the amendment, and I urge the government and the Minister to support it; it is well meant and has a humane intent.

The amendment was agreed to.

The Hon. M. T. TEHAN (Central Highlands Province)—I move:

2. Clause 6, page 3, line 11, omit "(*c*)" and insert "(*d*)".

The amendment was agreed to.

The Hon. B. T. PULLEN (Minister for Housing and Construction)—I move:

4. Clause 6, page 3, line 11, after "(*a*)," insert "for"

The amendment corrects an error in grammar.

The amendment was agreed to.

The Hon. M. T. TEHAN (Central Highlands Province)—I move:

3. Clause 6, page 3, line 32, after "(*e*)" insert "Except as provided in sub-section (2) (*g*),".

The amendment relates to an additional paragraph to be inserted in proposed section 17A (2). There is prohibition on development and other activities, including a prohibition of hunting. It is proposed that there be an exception to that, as provided in subsection (2) (*g*). I understand the government has a similar amendment and it is a matter of whether the government's proposed amendment to clause 6 is better. In the event of ours being better, it will read that "there is no hunting, except as provided in subsection (2) (*g*)". Subsection (2) (*g*) will include the words "the hunting of non-indigenous animals in accordance with the approval of the Director". Perhaps the Minister might indicate the amendment the government is proposing to put to bring about the same effect and decide which of the two would be more appropriate; otherwise, that is how the Opposition would propose the amendment.

The Hon. B. T. PULLEN (Minister for Housing and Construction)—I think the government's amendment No. 5 which deals with the control of non-indigenous animals in the wilderness is a simple and more straightforward way of achieving the

same purpose and I suggest that since the previous amendment which the Committee has agreed to provides for the control of indigenous fauna, amendment No. 5 standing in my name would be a preferable complementary way of handling the non-indigenous species. I suggest it might be appropriate for Mrs Tehan to withdraw the amendment just suggested.

The Hon. M. T. TEHAN (Central Highlands Province)—I accept the reasoning of the Minister. We are both attempting to achieve the same object and in terms of the preciseness of the Bill. The Minister's amendment No. 5 which talks about destruction of non-indigenous animals is probably preferable to that of the Opposition which refers to the hunting of non-indigenous animals. It creates a broader way of dealing with control of non-indigenous animals. I shall withdraw the amendment.

By leave, the amendment was withdrawn.

The Hon. B. T. PULLEN (Minister for Housing and Construction)—I move:

5. Clause 6, page 3, line 35, omit "or control" and insert ", control or destruction".

The amendment was agreed to.

The Hon. M. T. TEHAN (Central Highlands Province)—I move:

4. Clause 6, page 4, line 4, omit "and" and insert "or".

5. Clause 6, page 4, line 12, after "diseases" insert "; or".

The Hon. B. W. MIER (Waverley Province)—Can I have some clarification on that? I am not quite clear what is happening here. I know that in the Bill no amendments or alterations to the wilderness zones can be effected unless approved by resolution of both Houses of Parliament. I seek clarification. Does that position still apply if the amendment is agreed to?

The Hon. M. T. TEHAN (Central Highlands Province)—It does, but the Committee has not reached that at this stage. The amendments to date were consequential. When we get to my amendment No. 9 we will be looking at the substance of what Mr Mier has raised.

The amendments were agreed to, and the clause, as amended, was adopted, as were clauses 7 to 10.

Clause 11

The Hon. D. M. EVANS (North Eastern Province)—I have a query in regard to this clause. Clause 11 effectively means that beekeepers are excluded from wilderness areas. I am disappointed indeed that neither the Minister's second-reading speech nor the detailed explanatory memorandum on the front of the Bill mentions that essential point. Honourable members allow Ministers in this House, under a longstanding precedent, to read their second-reading speeches, and one of the reasons for that is to get accurately into *Hansard* the provisions of Bills. The House may agree that bees should not be permitted in a wilderness area but it is important, when so much detail is gone into in the second-reading speech and the explanatory memorandum, that an important area such as that is drawn to the attention of honourable members. I do so now.

The clause was agreed to.

Clause 12

The Hon. M. T. TEHAN (Central Highlands Province)—I move:

7. Clause 12, line 2, after "12," insert "(1)".

8. Clause 12, line 3, omit "(2)" and insert "(5)".

9. Clause 12, 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 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.".

10. Clause 12, line 9, omit "(5)" and insert "(6)".

11. Clause 12, line 10, omit "lands" and insert "land".

12. Clause 12, line 13, omit "(6)" and insert "(7)".

13. Clause 12, line 13, after "(5)" insert " or (6)".

14. Clause 12, line 15, omit "(7)" and insert "(8)".

15. 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".'

Amendment No. 7 is totally consequential: to insert sub-paragraph "(1)" in the appropriate place after "12". Amendment No. 8 provides for "(2)" to be omitted and the insertion of "(15)". The purpose of the group of amendments is to include in this part of the Bill a definition of wilderness zone for the purpose of enabling Parliament to decide.

The definition that has been set out in the amendment is taken primarily from the New South Wales definition of wilderness. A number of proposals have been put forward but this is as close as possible to the definition of wilderness set out in the second-reading speech and conforms with the only other wilderness legislation in Australia, that of New South Wales. For that reason the Opposition has chosen those three provisions to define wilderness as best we can.

In response to the Minister's comments on amendment No. 2, when I spoke of wilderness in other parts of the world I did not overlook or devalue the wilderness areas in Australia and I still suggest there are difficulties in description, and that we have in the tools to hand—words—to enable us to select the ones most appropriate. That is what has been done in amendment No. 9.

Amendment No. 10 omits "(5)" and inserts "(6)", which, again, is a consequential amendment. Amendment No. 11 corrects a typographical error and deletes the "s" from the word "lands". Amendment No. 12 omits "(6)" and inserts "(7)", which again is consequential.

The next amendment concerns Mr Mier's query. It adds the words "or (6)" after "(5)" so that the section, having defined wilderness in subsection (5) and having included the words "or (6)" in my amendment No. 13, reads: "A proclamation under subsection (5) or (6) does not have effect unless approved by resolutions of both Houses of Parliament".

The effect, as I have spelt out earlier, is that both Houses of Parliament must delete any wilderness areas from the Bill, and I hope that will not happen.

The Hon. B. T. PULLEN (Minister for Housing and Construction)—The government does not oppose the amendments. However, I make one comment: I hope we do not regret trying to define something like wilderness. Many speakers have indicated their sincerity and commitment to creating the legislation that is required. I hope we do not circumscribe it in a way that is too limited.

I accept the wording as a reasonable effort and we may find that people coming after us will improve it, but with that qualification of the difficulty of actually defining the concept, the government does not oppose the amendments.

The Hon. D. M. EVANS (North Eastern Province)—The National Party supports the amendments.

The Hon. B. W. MIER (Waverley Province)—I should just like to thank Mrs Tehan for her explanation.

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

Clause 15

The Hon. M. T. TEHAN (Central Highlands Province)—I move:

16. Clause 15, line 34, after "15." insert "(1)".

17. 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.".'.

All of the amendments to clause 12 having been accepted, the amendment relating to regulations, being the standard amendment that the Liberal Party proposes, will now be inserted after section 48 (4) of the principal Act, and that will then apply to the National Parks Act and consequent legislation.

The amendments were agreed to, and the clause, as amended, was adopted, as were clauses 16 and 17.

Clause 18

The Hon. B. T. PULLEN (Minister for Housing and Construction)—I move:

6. Clause 18, page 7, line 12, omit "10" and insert "1".

7. Clause 18, page 7, line 15, after "24A" insert "of Schedule Three".

8. Clause 18, page 7, line 16, after "15" insert "of Schedule Two B".

They are corrections of printing and drafting errors.

The amendments were agreed to, and the clause, as amended, was adopted, as were clauses 19 to 25.

Clause 26

The Hon. W. R. BAXTER (North Eastern Province)—I place on record my opposition to clause 26 which prohibits mining or even exploration for minerals not only in national parks but also in State parks. I remind the House that the category or the description of State parks is now so broad that it includes vast areas of the State which should never have been so declared.

I am very much opposed, for the reasons outlined by my colleague Mr Evans, to preventing even exploration in those areas. I believe to lock up 24 per cent of the public land of the State, as this clause does, and preclude even the compilation of an inventory of what minerals might be available is a very unwise decision.

I do not believe Parliament ought to react to a popular view in the community that is currently anti-mining, and I am well aware of the anti-mining sentiments in the community, but members of Parliament were elected as representatives, not as delegates. We are not bound to jump to every popular whim in the community at any time.

We are supposed to set a lead and make responsible decisions, and I do not believe this decision is responsible. As the Act currently stands, under section 40 mining can proceed only at the discretion of and with the permission of the Minister anyway, so there is already a mighty safeguard on any mining activities.

I know some honourable members and people in the community have a picture in their minds of mining activities in years gone by which left considerable scars on the land; no-one is advocating that, but Mr Evans put forward cogent reasons why exploration should be permitted to continue, and I add to that by saying that the nation is rapidly going down towards Third World status because the overseas debt is accumulating.

It needs to be remembered that the high standard of living enjoyed by every Australian has been brought about by two principal factors—the export income generated by the great primary industries of this nation and also by the export of the products of mining. If mining is to be wound down in this country honourable members should be aware that that will mean a significant fall in the standard of living of every Australian. It will not happen overnight, of course; it will be a slow and gradual decline in the standard of living.

But when that decline strikes home there will be an overwhelming desire and request from the people at large to again harvest the resources with which this nation is so bountifully blessed. I want to place on record that I am very much opposed to this clause and I will vote against it.

The Hon. ROBERT LAWSON (Higinbotham Province)—I take issue with Mr Baxter's comments on this subject. He made a very emotive plea in favour of mining, presumably in national parks. He equated this with the prosperity of Australia but I point out that the most prosperous nation on earth at the moment is Japan, which has virtually no minerals of value at all. Some of the smaller Asian nations that are very prosperous have no minerals. I think the fault lies elsewhere rather than with any mining activities that might occur in Australia. Accordingly, I do not see the value of that argument.

The Hon. W. R. BAXTER (North Eastern Province)—Mr Lawson's analogy on Japan is hardly relevant. Japan has a vastly greater population than Australia, and moreover, a vastly more productive work force than Australia. Its work practices are far more efficient than those in Australia. I do not believe Australia's salvation is to look towards how Japan operates because that is not relevant.

The Hon. B. W. MIER (Waverley Province)—Once again the National Party clearly demonstrated its attitude. In actual fact what we are talking about in both State and national parks amounts to a total of 7 per cent of the State's area. In the case of the State parks, it is 1·4 per cent of the State's area which combined with the national parks totals 7 per cent.

I am not opposed to mining and most honourable members are not, but the fact is that we need oil, gas, and all the other minerals that are gained from mining activities. The reality is that we do need parks as well and these parks simply represent a total area of 7 per cent of the State. If Victoria cannot afford those areas without the pilfering and exploitation of greedy miners—and that is what they have been, greedy and

unthoughtful miners who have destroyed areas to unbelievable extents across Australia—there is something wrong.

This once again demonstrates the National Party's shortsighted, smallminded attitude to the overall question of national parks and its shortsightedness to the benefits that derive from parks to all citizens of the State.

The Hon. D. M. EVANS (North Eastern Province)—I spelt out very clearly in the second-reading debate the view of the National Party on this issue. This has been reinforced by my colleague, Mr Baxter. It is not so much an issue of mining in national parks as an issue that we need to know exactly what our resources are and then make a value judgment on how to handle them. It is fine to say the materials can be obtained from somewhere else, but the fact is that the only place one can mine for minerals is where they are, and until one knows where they are it is unreasonable to expect to make that decision.

I pointed out in the second-reading debate, and Mr Baxter very clearly pointed out in the last few minutes in debate on the clause, that the Minister already has very substantial powers and, in fact, a power of veto over any sort of exploration, let alone mining in any areas that may be designated as national or State parks. There is already a government initiative inquiring into the mining industry which will make recommendations to Parliament on this matter, which would appear to be adequate protection for any area.

I also take issue with Mr Mier on his statement about greedy miners and the damage they have done. I inform him that that damage generally took place 50 or 100 years ago. If he believes mining is still as damaging as he claims, he should look at some of the restoration work that has been done, given the fact that even he admits that raw materials and resources are needed for every profession, including plumbing. No materials, no plumbers! If the honourable member looked at some of the mining restoration work that has been done around the State by responsible miners, and it should be, and the community should demand that they behave in that responsible fashion, I believe he would understand that his comment is not only inaccurate; it is grossly unfair and needs to be rebutted very firmly in this place.

The view of the National Party has been expressed clearly on several occasions so there is no mistake; that there should be the ability at least to know what the resources are. Even Mrs Tehan admitted that the Liberal Party had examined the issue very closely and come down with a slightly different view from our own but she certainly accepted that the community has a right to know exactly what resources are available. The Land Conservation Council played a part in drawing up recommendations for Parliament to consider and included in them a close evaluation of all the resources—natural, mineral, scenic, historic or cultural—in a particular area. It is now being said that even that process should be subverted. That could not be clearer in what the National Party has said, and I spell it out again so that the Committee understands it.

The Hon. C. F. VAN BUREN (Eumemmerring Province)—Mr Evans said he would prefer the government to do nothing until it discovers where all the minerals are. He wants to mine and he does not care where that mining occurs. That is typical of the attitude that the National Party takes all the time. It wants to discover where all the minerals are and then decide where there will be a wilderness or a national park; that we should decide to mine the area and establish a park elsewhere. That is the argument put by Mr Evans. Mr Evans is completely wrong and Mr Mier is right. Only 8 per cent of the State has been made into parks.

The Hon. D. M. EVANS (North Eastern Province)—Mr Mier has totally and grossly misquoted my comments. I clearly spelt out in the second-reading debate that

we needed to know what resources were there and then make a value judgment as to whether or not those resources should be mined. I think it would need to be a full public process and, at the end of the decision-making process, it may well be that the decision would be that other values were of greater importance and no mining should take place. I reiterate that because it is important. Mr Mier obviously did not hear or did not understand.

The Hon. G. R. CRAWFORD (Jika Jika Province)—Let us take that argument further. We find that less than 50 per cent of our national parks have these beautiful minerals. A decision is then to be made whether to mine them. Surely the Bill is saying that decision will not be made. Once one starts to mine a national park, it is no longer a national park. One is either adopting a national park or one is not.

The clause was agreed to.

Clause 27

The Hon. B. T. PULLEN (Minister for Housing and Construction)—I move:

9. 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".'

The amendment permits an arrangement process to open and close roads south of Greens Bush. This has several benefits in relation to the availability to an unformed section of Greens Bush which could be added to the park and has benefits to the park in relation to overall costs and road maintenance. Interested parties have been consulted and support the proposal.

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

Clause 28

The Hon. B. T. PULLEN (Minister for Housing and Construction)—I move:

10. Clause 28, in part 2 of Schedule Two B, after "numbered" insert "N.P.".

This is a correction of a printing error.

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 29 to 32.

Clause 33

The Hon. B. T. PULLEN (Minister for Housing and Construction)—I move:

11. Clause 33, line 22, after "in" insert "part 4 of Schedule Two,".

This is the reference to Point Nepean which is needed for clause 33 (1) because of the road closure already provided for in amendment No. 9. It is therefore a consequential amendment.

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.

MELBOURNE AND METROPOLITAN BOARD OF WORKS (AMENDMENT) BILL

This Bill was received from the Assembly and, on the motion of the Hon. B. T. Pullen (Minister for Housing and Construction), for the Hon. M. A. LYSTER (Minister for Local Government), was read a first time.

The House adjourned at 12.55 *a.m. (Thursday).*

Thursday, 25 May 1989

The PRESIDENT (the Hon. A. J. Hunt) took the chair at 11.3 a.m. and read the prayer.

ESTATE AGENTS (AMENDMENT) BILL

This Bill was received from the Assembly and, on the motion of the Hon. E. H. WALKER (Minister for the Arts), was read a first time.

CRIMES LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

This Bill was received from the Assembly and, on the motion of the Hon. E. H. WALKER (Minister for the Arts), was read a first time.

QUESTIONS WITHOUT NOTICE

MAYDAY HILLS TRAINING CENTRE

The Hon. M. A. BIRRELL (East Yarra Province)—I refer the Minister for Health to the recent report of the joint union-departmental working party concerning the Mayday Hills Training Centre in Beechworth, which is operated jointly by Health Department Victoria and Community Services Victoria. What action has the Minister taken to eliminate work practices described in the report as ". . . the raping of the roster system . . . worked by manipulation and fraud" and "privileges . . . being rorted"?

The Hon. C. J. HOGG (Minister for Health)—A number of actions recommended to be taken in the report on the Mayday Hills Training Centre have required careful consideration and, at first glance, local implementation. A number of issues that have an industrial edge could be said to be work practice issues and some could be said to be specifically more likely to arise in an area such as Beechworth, where so many of the community are involved directly in working in the institution.

The principle with all work practice issues is to try to establish what changes need to be made and then to try to negotiate them sensitively. The government does not seek to shed jobs in the area. The government is interested in ensuring that people who work in the institution are working well and productively. That view would be shared by the relevant union.

The question of working out the details is a more difficult one but it is certainly one that the government is pledged to attempt to deal with.

ROAD FUNDING

The Hon. R. M. HALLAM (Western Province)—I refer the Minister for Local Government to the oft-quoted claim of her Ministerial colleague, the Minister for Transport, that the Cain government has maintained its contribution in real terms to road funding. It is clear that road funding allocations from the State and Federal governments in aggregate terms have been reduced consistently over recent years. If

the claims by the Minister for Transport are correct, it is clear that it must be the Hawke government which is responsible for the cutbacks.

Given that road funding allocations are critical to local government, does the Minister for Local Government maintain that the Cain government is free of guilt in this respect? If so, what action does the Minister intend to take with her Federal colleagues to gain a fair go for the communities she now represents in her Ministerial portfolio?

The Hon. M. A. Birrell interjected.

The Hon. M. A. LYSTER (Minister for Local Government)—Despite Mr Birrell's interjection, I think Mr Hallam and local government are entitled to an answer. Road funding is of vital importance to local government. My knowledge of that fact has been reinforced over the past two months.

As Mr Hallam is aware, a paper was tabled at the first meeting of the Local Government Consultative Council on 27 April last. The paper had been prepared by the finance unit within the Local Government Department, which unit is servicing the consultative council. The paper will be distributed to all municipalities in the State over the next two weeks. Officers of the municipalities will find it an interesting collection of factual data which for the first time clarifies precisely the correct funding situation in respect of contributions made by local, State, and Federal governments.

The matter is on the agenda, and I think will probably remain on the agenda, for the consultative council. The Minister for Transport has already undertaken to work with local government on the terms of reference for a closer development of various aspects of that road funding paper and other matters that are of concern to local councils. I shall continue to liaise with my Ministerial colleague on this matter as it is of such concern to municipalities throughout the State.

STATE FILM CENTRE OF VICTORIA

The Hon. B. E. DAVIDSON (Chelsea Province)—The Minister for the Arts will be aware from my previous representations of my interest in this matter. Can the honourable gentleman inform the House what steps have been taken to improve the booking system for the State Film Centre's film and video collection?

The Hon. E. H. WALKER (Minister for the Arts)—I know this is a matter of some interest to Mr Davidson. The State Film Centre of Victoria has established a new computerised booking system which is a remarkable piece of equipment and will be very useful. I visited it the other day. It will enable the centre to maintain more detailed and accurate records of the State's film and video collection housed there.

It is an amazing service. I can remember, as a boy of fourteen or fifteen, coming to the State Film Centre on behalf of the school I was attending at the time. The centre has extended its collection since then and added a few films and also videos. This new system will be the first in Victoria and it will allow us to link up nationally and internationally with other film and video libraries.

The system will provide the centre with up-to-date statistical information which will help staff to monitor borrowing trends so that their acquisition program can be more attuned to public needs. The public does not generally know that the State Film Centre lends also to individuals, not just to schools and corporations. When I was there the other day, I took the opportunity of borrowing two or three videos—very uplifting. Not only are individuals able to borrow, but the service is free of charge.

There are some 20 000 film titles and some 900 or 1000 video titles. It is an extensive and well run service and the new booking system will assist the public. It is not just a matter of filmgoers being serviced but the service will apply to film makers as well. The service extends to them, and much of the work undertaken by Australian film makers, and in particular Victorian film makers, is picked up by the State Film Centre and put into circulation.

This service has had a long and creditable history. The new booking service will make it more available to the public at large and I suggest that honourable members advise schools or corporations in their areas that the service is available and that it is well worth taking up.

BAYSIDE DEVELOPMENT AT PORT MELBOURNE

The Hon. B. A. CHAMBERLAIN (Western Province)—I refer the Minister for Major Projects to the legislation passed by this House prior to Christmas to facilitate the $600 million Bayside Project at Port Melbourne and the apparent support of that project by the City of Port Melbourne at that stage. Firstly, can the Minister advise whether the development agreement has been concluded and whether it will be made available to the Opposition? Secondly, when will construction work actually commence, and thirdly, what is the capacity of the Port Melbourne council to abort the project?

The Hon. E. H. WALKER (Minister for Major Projects)—The development agreement is not yet finalised. It is hoped by the government and by other parties that by the end of July that document will be completed. I think implicit in the first part of Mr Chamberlain's question was that because the legislation has gone through this Parliament last December, agreement has been reached.

The Hon. B. A. Chamberlain—It was to be concluded by March.

The Hon. E. H. WALKER—There has been an extension but the relationship between the government, the developers and the Port Melbourne council is better than it has ever been.

The Hon. M. A. Birrell—How bad was it?

The Hon. E. H. WALKER—It was difficult.

All being well, construction will commence almost immediately, particularly on cleaning up the old BP site. After documentation is completed, normal construction will start at the end of this year.

On the capacity of the Port Melbourne council to abort the project, as Mr Chamberlain knows, we refuse to use Rambo legislation in such matters, as New South Wales does. The reality is that Port Melbourne City Council has been included in all negotiations. I have said all along that we are not proceeding with this project without the general agreement of the council on the scope of the project. I believe we now have that and at no time has the council been shifted outside of being a major player in this project. If it were totally opposed, I would have to say it would be very difficult to proceed with the project and that is as it should be.

The Port Melbourne council has a significant role to play. The responsible authority for the project during construction will be the Minister for Planning and Environment and upon completion the responsible authority status will revert to the Port Melbourne City Council. The council understands that and I believe that is the best way to proceed. I have to say to the House that this most important project is now about to get under way.

SHIRES OF MILDURA, SWAN HILL AND WALPEUP

The Hon. K. I. M. WRIGHT (North Western Province)—My question to the Minister for Local Government concerns proposed boundary changes to the shires of Mildura, Swan Hill and Walpeup. Briefly, the circumstances are that last year the Local Government Commission decided on boundary changes between the three municipalities. The then Minister visited the area, had discussions with two of the councils and made a decision for a different set of proposals. This year another Minister has announced decisions which revert to the original set of proposals.

Can the Minister re-examine this matter and inform me of the reasons for the latter change, bearing in mind that local members do not like to become involved in supporting one council or another? Further, will the Minister visit the area, see it for herself and hold discussions with the three councils involved?

The Hon. M. A. LYSTER (Minister for Local Government)—I can make no comment on Mr Wright's claim that one of my predecessors made a decision on the matter last year. My knowledge of the matter would not suggest that a final decision was in fact made. My knowledge goes to the day on which I became Minister when my immediate predecessor, the Attorney-General, referred this matter to a division of the Local Government Commission on 14 March 1989. I received the report from that division on 28 April and on 2 May I sent the report to the municipalities concerned, to Mr Wright himself, and to other honourable members whose electorates cover that area.

Since that time I have received correspondence from the Shire of Mildura which expresses some concerns about the contents of the division's report. I have had no correspondence from Swan Hill or Walpeup and until I hear the views of those two municipalities I certainly would not be prepared to make any further statement.

The report of the commission has been sent to the municipalities to allow it to be put on exhibition so that I may be apprised of any concerns which any members of those municipalities or councils themselves may have about the change.

I will be visiting Swan Hill next week. No doubt the people of Swan Hill will have the opportunity to comment to me then. I also have to afford the opportunity to the people of Walpeup and Mildura and if I do not hear from them I hope I will be able to make a visit to Mildura and Walpeup some time later in the year. I would certainly hope that we will be able to satisfy all members in those municipalities in due course.

HEAVY ENGINEERING COMPANIES DEVELOPMENT SCHEME

The Hon. C. F. VAN BUREN (Eumemmerring Province)—My question is directed to the Minister for Industry, Technology and Resources. A great deal of manufacturing is carried out in the area I represent, and this creates jobs in the area. The Minister will be aware that the Heavy Engineering Companies Development Scheme was launched in 1986 for an initial period of three years to assist the international competitiveness of an important section of Victorian manufacturing industry. Will the Minister inform the House of the results of the recent survey by the National Institute of Economics and Industry Research into the effectiveness of the companies development scheme?

The Hon. D. R. WHITE (Minister for Industry, Technology and Resources)—As honourable members will be aware, even with strong commodity prices in the primary sector and in the mineral resources sector, this country will not overcome its balance of payments problems without a significant improvement in the export potential of the manufacturing sector.

As honourable members will be aware from the Fergus Ryan report and from the Auditor-General's special report No. 11 presented just prior to Easter, it is their view that when the government becomes involved in providing assistance to any form of industry, and particularly to the manufacturing sector, some steps should be taken to measure the worth of those government programs.

I am pleased to inform the House that the National Institute of Economic and Industry Research has carried out such a study into the companies development scheme—a project that involved both the Commonwealth and the State in providing $3·5 million worth of assistance, and its conclusions are that firms assisted by the companies development scheme were expecting a higher overall average growth rate than those that had not received assistance under the scheme.

These assisted firms were also expecting high growth in export sales, and that is all conditional on them showing continuing substantial productivity improvement. Most of the unassisted firms were expecting stagnant business conditions over the next three years, with growth of between nought and 10 per cent.

Firms assisted by the companies development scheme were developing a greater degree of diversification by 1988. Their involvement in the project management and design engineering was also greater than that of the unassisted firms. So the conclusions are that it is important that government is involved in direct assistance to the manufacturing sector, that the manner in which that assistance is provided is sensitive, and that the report that has been prepared by the research group will ultimately be made available to honourable members on request.

A summary is available immediately and will be released either later this week or early next week. The government will continue to look for ways of providing direct assistance, particularly to the manufacturing sector, as we are currently doing with Amicon Scientific Australia at Williamstown in respect of its part in a national bid for the frigate deal. The decision on that matter will be announced by the Federal government in late July or early August.

HOUSING RENTAL ARREARS

The Hon. R. S. de FEGELY (Ballarat Province)—I direct my question to the Minister for Housing and Construction. In the annual report of the Ministry, rental arrears owing to the department were shown as around $15·3 million at 30 June last year. Figures given to the Estimates Committee on 31 March indicated that that figure had been reduced to approximately $9·8 million so I ask the Minister to inform the House how this reduction was achieved, and what proportion of that reduction was written off in bad debts.

The Hon. B. T. PULLEN (Minister for Housing and Construction)—I believe the figure Mr de Fegely quotes should be about $9·6 million. He is correct in that there has been an overall reduction in arrears. He probably would have noted in the Auditor-General's report that a comparable figure twelve months ago would have been in the order of $13·9 million. In a sense I hope that the peak that was reached has now been passed and the decline in arrears will continue.

As I have pointed out in the House previously, a balance must be struck between protecting public assets by asking people to pay a fair rent and recognising that some 85 per cent of people in public housing receive some form of statutory income. One-third of those living in public housing are single-parent families and therefore there is a need for a balance between the pursuit of fair rents and the recognition that in some cases people's lives are in disarray. A former Minister for Housing said that it was

important to separate those people who will not pay from those people who cannot pay.

In relation to bad debts, when people are finally brought before the Residential Tenancies Tribunal one of the most difficult tasks is to sign the eviction orders. Some people do find the funds to pay the arrears; some people reach an agreement; and some people skip without paying, creating a bad debt which is pursued. Arrangements for the pursuit of the bad debt are handled in consultation with the Department of Management and Budget. In conformity with normal business practice bad debts are wiped out after they have been pursued for a certain period.

The comparison between the figures of twelve months ago and those I have mentioned today shows a difference between $13·9 million to $9·6 million. The same relationship exists in the writing off of bad debts, which was accepted in the Auditor-General's report. The figures are comparable in that the amount of bad debts written off in each case is in proportion to the arrears. The difference shows a real gain on comparable figures in the reduction of arrears. That situation can be shown if one was to draw a graph, which I have had done, on exactly the same basis as the Auditor-General. It can be seen that if the Auditor-General were to present his report in the same terms the department would show a downturn in rent arrears.

SCHOOLS OF NATURAL THERAPY TRAINING

The Hon. P. R. HALL (Gippsland Province)—I ask the Minister responsible for Post-Secondary Education whether, with the amalgamation of higher education institutes and universities, he is aware of any proposals that will link schools of natural therapy training with La Trobe University?

The Hon. E. H. WALKER (Minister responsible for Post-Secondary Education)—I shall endeavour to answer the question; I believe I understood Mr Hall's use of language. Amalgamation is currently proposed that would see the La Trobe University amalgamating with two other institutions, the Phillip Institute and the Swinburne Institute of Technology. As Mr Hall may remember, the Lincoln Institute of Health Sciences, which includes a series of therapy colleges, has amalgamated with La Trobe University and with the inclusion of the Phillip Institute there will be other therapies included in that combination. I am not sure of Mr Hall's terminology but chiropractors are also trained at Phillip Institute.

They will come into that combine as well as, I believe, osteopaths and other practitioners of natural therapy—that is the word Mr Hall uses; I believe naturopathy is also a part of it at the Phillip Institute of Technology. Therefore, there will be a sequence of therapies at the Lincoln Institute of Health Sciences and the Phillip Institute attached to La Trobe University. They will be separated on different campuses, but the La Trobe University will, in the end, encompass a broad range of therapies.

Having said all that, I suppose the answer to Mr Hall's question is probably, "Yes", although I should like to hear Mr Hall later asking me the question again privately, because I should like to understand exactly the way in which he uses those words. But I believe the answer is, "Yes".

BRAILLE AND TALKING BOOK LIBRARY

The Hon. R. A. MACKENZIE (Geelong Province)—I refer to the attention of the Minister for the Arts the Braille and Talking Book Library, which successfully caters for the needs of some 4000 handicapped people who are unable to read print throughout the State. It has been directed to his attention earlier this sessional period by Mr Storey

that the centre is facing considerable financial difficulty. Following the representations from Mr Storey, the library has received a letter from the Minister's department indicating that the department was waiting to receive a report from a Commonwealth review of disability services, which is due in July. I found out yesterday from a consultant involved in that Commonwealth review that no money will be forthcoming as a result of that review.

Because of the seriousness of the situation, in view of the government's longstanding policy to fund registered State libraries, and in line with its social justice strategy, will the Minister take some urgent action in this regard? The matter is urgent because I understand the library intends laying off staff and cutting services in the next month or two.

The Hon. E. H. WALKER (Minister for the Arts)—The question that Mr Mackenzie asks is, in fact, the same question that was asked by Mr Storey some time ago, and I refer him to my previous answer.

The Hon. Haddon Storey—That answer was that you would let me know!

The Hon. E. H. WALKER—That is the same answer I will probably give to Mr Mackenzie! The fact is that the Braille and Talking Book Library is substantially supported by the State and has been for some time. The library believes it deserves further support, and I am sure it does because it does a good job.

The reality is that I have not yet got back to Mr Storey with the answer to his question, but when I do I shall see to it that Mr Mackenzie receives a copy of that answer.

The Hon. R. A. Mackenzie—I can assure the Minister that it is no joking matter.

WILLSMERE HOSPITAL

The Hon. R. S. IVES (Eumemmerring Province)—I direct my question to the Minister for Health. In view of the intensive publicity that the Willsmere Hospital and surrounds have received, will the Minister inform the House what progress has been made in relocating psychogeriatric patients from Willsmere Hospital in Kew?

The Hon. C. J. HOGG (Minister for Health)—Indeed, the movement of patients from Willsmere Hospital to community-based facilities is now almost completed. I had the pleasure on Monday of opening the Weighbridge Nursing Home for psychogeriatric patients at Flemington, which is really a beautifully designed building with a humane and accessible atmosphere, which is so very different from the institutional atmosphere that Willsmere Hospital provided, even with the dedicated level of nursing and other staff who worked there.

It is important for honourable members to note that the Weighbridge Nursing Home is the eighteenth out of nineteen facilities that the decommissioning process of Willsmere Hospital has provided. There will be a total of nineteen community-based centres, either assessment or support centres, and specialised nursing homes, for psychiatric patients or psychogeriatric patients.

The local members in the area will be aware that last week I visited the Aradale centre at Ararat and announced—again, because there had been some local community uncertainty, as the local members had told me—that the J ward would be relocated in the grounds of the Aradale centre, and that would be a very modern, well-designed building in that location.

That relocation, which was an absolutely massive task, was in a sense masterminded by the Social Development Committee but carried out substantially by a team from

Health Department Victoria, obviously with input from my predecessor, now the Minister for Industry, Technology and Resources.

That work is on target and on budget. It is said to be the biggest such exercise possibly in the world and it has gone to schedule and is on track. Many people deserve congratulations for that.

ELTHAM CEMETERY TRUST

The Hon. J. G. MILES (Templestowe Province)—I direct to the attention of the Minister for Health the long-running dispute between Montsalvat and the Eltham Cemetery Trust over the cemetery land. I ask the Minister when she will take steps to insist that the Montsalvat Trust pays for the 0·751 hectares of land, valued at $55 000 in 1983, and excised by Act of Parliament in 1983.

The land has been used by Montsalvat since 1983 and has not been paid for, although the Department of Conservation, Forests and Lands advised Montsalvat and the Eltham Cemetery Trust in 1983 that if Montsalvat did not pay for the land within one month it would revert to the Eltham Cemetery Trust.

On behalf of many of my constituents in Eltham, I ask the Minister to take urgent action in this matter, six years after the land should have been paid for.

The Hon. C. J. HOGG (Minister for Health)—I must say that until Mr Miles asked the question I had assumed the issue was dormant and that the thrust taken by my predecessor was substantially acceptable to the community for which Mr Miles now speaks.

I was delighted when the issue was rarely mentioned during the Greensborough by-election campaign, when so many local issues were discussed and had a proper airing. Nonetheless, I am happy to take Mr Miles's question on notice and get back to him.

HOUSING COOPERATIVE PROGRAM

The Hon. G. R. CRAWFORD (Jika Jika Province)—I direct to the attention of the Minister for Housing and Construction the housing cooperative program that was launched in May 1986. I support the program. Last year the government adopted a target of 80 cooperatives over a period of four years. Can the Minister advise the House of the degree of implementation of that plan?

The Hon. B. T. PULLEN (Minister for Housing and Construction)—All honourable members would support the housing cooperative program, which was formally launched in Victoria under the title of the Common Equity Rental Housing Cooperative Program in May 1986 with the target mentioned by Mr Crawford. Up to October 1988 10 cooperatives that manage 38 houses have been supported. Since then 16 more cooperatives have been established and they manage a further 99 houses. The target this year is for a further 20 cooperatives.

The funds available for the year 1987–88 were $2·6 million and in 1988–89 $7·1 million is available. It should be appreciated that cooperatives are supported not just by public funds but by private funds. A blend of funds is raised by the cooperatives from the private sector.

Housing cooperatives, in a sense, have only modest support in Australia at the moment, whereas in Canada cooperatives form a large part of the housing sector. They require groups of people to come together in a voluntary fashion. It is not just a matter of governments providing funds and expecting people to form cooperatives.

The program is growing steadily and it forms an important sector of support for housing in Victoria, because it provides a system that allows housing consumers to have control in a collective way over their own houses; they can manage their own maintenance and organise their own affairs and rental relationships.

Therefore, people believe their equity grows as the properties are improved. In that sense the program combines a good social purpose with people having control over their housing and, therefore, is an important part of their lives.

Conceptually, it is an excellent way to go forward, but it must proceed at a pace the community is prepared to support. At the current rate of ten cooperatives, plus sixteen, plus twenty, we are well on track towards meeting the target of 80 cooperatives over four years.

CONTROLS ON FUNERAL PARLOURS

The Hon. ROSEMARY VARTY (Nunawading Province)—The Minister for Health will be aware of some recent controversy about a funeral parlour operating from a private residence in the eastern suburbs. Currently the only controls a council can use are town planning controls. What action is the Minister taking to implement some satisfactory controls over the operation of funeral parlours?

The Hon. C. J. HOGG (Minister for Health)—I thank Mrs Varty for her question which has substantially directed this matter to my attention. I shall discuss the issue with the relevant section of Health Department Victoria during the course of the day and, hopefully, I shall provide an answer of some substance and detail later this evening.

VIOLENT ASSAULTS ON THE ELDERLY

The Hon. JEAN McLEAN (Boronia Province)—I address my question without notice to the Minister for Local Government, in her capacity as Minister responsible for the aged. I am sure the Minister has seen recent reports of violent assaults on older people in the Melbourne area, which is creating grave concern among the community. Will the Minister inform the House what the government intends doing about this tragic occurrence?

The Hon. M. A. LYSTER (Minister for Local Government)—I thank Mrs McLean for her question to me as Minister responsible for the aged. It is a matter on which I shall be seeking advice from the Older Persons Consultative Council which I described to the House in some detail yesterday. Although it is important to be conscious of these press reports, we must also be careful not to sensationalise them. I am sure all honourable members are concerned about such reports and regard them as an affront to normal human dignity because of their empathy with the natural vulnerability of older people.

We must all be careful about the difference, however, between reality and perception. The Australian Bureau of Statistics data suggests that older people are much less likely to be victims of crime than other age groups. The perception of many older people is that they are more vulnerable.

A survey conducted in South Australia showed that 46 per cent of those aged more than 60 years felt unsafe walking alone at night, and a further 6 per cent never went out at night. By contrast, only 29 per cent of those aged 35 to 44 years felt unsafe at night.

It is this perception of fear and vulnerability that it is important to cope with. Apart from natural sympathy and empathy for these people, one major reason why we must be careful is because such reports act against the community by making people reluctant to remain in their own homes.

We all know that this causes conflict in people's minds. They would like to stay in their own homes rather than seek access to an institution, but in many cases this sort of fear and perception forces older people to seek accommodation in an institution of one kind or another.

It is the responsibility of the government to address this perception of older people. I shall seek advice from the Older Persons Consultative Council, but it is important that, in the coordinating role that I have as Minister responsible for the aged, I consult with the Ministers for community services, health and police and emergency services on what steps the government can take to allay the fears of these people.

The Minister for Health has already taken the excellent initiative concerning the personal alarm system for single elderly people, and I commend her for that. I look forward to working further with those Ministers to ascertain in what other ways the government can allay the fears of the older people in our population.

COMMAND PAPER

The Hon. E. H. WALKER (Minister for the Arts) presented, by command of His Excellency the Governor, the report of the Magistrates Court for the year ended 31 July 1988.

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

On the motion of the Hon. HADDON STOREY (East Yarra Province), it was ordered that the report be taken into consideration later this day.

PAPERS

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

Border Groundwaters Agreement Review Committee—Report for the year 1987–88.

Building Societies—Report of the Registrar for the year 1987–88.

Co-operative Housing Societies—Report of the Registrar for the year 1987–88.

Co-operative Societies—Report of the Registrar for the year 1987–88.

Dandenong Valley Authority—Report and statement of accounts for the year 1987–88.

Freedom of Information Act 1982—

Report on operation for the year 1987–88.

Public Service Board reports to the Attorney-General on administration for the years 1986–87 and 1987–88 (two papers).

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

Bacchus Marsh Planning Scheme—Amendment L4 Part 2.

Caufield Planning Scheme—Amendment L6.

On the motion of the Hon. HADDON STOREY (East Yarra Province), it was ordered that the reports tabled by the Clerk be taken into consideration on the next day of meeting.

ESTATE AGENTS (AMENDMENT) BILL

The Hon. E. H. WALKER (Minister for the Arts)—I move:

That this Bill be now read a second time.

OBJECTIVES

This Bill seeks to amend the Estate Agents Act 1980 in the light of both the occupational regulation report No. 1 by the Law Reform Commission of Victoria—LRVC—and the Regulation Review Unit—RRU—on estate agents and auctioneers, and general submissions made to government by the Estate Agents Board and others on the operation of the Act.

BACKGROUND

In late 1985 an interdepartmental working party with representatives from the Department of Management and Budget, the Attorney-General's Department and the Estate Agents Board was set up to investigate and make recommendations on whether changes were necessary to the scheme governing interest on estate agents' trust accounts.

In June 1987 the Estate Agents Board made a comprehensive submission to government proposing a range of amendments to the Estate Agents Act. In April 1988 the Law Reform Commission of Victoria and Regulation Review Unit report on estate agents and auctioneers was published.

PRESENT POSITION

It is against this background that the government's position has been determined. The review of the estate agency industry has been thorough and involved widespread consultation. The government is appreciative of the submissions received and thanks the Estate Agents Board and the Real Estate Institute of Victoria for their contributions to the review.

In this Bill the government has endeavoured to strike a balance by removing unnecessary regulations of the estate agency industry while ensuring that consumer interests remain protected. The government has not accepted the LCRV-RRU report recommendations concerning the lowering of educational standards and licensing controls for those employed in the estate agency industry. It is considered that the maintenance of educational standards and licensing controls ensures that consumer interests are adequately protected and that education and training opportunities are increased.

PROPOSED AMENDMENTS
INTEREST ON TRUST ACCOUNTS

The interdepartmental working party recommended replacement of the existing scheme with a scheme whereby banks pay interest on all trust account funds. The government accepts this recommendation.

The Bill sets out a detailed mechanism by which the policy behind the recommendation is to be implemented. It will amend the Act to empower the board to enter into arrangements with financial institutions for keeping of trust accounts, payment of interest on whole or part of deposits in accounts payment of part of the deposits into a special account, management of funds in the special account, and auditing of balances in trust accounts.

The Bill will give the Estate Agents Board sufficient flexibility to ensure that the best return is achieved on the investment of trust moneys. It will enable the board to enter into various arrangements with financial institutions, including arrangements requiring financial institutions to pay interest at an agreed rate on up to 100 per cent of moneys

in estate agents' trust accounts. Alternatively, the Bill will permit the board to have an arrangement requiring a proportion of funds in trust accounts to be paid into a special account which will be invested to achieve the best return, in a similar fashion to the existing scheme.

The Bill also allows a combination of both these arrangements. This would involve payment of a proportion of funds into a special account to be managed and invested in an appropriate manner, and payment of interest on funds remaining in estate agents' trust accounts. The opportunity has been taken to confirm the board's ability to appoint a fund manager with the ability to select authorised investments on the board's behalf, subject to general guidance from the board.

The proposal will generate additional surplus funds for distribution by the board under section 76 of the Estate Agents Act 1980, particularly for housing assistance purposes. The proposal to require financial institutions to pay interest on all moneys in estate agents' trust accounts is expected to increase allocations for housing assistance by up to $15 million a year.

The proposed scheme will have considerable administrative advantages for estate agents and the board if satisfactory arrangements can be reached with financial institutions for payment of interest on 100 per cent of moneys in trust accounts. It should also be noted that the LRCV–RRU report includes a recommendation that interest on 100 per cent of agents' trust accounts should be credited to the board.

A Bill on this proposal was introduced in the 1989 spring sessional period but did not proceed.

OPERATION OF BORDER ESTATE AGENTS

A working party was established by the national conference of the Licensing Authorities of Australia in Hobart in November 1987. The working party examined the complex issues which arise with respect to the operation of estate agents who are licensed in adjoining States and who engage in business in both, with such businesses being located within 48 kilometres of a State border.

The recommendations in the working party's report were unanimously supported at the national licensing authorities 1988 conference, and the conference requested that the States participating in the working party introduce legislation accordingly. The Real Estate Institute of Victoria and the Victorian Stock Agents Association support the recommendations. I am pleased to be able to advise that this national working party was a Victorian initiative and was convened by Victoria. By this Bill Victoria will continue to give the lead in efforts to alleviate the particular difficulties confronted by border estate agents.

The Bill recognises the policy behind the working party recommendations and will validate certain current practices of such agents. The Bill will abolish the requirement that such agents have a principal office in Victoria. Secondly, it will permit dually licensed estate agents who receive trust moneys to bring those moneys to account in accordance with the legislation that applies in the State or Territory in which the subject property is located, that being the general practice currently followed by border estate agents. Thirdly, it will clarify that subagents licensed in Victoria and a border State can operate part of the time in each.

CORPORATE ESTATE AGENTS

The practice of licence lending continues to flourish through corporate estate agencies. Licence lending in relation to corporations occurs where a fully licensed individual "officer in effective control" takes little or no part in the business, neither

acting in a managerial capacity nor controlling the estate agency business of the corporation.

The Bill limits to 10 per cent the extent of the shareholding that a subagent employed in the estate agency business of a corporation may have in the corporation. The limitation also applies to voting shares in the corporation. The Bill also places a limit on cumulative shareholding by subagents to a maximum of 35 per cent of the total or voting shares issued in the corporation.

The current general prohibition on a subagent employee being a director of a licensed estate agency corporation will be extended to include the spouse, parent, brother, sister or child of that subagent. In the board's experience the current prohibition is frequently technically avoided by the appointment of near relatives.

DECLARED CORPORATIONS

Declared corporation status relieves a company of the directorship limitations that generally appy to licensed corporations and permits the company to employ a subagent partly in estate agency work and partly in other work of the corporation.

The board has submitted, and the government accepts the submission, that the concept of declared corporations should specifically cater for the pastoral companies which have traditionally performed the role of stock and station agents.

PROTECTION FOR THINGS DONE UNDER THE ACT

The opportunity has been taken to introduce a general indemnity provision for things done under the Act by those involved in its operation.

LAW REFORM COMMISSION OF VICTORIA—REGULATION REVIEW UNIT REPORT RECOMMENDATIONS

Further to the report's recommendations the Bill will remove the requirement that estate agents and subagents reside in or near Victoria, and also remove the requirement for board approval of franchise agreements, retaining a notification only requirement.

The Bill substantially implements the recommendation that the power of the Estate Agents Board to conduct special hearings to determine whether applicants who have not completed the prescribed prerequisites are nonetheless fit to hold a licence should be removed. However, the government has determined that allowance should be made in relation to applicants who have been licensed estate agents in other jurisdictions.

The recommendation that there should be no requirement that subagents be employed on a full-time basis is addressed by permitting part-time employment if it is the subagent's principal or only employment.

Although the LRCV–RRU report recommends abolition of the practical experience requirements for estate agents, the government considers that consumer interests make a period of practical experience necessary, but it is considered that the current period of three years should be reduced to one year. It is proposed that there be a further Bill at a later date dealing with matters outstanding from the LRCV–RRU report and other submissions.

Although they are not matters dealt with in this Bill, I advise the House that, as part of the government's review, amendment will be made to subordinate legislation to, first, deregulate the prescribed commission rates for commercial and industrial property and, second, make compulsory the present optional 50-hour prelicensing course for new subagents.

CONCLUSION

This Bill, the terms of which are fully supported by the Estate Agents Board, accords with the government's commitment to deregulation where appropriate but takes into account that consumer protection for Victorians is of paramount importance. The Real Estate Institute of Victoria has indicated that it will be advising its members that the institute does not oppose this package of reforms. The reforms contained in the Bill will ensure that the high standards of real estate agency practice in Victoria are further enhanced.

I commend the Bill to the House.

On the motion of the Hon. HADDON STOREY (East Yarra Province), the debate was adjourned.

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

CULTURAL AND RECREATIONAL LANDS (AMENDMENT) BILL

The Hon. M. A. LYSTER (Minister for Local Government)—I move:

That this Bill be now read a second time.

The Cultural and Recreational Lands Act 1963 was designed to assist in retaining public open space. The Act does this by enabling lower rates for recreational land, as defined in the Act, to be set having regard to the services provided by the municipality in relation to such lands and the benefits to the community derived from such lands. In general these lands comprise open-air sporting venues. Any dispute about the level of rates for recreational land may be determined by the Minister for Local Government. Disputes about the classification of land as recreational land can be resolved only by agreement or, ultimately, the courts.

There is currently a dispute between the City of Melbourne and the Melbourne Cricket Club and Melbourne Cricket Ground Trustees concerning the rateability of the Melbourne Cricket Ground. The dispute has led to County Court appeals being instigated against the council rate assessments for past years. The dispute centres on a doubt as to whether the Local Government Act 1958 or the Cultural and Recreational Lands Act 1963 applies in determining the rate to be paid for the Melbourne Cricket Ground. The government believes the Melbourne Cricket Ground should be clearly identified as being recreational land within the meaning of the Cultural and Recreational Lands Act.

In order to avoid the cost and unpredictable outcome of litigation, the government proposes to clarify the rateability of the Melbourne Cricket Ground. In addition, it is proposed to clarify the position with venues such as the National Tennis Centre and Flemington Racecourse, and a power for the Governor in Council to declare other lands has also been included to cover future issues.

Because of the previous uncertainty about the applicability of the Cultural and Recreational Lands Act the Bill reserves the right to make an appeal to the Minister on the level of rates notwithstanding that the time may otherwise have expired.

I commend the Bill to the House.

On the motion of the Hon. R. I. Knowles, for the Hon. B. A. CHAMBERLAIN (Western Province), the debate was adjourned.

It was ordered that the debate be adjourned until Thursday, June 1.

NATIONAL PARKS (ALPINE NATIONAL PARK) BILL

The debate (adjourned from May 9) on the motion of the Hon. B. T. Pullen (Minister for Housing and Construction) for the second reading of this Bill was resumed.

The Hon. M. T. TEHAN (Central Highlands Province)—I support the Bill. Previous legislation relating to conservation matters has, to some degree, been initiating legislation where new initiatives have been taken. This Bill, and the Opposition's contribution to it, is the finale of a long history of work—steps forward and steps back—in the move to establish a contiguous Alpine National Park and to protect for all time the special alpine areas of this great continent. I see the Bill as the final chapter in a long history of movements made by a number of individuals at the political level, the exploratory level, the conservation level and the party level.

There is almost unanimous support for the Bill, which is heartening. I shall outline the history because it is worth recording, and this will probably be the last occasion on which this House will have the opportunity of examining what has led to the writing of this final chapter.

Honourable members must recognise that Australia is a continent that is basically dry and flat. The alpine area is the only area of massive mountains on the eastern seaboard that has any claim to the mountain ranges that are normally so productive and so obvious on other continents. It is because the Alps are so special that they should be protected. Although there has been protection through piecemeal measures—I shall refer to them later because they were fitting and timely and were part of the steps forward—we have now reached a stage where we can look at the whole of the southern end of the eastern part of the Alps that cover two States and the Australian Capital Territory.

In describing the eastern Alps, or the Australian Alps, the Australian Academy of Science refers to them as a diverse range of environment containing the widest spectrum of eucalypt communities to be found anywhere in Australia. They are an area of enormous beauty, of ecological significance and of widely diverse land forms, vegetation and fauna.

In a special report to Parliament in 1952, a committee indicated that these combined areas would provide a magnificent reservation that would rival any park in the world. In arriving at this final chapter, we are creating a park continuing from New South Wales through the Australian Capital Territory and south to Victoria that will rival any in the world.

There have been a number of players, a number of proponents and a number of key people prominent in the establishment of what is now a park of world significance. On a personal note, I refer to *The Alps at the Crossroads* by Dick Johnson, who was one of the great players. He was not in the Miles Dunphy era; he was a little after that, but he brought together the history, the idealism and value, and established the significance of the area in his book. It gives a focal point to the proposed legislation we have before us.

On a personal note, when I was married and lived in the Mansfield area, which is at the southern end of the great park that is being established, one of the first environmental books I had in my home was Dick Johnson's *The Alps at the Crossroads.* Ever since then the book has been a sort of touchstone on any matters related to the Alps. When I first became the shadow Minister for Conservation, Forests and Lands in 1988, some dear friends gave me a second copy, not knowing I had a copy dating from the early 1970s. The book was from Rene and Arthur Mitchell. Arthur Mitchell was an esteemed and well-loved principal of Timbertop, Geelong Grammar School.

If anybody knew and loved the southern end of the Alps, it was Arthur Mitchell. The fact that he should make that gift of Dick Johnson's book, *The Alps at the Crossroads*, indicates the community support this southern end of Victoria receives and demonstrates the importance of the concept that is now before us.

The book examines the fascinating history of the alpine area. It illustrates passages of history and people who seemed larger than life. One recalls the Treasures of Dargo, the Bryce family of Wonnangatta, the Barclay murder, and the body of Bamford, who was reported to have murdered Barclay at Wonnangatta, being found on Howitt Plain in a corrupt form nine months after the murder. One remembers the stories of the Mansfield police bringing in the bodies. One discovers that the files were never opened after the first world war, the murders having been committed in 1918. This fascinating story of intrigue reflects the whole aura this part of the world has for the people who know and understand it.

Dick Johnson has set out in his book pictures and descriptions of the days of those early pioneers. The Bryce family were pioneers at Wonnangatta, which is in one of the most remote parts of the Alps. Even to get there in this day and age in a four-wheel drive is an adventure in itself. The Bryce family went there by horse and buggy, and it took weeks and weeks to get there. It is the most remote place one can possibly imagine.

Mrs Bryce, who was a young bride from the United Kingdom, insisted on having a grand piano brought to the homestead they established in the tiny valley. The effort of getting that symbol of culture and of the things she valued from the Old World out to their settlement in their new land speaks volumes for the dedication of the pioneers.

Margot Knox has created a beautiful series of paintings of Wonnangatta, including superb paintings of the Bryce homestead which, only in recent times, was burnt down. Anyone who has seen the grey hills, the isolation, who has been conscious of the quiet of the area and who realises that the Bryces raised a large family in that remote area, will realise their dedication. All that is left is a little cemetery with headstones showing the number of children, spouses, and family members who died there. Baron von Mueller examined the area in the 1850s and admired its magnificent plant life. He explored the exposure of plants to wind on the unstable and eroding soil; and, despite all the difficulties, various plant communities survive, including heaths such as the mountain heath-myrtle, herbfields, and wild flowers such as bulbine lily, white snow and silver and star daisies, yellow and white everlastings, snow purslane and so on. All the alpine species we know can still be found in the area, which is well worth preserving.

After mentioning von Mueller, I should like to mention a modern botanist and explorer who has created some superb illustrations in a book entitled *Wildflowers of South Eastern Australia*. Betty Conabere has lived a life in Mansfield of total dedication to the selection and painting of the wild flowers of south-east Australia, but primarily those of the alpine area.

Australia Post had the sensitivity and foresight to establish a series of stamps depicting her paintings of the alpine flowers. The stamps are internationally acclaimed by collectors and, if one can obtain the series, they make a wonderful way of communicating some of the Australian ecology by way of letters overseas, and so on.

In 1952 the Victorian National Parks Association was formed primarily to examine the need for the protection of the Alps. Around that time the former Victorian State Development Committee was established and its purpose was to report to Parliament on the national parks. The committee formally recommended that an alpine national park be established containing the headwaters of the major streams in the Alps

stretching from near Mount Buller to the State border. The report stated that, if that park were to be joined with the Kosciusko park, the combined areas would provide a magnificent reservation which would rival any park in the world.

In the 1970s Premier Hamer and the Minister of Lands at the time, Mr Bill Borthwick, examined the need for further protection of the Alps. Dick Johnson paid tribute to those men back in 1974 when he said:

> Since that time Mr Rupert Hamer has become Premier, and Mr W. A. Borthwick, Minister for Lands. These two men have struggled against their colleagues in Cabinet to forge a new outlet for Victorians, conveniently summarised in the cliche *quality of life*. Their support has been confirmed at the State elections, and together they have revitalised the conservation of Victoria's natural resources. Under Mr Borthwick's direction, a new Ministry of Conservation has been created, grouping many of the land management bodies and unifying their activities.

It would be timely to refer to a letter I received on 3 May 1989—some fifteen years later—from the same Bill Borthwick, addressing the same subject. It states:

> Dear Marie,
>
> Today was a great victory. I am sure it was tough in the party room—but to win . . . with great pleasure and expectations by many.

He continues:

> Woe betide any party that doesn't recognise that the public are looking for real action in this area of administration. Development at any price—or classed as automatically good—is gone despite poor economic performance.
>
> Congratulations to the party.

It is a nice turn of the wheel that in 1974 Mr Borthwick was setting up provisions for this park and in 1989 he wrote and recognised that the work he started has now been completed.

While referring to the history of national parks I mention an *Age* editorial in 1980 that similarly considered their establishment:

> The mills of God might grind exceeding slow, but they have nothing on the mills of Victoria. However, at least our mills do grind. On Thursday, a mere 28 years after an alpine national park was first recommended to a Victorian government, Mr Hamer announced that Victoria was to get an alpine national park. It was to get two in fact, along with a modest wilderness area in North Gippsland and several worthwhile extensions to existing national parks . . .
>
> After Mr Hamer's announcement, there were those who, having endured almost three decades of increasingly acrimonious debate on the alpine parks issue, were prepared to be thankful for small mercies. Alas, whatever sighs of relief there were from the community at large, they were drowned in the lobbyists tumult.

It is obvious that nothing changes in politics.

> In general terms, the new parks have clearly been set aside for the enjoyment of Australians generally, and for the preservation of the fragile landscapes and plant and animal systems which give the mountain areas their special quality. For that, much thanks. The area set aside might not be as extensive as many conservationists sought . . .

Mr President, that was written in 1980. The areas that conservationists sought since 1934, through the steps forward and the steps back, now have been attained by the Bill before the House.

The Borthwick–Hamer combination went on to establish the three major parks in the Alps: the Wonnangatta–Moroka National Park, the Bogong National Park and the Wabonga Plateau State Park. They were Liberal government initiatives.

The Labor government has worked towards this Bill since 1982 when it was established policy, and it is now a reason for celebration that all parties in this House will not oppose the Bill that brings to completion the work of so many people.

Parks differ in their values, they differ in their significance and they differ in their management. One need only compare the national parks in East Gippsland established last year. Those parks are remote, they are isolated, they are grand and they are a long way from anywhere. They are different in their concept, they are different in their values and they are different in use from the alpine park we are debating today.

The alpine park is dramatically different from the Dandenong Ranges National Park. It is different totally in size, different totally in land formation, different totally in ecological and environmental values and in flora and fauna. It is different again from the Wilsons Promontory National Park and the newly established Point Nepean National Park.

If anything describes the sort of park this is, it is that it is a people's park. It is a park that has been known; it is a park that has been loved; it is a park that has been used by a huge variety of people who come to it for their recreational and other uses. The government understands that it is a people's park. The Minister said in the second-reading speech:

> The new Alpine National Park will be a park for all people for all time. It will be available for a wide range of recreational activities.

The Minister goes on to mention the activities. In his book Dick Johnson similarly explored the concept of management and what was needed in this park. He said:

> It is to be a park for the people.

He referred to the skiers, the canoeists, and the fishermen. He was not so knowledgeable about the four-wheel drive operators who still use the park but he certainly knew of the bushwalkers, the fishermen and the hunters who use and love this park. Each and every one of those traditional users and each and every one of those representative people must have full access to the park.

People must understand the value of this park. People must be educated about the right and proper use of it. This park should not be, and I pray it will not be, a park that is regulated for people. It must be a park that is available for educated people, for people who understand and love its values.

I refer to the VicTour people, those people who take people through and show them the park. They show people its vast area. It is almost impossible for people to go to these areas and to get to know and understand them on their own. We have the wonderful opportunity here in Victoria of being shown the park by people who know and love it and have traditionally made the park part of their own back gardens. I refer to the ski tour operators, the Stoneys and the Lovetts and the others who have lived in these areas, who have taken cattle into these areas and who want to share these areas with city people who cannot come to know and understand them without their expertise.

I heard the other day from a woman in an organisation with which I am involved that her nineteen-year old daughter came back to the city after a weekend in the Alps. She had been up to the Bluff, had stayed in a hut and had ridden horses. She said it was one of the greatest experiences she had ever had. She could not have gone to that area on her own. She did not want to go in a bus with a large group of tourists.

She was fortunate enough to be in a group of eighteen people to go to the area with the people who lived there and to do what those people have traditionally done. She felt the adrenalin run when she went to the Bluff and surveyed the whole southern end

of the Alps. She sat around a campfire at night. She had pointed out to her the various herbs and grasses in the areas and she was also shown the special snow gum situated on the top of Mount Howitt that has been recognised as a special tree. People such as this young girl want to have that experience and we must give it to them. We must ensure that as many people as possible have the opportunity of enjoying and coming to love this special area.

It is too light a word to say it is a fun park. It is a people's park and people must be given the opportunity of going there in summer and in winter. Ski tour operators can take people on cross-country skiing expeditions that are a real adventure, especially if one is putting on skis for the first time. The ski operators show one how to do that, take one on gradual ski slopes and show one what to do in the event of a blizzard. They give one a proper respect for the bush and concern for oneself in what can quickly become a hostile environment.

People want to walk in that park. They want to put packs on their backs and be able to walk from one mountain, down to a ravine and to the top of another mountain. I have not done a lot of walking but I know Pineapple Flat, the Howitt Plain, the Wonnangatta–Moroka National Park and other areas; I have walked in enough of those areas to enable me to understand how people can get away from the city, have their batteries recharged by visiting those areas, pitting themselves against nature and removing themselves from this terribly automatic environment in which we live, in terms of transport. Suddenly people realise they have legs, which provide a way of getting from place to place. They use muscles they have not used before, and return with a great sense of satisfaction.

People also immensely enjoy fishing in the streams. There are spectacular streams of the Howqua and Delatite rivers in the remote parts of that park where people can fly-fish. It is possible to stand on one bank and watch a professional fly-fisherman hopping from boulder to boulder, stopping in the middle to throw in the line, knowing where the fish are and being able to see that they are under a rock. The amateur cannot see them, but professional fishermen know exactly where to find them.

They tickle the trout and bring them out, then land them after playing with them. It is a sport. The fishermen may throw the trout back or take them home and eat them, but the joy and thrill are in being in the stream, up to the knees in water, and being able to tell one's companion to jump. One is likely to get wet, but one knows the fish are in the stream.

I know that the Victorian Fly-Fishermen's Association officials and in particular those from the Yarra Valley Fly-Fishing Association consider that Victoria has streams, particularly in that area, that are second to none in the world. There is the possibility that Victoria has the opportunity, with proper management and by insisting that the park be a people's park, of making those trout streams and all streams of the Alps the subject of international acclaim.

All the natural facilities are there and, if we are serious about proper tourism, we should realise that Victoria has something to offer tourists that they will not find in other parts of the world. At present most of the international fly-fishermen who come to Australia go to Tasmania to fish. I am told by those who know that Victoria's streams are comparable with if not better than those in Tasmania. It is only a matter of being able to make them more accessible and to sell to tourists the benefits of fishing in this area that will be protected by the park.

Deer hunters love the area. Australia has more than 10 000 deer hunters, and deer have become part of the environment of the Alps. I have been there many times but have never seen a deer. Deer hunters tell me that most of the time they go there they

have no chance of ever shooting a deer, but what they really want is to sight a deer; the thrill is in the sighting, the following, the tracking and eventually the hunt.

Skiers have to be accommodated within the area. The commercial ski fields border the Alpine National Park and certainly in terms of cross-country skiing that facility must be made available.

It is a people's park. It will be imperative that the management recognises that. In addition to the recreational use, there are traditional uses of the Alps that the government and certainly the Liberal Party do not intend to let fall. I refer especially to the families of the mountain cattlemen, because six or seven generations of families have used the high country for summer grazing for cattle.

They have made paths and tracks; they have taken cattle up there for many decades. They know and love that country. They have become part of the Australian culture because of what they have done and what they are doing at present. One does not need to look any further than the success of the film *The Man from Snowy River* to see how Australian people identify with the traditional mountain cattlemen in the Australian Alps. That epic was filmed in the Victorian end of the Alps, and captured the imagination of the world.

The film showed that those people have as high a respect for, certainly as high an understanding of, and as deep a sensitivity as anyone else one could name for the values of the alpine area. The mountain cattlemen will also have access in this people's park to areas they have traditionally held, and they will continue their tradition of taking their cattle up onto the plains for summer grazing.

The Hon. B. W. Mier—About 90 per cent of the land.

The Hon. M. T. TEHAN—That was as a result of the Land Conservation Council's thorough examination of the cattle and the need for cattle. The council's recommendations will continue to be implemented.

The terms of the Bill through the management arrangements that have been made will give increased security to the mountain cattlemen. Previously they operated on one-year licences. Under the terms of the Bogong Planning Unit Management Plan they are being granted seven-year licences. Provision will be made in management operations that will be referred to in the legislation to make the seven-year leases renewable, subject, naturally, to conditions that will preserve and protect the environment in the mountains.

Certainly the environment has been preserved and it is in an acceptable position despite—or maybe, because—the cattle have been there for decades. It is highly unlikely that unless very strict scientific research shows that there has been a devaluing of ecologically sensitive parts of the mountains, those leases will not continue to be renewed.

The mountain cattlemen have given as much as they have taken in using the Alps. They have provided huts that are available for the entire community. The huts provide shelter for anyone caught on the Alps during a blizzard. The mountain cattlemen have given us an understanding and knowledge of the Alps that has been disseminated throughout the community. They have been available when fires have broken out and when rescue operations have been under way. Many stories have been told of the assistance given by mountain cattlemen who may not have participated in the rescue operations but who have helped to speed up the rescues.

Traditionally, timber has been taken from areas in the Alps. Subject to the Land Conservation Council's recommendations and some negotiations, the last of the timber that was made available by the LCC will be taken out under the terms set out in the

Minister's second-reading speech and agreed to by her during the debate on the Bill in another place. The Liberal Party will be considering that matter when it moves amendments to the Bill.

The linchpin on which the park will be established, in the form that honourable members are promoting, will be the management of the area and the resources made available for that management. Unless there is proper management, adequate resources allocated so that rangers can be employed and management plans formulated to bring together the assorted uses to which I have referred in passing, the high ideals expressed in the House will not be realised in the establishment of the park, which our forebears have been seeking for over 50 years. The government must recognise the need for and make available adequate resources.

The government accepted an amendment introduced by the Liberal Party in another place. The objects of the Bill include a new object as a result of the amendment, which is the need for management of land in those parks. The amendment had the full support of the three parties.

As I said, it is the linchpin on which the proposed legislation will stand or fall. Management must incorporate all the uses of the park and must be primarily for conservation. Protection from fire, eradication of weeds, the use of the area by visitors, and all other uses to which I have referred must be managed as I have suggested. My suggestion for the management of visitors is that it be done by an education program and not by regulation. Visitors to the area would much prefer a noticeboard saying: these are the values of this park; these are the things to look for; these are the things to enjoy in this park; and these are the things that have made the area important enough for it to be designated as a national park.

If there must be billboards, they should have educational information on them and not say things like: you may not do this; you may not go here; you cannot go there; or we will not allow you to do this. Problems that require undue or excessive regulation will not arise if the management of the area incorporates a positive approach providing people with understanding, knowledge, appreciation and a list of the values of the areas. The public will be educated and will understand, appreciate, and value the special nature of the area being set aside for public enjoyment for recreational and other purposes.

In February 1989 the first of the management plans was published in draft form by the Department of Conservation, Forests and Lands. The draft plan sets out the management objectives and strategies for the conservation of resources, general management, and protection. The plan refers to providing for fire protection, introduced plants, the need to consider soil conservation, the retention of the water catchment areas, and control of plant diseases and defoliators. It also refers to the management of visitors to the areas.

I list briefly some of the matters which will be addressed in greater detail and which give some indication of the scope of the area for recreational and other activities. The draft management plan refers to the following activities which can be undertaken in the new park: management of tourism, community education and information; recreational opportunities—walking, horse riding, camping; snow recreation—cross-country skiing; two-wheel driving and motorcycling; four-wheel driving; fishing; deer hunting; hunting for other than deer; bicycle riding; canoeing and boating; climbing and abseiling; aerial operations; and the use of huts. The list gives an idea of the breadth of the uses which can be made of the new park.

As I mentioned, the Liberal Party will move amendments to the Bill. We are concerned to provide specific protection for the mountain cattlemen. A draft document

will be produced which will provide the basis on which licences will be renewed and granted. We shall consider a document which will make provision for tour operators and set conditions for them to work in the area.

The Liberal Party is considering moving amendments which relate to the management of the area. The amendments will be minor but will have practical application in the protection of the area.

The Liberal Party will consider enlarging the advisory committees that will assist in the development of new management plans as well as the plans which have been drawn up to date so that a representative group of people will form the advisory committees. The desire to increase the size of the alpine area advisory committees does not indicate in any way a dissatisfaction with the present personnel. Many favourable comments have been made about the work of the group which comprises the Bogong management planning unit, the first of the four committees presently under consideration. However, an amendment will be moved to increase the size of the advisory committees and broaden the scope of their work.

I conclude by indicating that I feel privileged to have played a small part in drawing up the final chapter of the story of the Alpine National Park. I have referred to the people who have worked hard to formulate the proposed legislation, such as Miles Dunphy and Dick Johnson, and to community groups, particularly the Victorian National Parks Association. I have referred also to the impact of the people of Victoria who have loved and used the area. I have referred to the people who use the resources of the area, particularly the mountain cattlemen who have given as much to the park as they have taken through their grazing rights. I have referred, too, to the mountain cattlemen and their knowledge, understanding, sensitivity and sense of tradition with which Australians can associate and which would not be experienced but for them.

I have referred to the Land Conservation Council and to the former State Development Committee. I have made particular note of the part played by Sir Rupert Hamer and the Honourable Bill Borthwick, who has taken a continuing interest in this legislation. It will give me great delight to have the three parties of this Parliament not oppose this Bill, which will create a people's park of which all Victorians will be proud and a conservation area that will incorporate part of the eastern seaboard of Australia and will become a national park of significance. I commend the Bill to the House.

The Hon. D. M. EVANS (North Eastern Province)—The position of the National Party in relation to this Bill was spelt out by my colleague, the spokesman on conservation, forests and lands in the Legislative Assembly, the honourable member for Gippsland East, when the issue was debated there. The National Party's preferred position is to oppose this legislation. I intend to deal with the reasons for our opposition and, if some amendments can be brought forward in the Committee stage, the National Party will be somewhat mollified on the situation.

The Bill is deficient in a number of areas because it does not deal with key issues that need to be dealt with if a reasonable deal is to be achieved for a number of people. The mountain cattlemen are not mentioned in the Bill. A promise was made by the previous Minister for Conservation, Forests and Lands, in an attempt to gain community and Parliamentary support for the Bill, that additional areas would be provided for the timber industry—that does not appear in the Bill.

I am not convinced that the proper fire or management aspects covering the parks are adequately addressed in the proposed legislation. I agree with Mrs Tehan that the inclusion of the word "management" in the aims and objectives of the Bill, which to now has been a most significant deficiency and omission, has now been repaired. That

has made the National Party somewhat easier in its mind, but despite that, my comments on the National Party's preferred position in relation to this measure stand because I do not believe the Bill is complete, nor does it spell out the issues that need to be spelt out if there is to be unanimous support for the measure.

Yesterday I referred to the fact that we now have an extensive national parks system in Victoria. Presuming this Bill is passed, that area will be substantially increased so that about 25 per cent of public land in this State will be currently included in parks of one type or another. The very uniqueness and specialty which our original national parks such as Mount Buffalo and Bogong had have now been significantly eroded. There is now a requirement for an additional, specific and more special category of land use management in this State. Yesterday afternoon the House passed a Bill with the intention of setting up wilderness areas and defining what a wilderness area should be. It is clear from the speeches made on all sides of the House and the amendments that were eventually agreed to in the Committee, which became part of the Bill, that wilderness is now a more close and restricted management area. As we pass legislation to include more and more areas of land in a national park or other park category, we have a requirement for a more significant and close conservation area.

It is worth noting what was said in the Minister's second-reading speech and comments made in various places at various times which indicate that the reason this Bill appears to have adequate support in the Parliament and the potential to pass into legislation is that a substantial number of activities are accepted—it appears from the speeches in Parliament—as logical and reasonable activities. There will be tourist development, and it will be encouraged. There will be significant touring by people in four-wheel drive vehicles, on motor bikes and on horses and with backpacks and all sorts of things.

There have been promises, not passed at this stage into legislation, to look after the first people up there after the Aborigines—the mountain cattlemen. The Minister's second-reading speech contains a number of intentions which indicate that a particular style of management is envisaged. That management style uses the term "park" more as an advertising notion than a particular management prescription.

Year after year the National Party has said in this House and outside and around the State that the key issue is not what the place is called; it is how it is managed and how one looks after the special qualities and how one meets the reasonable and responsible demands of the community. At a later stage the National Party will be moving amendments to the Bill, which will try to put in place some of those situations, on the expectation that the Bill passes through the second-reading stage. It is not our intention to oppose the Bill by calling for a division.

Some people felt that this Bill would be the means of driving a wedge between the Liberal and National parties. It is fair to say that on some issues and on some occasions there is a difference of opinion between the two parties, a healthy division but no greater a division of opinion than occurs in both the other two major parties. There would be and should be a varying view and varying opinion, and those ideas should be laid on the table and discussed until a consensus is arrived at and that becomes the party position. No more than that there are any differences between the Liberal and National parties on this issue. They are matters of degree and management and most if not all of them will be sorted out, assuming the House and Parliament agree to the amendments I shall put forward at a later stage. I cannot make it clearer. The divisions, if any exist, are minor and can be sorted out, and they will be.

A few days ago I had the opportunity of listening to the Federal shadow Minister on the environment, Senator Chris Puplick, when he addressed a meeting at the Wangaratta Continuing Education Centre. I had not met Senator Puplick previously

and had not had the opportunity of listening to him speak, and I was interested to hear him spell out the Federal coalition policy on the environment. There was very little, if anything, Senator Puplick said, with which I would not agree, and if I had been invited to speak on the same issues, I would have expressed many of the same ideas, particularly on issues such as good management and his particular commitment, which he indicated and underlined several times, to multiple use management of our public lands, an issue which the National Party has put before this House many times. It has now become a part of the language when one deals with the management of public land.

The sitting was suspended at 1 *p.m. until* 2.2 *p.m.*

The Hon. D. M. EVANS—Mr President, before the suspension of the sitting I was dealing with the fact that those who sought to drive a wedge between the Liberal and National parties on this particular issue have been unable to succeed because, although there are some differences of opinion, they are reasonable differences of opinion and cannot be regarded as a serious impediment to the good working relationship of the two parties. I referred to the comments, particularly those on multiple use management made by the Liberal Senator and Federal shadow Minister for the environment, Senator Puplick, in which he particularly emphasised the need for multiple use management of our lands in Australia.

As I indicated, for some years the National Party has constantly hammered that issue in the House, and outside it, on every Bill that has come forward and, indeed, in policy documents prior to the last three elections. It is also interesting in a sense that this sentiment is shared across the political spectrum because I refer to the words of the Honourable R. J. Hawke, Prime Minister of Australia, in a foreword to a document entitled *A National Conservation Strategy for Australia* proposed by a conference held in Canberra in June 1983. Mr Hawke said:

> My personal view of conservation is a pragmatic one. Renewable resources provide the basis for much of our national income today and we are relying on them to continue to do so in the years to come.

I must admit I was somewhat struck with the resource assessment commission which the Federal government sought to set up some time ago to sort out the differences between the needs for conservation and the need for resources on a much more formalised basis than perhaps it is in Victoria with the Land Conservation Council. It appeared to be not only very much in line with National Party policy in Victoria but also a sensible and reasonable approach by which a proper process would be undertaken to determine contentious issues between the parties gathered impartially before the Ministers so that the Ministers and Parliament could make a decision.

I refer to the theme of multiple use management. I quote, as I did yesterday in the debate on another Bill before the House, the late R. G. Downes, because he deserves to be quoted again. He was the first Chairman of the Soil Conservation Authority of Victoria, which was a most important organisation. Many years ago the authority dealt with the issues of soil degradation, soil conservation and so on, before they became as fashionable as they are now. In defining "conservation" as a word, Mr Downes said in part:

> . . . the proper understanding of our resources and how they can be used and managed to provide not only what the community needs now but also what the community will need in the future.

Further on he said:

> The most useful land to a community are those areas having characteristics which provide the community with a wide range of choices for its use. The least useful areas of land are those having characteristics which restrict its use to one or two possible choices.

If I may follow through on that issue, it would appear reasonable that if an area of land is placed in a more restricted use category, we need to bear in mind that those words spoken many years ago are still true. We should make sure of the best use of resources in the community, and if I may interpose my opinion, indeed the best management, and that conservation is well served. It may not necessarily be served by a very restrictive management use approach, and I intend to deal with that theme later, particularly in dealing with critical issues such as grazing and fire management in the alpine area.

The National Party has a record in areas of conservation which will stand up with that of any party in this Parliament, or indeed, any group of people within the community. I have been directly involved in many debates in the House on the subject.

In 1979 there was a major resolution passed in this place on the problems facing the River Murray at that time. The problems of soil degradation, including soil erosion by wind and water and both dryland and irrigation salinity still exist. This was ten years ago, in 1979, and I could still make the same speech today with the same degree of relevance because the problems are still there. The community is certainly more aware of them today than it was then.

It is now very fashionable to talk about the problems of soil erosion and soil degradation as key issues facing this nation. The National Party went through that exercise ten years ago. It may be asked why we did not do more about the problem. We tried, but we were not the government in Victoria and have not been the government in that period. However, we constantly raised the problems in Parliament and put them forward as issues that the government needs to deal with.

I remind Mr Van Buren, who is a newcomer to this place, that in 1981 litter in our streets was a problem. There were proposals to introduce deposit legislation. The National Party raised that issue in an important motion in this place. It examined the issue and undertook considerable research. Yesterday I asked the Minister for Local Government what her government was doing to assist local councils in recycling. We raised that exact issue eight years ago.

Not only was it a matter of clearing up the litter on our streets but, importantly, buried in it and included in our policy since that time was the issue of the recycling of materials, whatever the materials might be—metal, paper and so on. Further on that issue, perhaps the key issue was not only the recycling but the fact that the packaging of materials should be designed from materials which could be recycled.

Only in recent weeks, as the National Party's environment spokesman, in a meeting with some of the beverage container manufacturers and fillers in this State, I underlined to them that unless they were prepared to ensure that the value made for scrap aluminium or glass was adequate to ensure that recycling took place, further action would need to be taken.

That backs up and supports the National Party policy of eight years or more—that we must recycle the raw materials that we use in our everyday lives. If we do not, the rubbish tips of the twentieth century will become the mines of the 21st century.

In 1983 the National Party issued a notice of motion is this place on the problem of dangerous wastes. It was dealt with at some length at that time, and again yesterday I dealt with it in the course of debate on a Bill.

The PRESIDENT—Order! I ask Mr Evans to return to the Bill.

The Hon. D. M. EVANS—Mr President, I am attempting to indicate the National Party's position with regard to the Bill, and justify a decision we have taken, given

that we have been criticised for being anti-conservationist. I indicate clearly to the House that our position is taken from a basis of a great interest and long-term record in the conservation field.

There are considerable stands of timber in the proposed Alpine National Park area, some of which will no longer be available if the Bill is passed. The National Party has debated the value of trees to the community and the way in which trees can serve the community, how good management would preserve and nurture our timber cover, extend that cover and how it is necessary, from the community's point of view, and for the health of our environment that we deal with this issue.

Four years ago, in 1985—not in the last year—I obtained the support of my party to give in this House notice of a motion dealing with acid rain. Because of the depth of research that was required to present the issue properly in this House I was unable to proceed further with it, but I had that intention.

In recent times the National Party has asked questions on the ozone layer, protection of our native birds and animals in all parts of the State from feral animals down to the problem of koalas being killed on the Hume Freeway. I have seen up to five koalas dead on the Hume Freeway, and despite the fact that I have regularly raised the issue with the government, it has done nothing.

The government's record on conservation does not compare with that of the National Party. A few months ago, because forestry is a key issue and because in some quarters the National Parks (Alpine National Parks) Bill is mistakenly seen as an opportunity of "saving" the forests, the National Party was again in the forefront in its 1988 policy of suggesting practical waste water policies which could be implemented in places such as the Board of Works farm at Werribee. The suggestion was made that if it were properly managed it could produce enough paper for a significantly-sized pulp and paper mill on a continuing basis for manufacture. The National Party's record stands—and we are proud of it—on the issue of conservation. The comments we make and the attitudes we are taking are done against the background of that experience.

Of course, we do have a problem. We intend to draw attention to the inconvenient issue! If Victoria is to lock up or restrict access to an area, if it is to restrict tourism or access to renewable or non-renewable resources, we have to realise what we are doing. We must make a careful and considered decision and ensure that the community interest is well met.

In our community we have two groups of people—those who produce goods and those who produce services. There are also the old people and the younger people who have either already served the community or are expected to serve the community in the future who perhaps do not fall within those two groups.

If we provide services, then we are people such as bank clerks, schoolteachers, members of Parliament, nurses and doctors; we do not produce goods but we depend on the goods that other people produce, be they food, computers, motor cars, medical equipment, cash registers in a bank or, if we stand behind a counter in a supermarket they may be store cash registers and all the goods we sell. We produce nothing but we give services and we earn, in a complicated and technological society, an income for so doing because we add to the general well-being of the community.

However, because so many of us serve in such capacities we become remote from production and often do not understand that our very existence, including our professional existence, depends on the ability of others to provide us with the goods and services that underpin that existence.

We then come to the goods that we need if we are to survive as a community. Those resources and goods—harvested, manufactured and so on—are needed in our everyday life and they come from four sites only: they come from our farms, our forests, our mines or from the sea, so the critical issue is not whether or not we should harvest these resources but rather how well we should harvest them, how responsibly we use them—particularly the non-renewable resources—and how renewable resources should be managed not only for future generations but also for our own benefit. These are the very issues that people do not understand. Unfortunately, the National Party feels constrained as a responsible party, in dealing with such issues, to direct them to the attention of the community. Some people say, therefore, that members of the Liberal Party and the National Party are a considerable distance apart in their views on this area.

A couple of weeks ago I noticed in the *Age* of Saturday, 6 May 1989, an editorial which indicated that the difference between the parties was a considerable one. That same paper also carried an article by the environment writer, Ms Leith Young, which continued that theme further on in the newspaper. The impression given by the *Age* in both articles was that the Liberal Party was more interested in conservation and the National Party was more interested in resources.

I guess, by inference, the *Age* was saying it was expressing an environmentally responsible view. I brought with me the "environmentally responsible" *Age* of that particular day—I have not brought it all with me, and I can just lift it—but when it was in its pristine glory it weighed 1·8 kilograms.

I have calculated the area of forest that is required to produce the *Age* of that weight every Saturday of the year on a continuing basis: it requires approximately 10 000 to 12 000 hectares of mixed forest permanently reserved. If one uses the faster growing ash forest it requires about 4000 to 5000 hectares and if—shock, horror, shock—one should use pine trees for the production of the newspaper, around 2000 hectares are required.

For the other five days of the week the *Age* will use about another 1·8 kilograms of forest product. I should add that I realise the *Age* uses timber from pine forests. Therefore, it would require between 4 and 5 per cent of the total amount of pine timber harvesting on existing Crown land plantations in Victoria just to supply the needs of the *Age*.

The Hon. T. C. Theophanous—Is this an attack on the *Age*?

The Hon. D. M. EVANS—It is an attack on nobody. What I am trying to do is to point out to those people who tend to be critical of the National Party exactly what the situation is.

The Hon. T. C. Theophanous—I read the *Age*!

The Hon. D. M. EVANS—It is a wonder Mr Theophanous is not better informed. I am attempting to point out how dependent people are on raw materials and resources in their everyday lives. Those people are often critical of the National Party.

The Hon. R. A. MACKENZIE (Geelong Province)—On a point of order, I have been listening to Mr Evans for half an hour—10 minutes of his contribution was made before the sitting was suspended for luncheon. Mr Evans has hardly mentioned the national parks. Honourable members are interested in what the National Party has to say about this matter but we heard a great deal about it last night. I do not believe any of the information that Mr Evans has referred to about the weight of the *Age* newspaper and how many trees it takes to produce that newspaper is relevant to the Bill.

The Hon. W. R. BAXTER (North Eastern Province)—On the point of order, I believe it has no merit at all. This is a major debate in Parliament. Many allegations have been made about what is the attitude of the National Party on certain issues that are encompassed in the Bill, by contribution to debate and by interjection. It is competent and proper for Mr Evans to answer those matters in the normal course of a Parliamentary debate. That is what Mr Evans is doing and I believe he is fully entitled to do so.

The PRESIDENT—Order! When Mr Mackenzie commenced to rise the first time I noted at that stage that Mr Evans was developing debate about the National Party's record a little more than was valid in a preamble to debate on the Bill. Now Mr Evans has moved into the need for forest products to be available to the public and that is one of the issues that does arise from the Bill. Mr Evans is therefore discussing the background of the Bill, its implications and effects as he sees them. The fact that others may disagree with that view does not mean that he does not have the right to put that view. There is no point of order.

The Hon. D. M. EVANS (North Eastern Province)—It is interesting to know that the paper produced for newspapers in Victoria is largely produced by a newsprint mill at Ettamogah just past Albury. The *Age* has been a regular critic of the National Party on its environmental responsibilities and attitudes.

I received a letter from consultants, Gutteridge Haskins and Davey Pty Ltd, which sets out the brief they had from Australian Newsprint Mills Ltd at Albury for a newsprint brightening project. The letter states in part:

> In order to meet the high product standard currently demanded by the market, a new brightening process will be added to the pulp mill.

I suggest that any criticism of the National Party on environmental issues by the *Age* should be tempered by the knowledge of its own actions. It is using enormous amounts of timber to produce the *Age*. It is entitled to do so because that is a reasonable commercial decision. It is entitled to use bright paper, but if it does those things it is not entitled to criticise the National Party on its environmental policies.

In addition, many other organisations and individuals from time to time criticise the attitude of the National Party in this matter. The recycling of paper is an excellent way of reducing the call on resources. I take my newspapers to a depot approximately 12 kilometres away in order to recycle them. Recently I received a letter from the Wilderness Society. The envelope, honourable members may note, is a grey paper which has printed on it:

> Ecopaper—100 per cent recycled paper—No bleaching or de-inking—Saves energy and trees.

That is an excellent move. I congratulate the Wilderness Society. Inside the envelope there is more paper with the return address of the Wilderness Society in Hobart, Tasmania. The letter is addressed to the former Leader of the Opposition but it has been sent to me; it has two pages. The society has not used recycled paper but white paper. I know why it did this: it wanted a letter that was better presented. The Wilderness Society accepts the benefits of modern technology, which gives it high-quality heavy paper, in order to present its case. Every time the society criticises the National Party on this issue it should remember that it is one of the users of this resource that make it necessary to cut down our forests. Perhaps if the society does not want Australian forests cut down it may be one of the group that is prepared to rob forests in the rest of the world.

For years the National Party has believed other forests should not be robbed; in the past few weeks the conservation groups have finally caught up with that issue. They have begun to blockade ships that are bringing timber from Borneo and Sarawak. The

National Party has been referring to that problem for years. Australia should be self-sufficient. We cannot wait until these areas have gone. We should be harvesting our timber responsibly and then replanting.

The Victorian National Parks Association publishes a magazine called *Park Watch*, which comes out every three months or so. The magazine is printed on beautiful high-quality white paper. It is well produced in order to present the association's case. A beautiful book, *Kosciusko Alpine Flora,* by A. B. Costain, M. Gray, C. J. Totterdell, and D. J. Wimbush was recommended by the Australian Conservation Foundation. A. B. Costain was perhaps the high priest for the declaration of the Snowy Mountains National Park, which is a key element in the proposed contiguous national park from the Kosciusko area right through to Victoria. The book is beautifully produced on heavy white paper. If these groups are prepared to use the resources they should be prepared not to be hypocritical.

Many critics of the National Party are themselves substantial users of these resource products. I produce from my pocket a serviette which is produced from wood. I used this today in the Parliamentary Refreshment Rooms. Everyone dining at Parliament House today would have used one of these serviettes. Every day we use goods that are produced from renewable resources. These resources should be managed so that they are renewed and so that it is not necessary to rob the rest of the world for these products.

Dr Geoffrey Mosley, who was the Director of the Australian Conservation Foundation, is currently developing a major case for the declaration of a park in the alpine area. It is a lengthy document which begins with tectonic plates and illustrations of dinosaurs of 300 million years ago. It is printed on the highest quality, beautiful white paper. He has criticised others for using such a product. These are people who tend to criticise the National Party. They have every right to put their views, which are valuable because they act as a conscience for the community, but they must recognise that they, too, are as guilty as is any other person because they use the same goods. If they are going to use those products, they should not blame somebody else for earning a living from producing them.

The Bill does not provide a number of key protections for different groups and key directions that are required. Although they may have been spelt out in the Minister's second-reading speech—and there are those who suggest that that is adequate—I am well aware that many of us are not quite so sanguine in accepting comments made in second-reading speeches or in this House.

The honourable member for Brighton in another place said there was a need for guarantees in more concrete terms than just second-reading speeches and, as I understand it, he went on to say that quite recently we have had examples of Ministers giving undertakings and commitments and of those commitments not being honoured. That has happened before. It has happened with this government and, no doubt, it will happen again.

The former Leader of the Opposition, the honourable member for Burwood in another place—I might add, a person for whom I have had great respect, and I believe he has gained respect in the past couple of days—made a commitment to include provision for seven-year leases in legislation and that ultimately there would be seven-year leases. He is on the record as having said that, but that provision is not in the Bill, and this has certainly coloured the National Party's view. He is also on the record as saying that one of the reasons that the Liberal Party was prepared to accept this Bill was that it did provide for once-only logging. Again, a limited amount of once-only logging is allowed for in this Bill and the National Party will later move an additional amendment to extend those areas of once-only logging, not over the whole 300 000 or

400 000 hectares but over a minimum area of perhaps 20 000 hectares of which only about 4000 or 5000 hectares will be logged.

It is important to note—I know that members of the Opposition will support me in this, and I shall quote the remarks made by one of them a little later—that, unless we are prepared to make adequate areas available for our timber harvesting, far too much pressure will be placed on remaining areas for good management and silvicultural practices. Before including these areas in a national park we must be prepared to consider whether in a total conservation area we are so severely curtailing the supply of raw materials that we are putting pressure on other areas.

The Bill does not provide adequately for the mountain cattlemen. It does not provide adequately for tourism, in my view, despite the fact that it is mentioned in the second-reading speech; and it does not provide adequately for the timber industry. Perhaps I might start out by dealing with the cattlemen. I know everybody talks about the mountain cattlemen and says that they are a great group of people and all sorts of things, but there are others who are not terribly enthusiastic about having the cattlemen anywhere at all. Dr Geoffrey Mosley, the then Director of the Australian Conservation Foundation, was reported in the *Age* of 7 July 1984 as saying:

> The cattle's presence is an intrusion; cattle are not part of the natural scene . . .

Nor is man part of the natural scene. He also said:

> This is one intrusion. Another is that they make such places as camping areas less enjoyable. Nobody wants to take a drink in a stream and find cowshit.

That is what Dr Mosley said in 1984.

The National Party is well aware that on a number of occasions the people of Victoria have passed judgment on the mountain cattlemen. On 3 September 1984 the cattlemen rode through the streets of Melbourne to put their case directly to the metropolitan area. I was fortunate enough to ride with them, and one thing that impressed me was that huge crowds of people turned out in Bourke Street and Swanston Street in the central business district. They lined the pavements—I am sure organisers would have been happy to have had as good a crowd at Moomba this year—and they cheered, clapped, waved, yelled out, "Good on you, mate", and all sorts of encouragement to the cattlemen. The people of Melbourne clearly indicated they were behind the traditional users of those areas, who are perhaps the few people of white origin in Australia who have a heritage of which we can be proud.

I have heard it said that the Australian Alps are famous worldwide. I suggest that if one wishes to test that theory, one should do so by walking through the streets of Great Britain or the United States of America and asking passers-by whether they have ever heard of the Australian Alps. I am sure they would all say they have not. Once it was made clear to them that it was Australia and not Austria that one was talking about and they were told where it is, I am sure they would ask, "What Alps?" However, if one asked whether they had ever heard of the man from Snowy River, one would find that some of them would say that they had. The man from Snowy River and the mountain cattlemen are fairly synonymous.

The mountain cattlemen were under threat in 1985 because a similar Bill was to be passed through Parliament; it was already on the Notice Paper. At that stage there had just been an election—we all recall it. There was a tied vote in the Nunawading Province and a re-election was called. That was a very intensive campaign. One of the key factors in that re-election was the effort made by the mountain cattlemen. Their first approach was to all political parties who were contesting that seat and they asked, "Will you commit yourself to giving the cattlemen a fair go and making sure that by the declaration of a national park they will not be excluded from their traditional

mountain grazing area?" One candidate was prepared to give that guarantee. The cattlemen came down and rode through the Nunawading Province for two or three days distributing pamphlets and how-to-vote cards, one of which said:

> Vote 1 Varty.
>
> Please support the fight to stop more public restrictions in the Alps.

A large pamphlet said:

> How can the Labor government get the facts so wrong?
>
> Why must the lives of hard-working Australians . . . and the beautiful high country be destroyed after 150 years of living and working together?
>
> Grazing is the only activity that regularly protects water catchments, helps prevent soil erosion and costs the taxpayers nothing.

The pamphlet also said:

> Nunawading voters.
>
> You can stop the government ruining the high country and the lives of hundreds of hard-working Australians.

The pamphlet pointed out that, in order to do that, the people of Nunawading Province should vote for Mrs Varty. I suppose Nunawading would be regarded as one area that is very interested in and sensitive to conservation. If conservation and cattle grazing were of concern to the people of Nunawading, they had every opportunity of making a clear decision as to which party they preferred. Were they prepared to accept the mountain cattlemen for what they were and protect their right to have a living? The people of Nunawading Province clearly demonstrated by the resounding vote that Mrs Varty received that they believed that should be done. They rejected the Labor Party government; they turned the vote around by 10 000. They supported the policies of the Liberal Party and they supported the need to maintain the mountain cattlemen.

The Bill contains no protection for the cattlemen. I inform the House that, if the Bill passes through the second-reading stage, it is my intention to move amendments in Committee not only to put into reasonable form protection for the cattlemen but also to set out clearly the duties and responsibilities that the cattlemen themselves have; to set out ways in which the proper planning of the area can continue as it has continued for many years under the direction of the Department of Conservation, Forests and Lands and; to enshrine in the Bill the words of all political parties—that the cattlemen deserve to be protected. The National Party wants to see that protection clearly written into the Bill.

It was not only in the Nunawading Province re-election in 1985 that the cattlemen threw their support behind a particular candidate. They also did so in 1987, in the by-election following the retirement from this place of the late Honourable Fred Grimwade. There were a number of candidates in that by-election. The mountain cattlemen threw their support behind one particular candidate on the basis that the policies of that candidate's party were the ones that would most protect the interests of the cattlemen and the heritage they represented.

The mountain cattlemen put substantial effort and resources into that campaign and the candidate they backed won again, clearly indicating that the people of Victoria were prepared to accept that the cattlemen had a right to exist. The candidate was Mrs Tehan, and she received the support of the cattlemen.

The Hon. C. F. Van Buren—Did she receive any money?

The Hon. D. M. EVANS—No, she did not. That is a most improper accusation. I ask you to withdraw that comment.

The Hon. C. F. Van Buren—You said that she received support.

The PRESIDENT—Order! The cross-fire is quite unseemly and I ask Mr Evans to continue his speech.

The Hon. D. M. EVANS—A number of different people have said that the cattlemen should be on the high country. I am aware, following the Nunawading re-election, that there was substantial community debate on the issue and it was hotly contested. I was here when Graeme Stoney, at that time the President of the Mountain District Cattlemen's Association of Victoria, was to be called before the Bar of the House. I do not believe anyone present on that day could ever forget that occasion. It is probably one of the most famous incidents that has occurred in this Chamber.

Mr Stoney was not able to put his case because of some strategems successfully worked by the government. One of the key strategems was to ensure that Mr Stoney's speech was made available to the press prior to his appearing before the Bar of the House. At that time two Ministers indicated they were in possession of a document which showed that Mr Stoney was not responsible for leaking the document to the media. I have a copy of Mr Stoney's document with me today and I should like to refer to it.

The Hon. B. W. Mier—Who owns the high country?

The Hon. D. M. EVANS—Mr Mier did not want to hear Mr Stoney speak then because he was not game to listen to him. It was said that Mr Stoney's document was readily available to the media, but the normal courtesies should have been used and anyone who cared to inquire about it would have found the truth, because the document was marked as being under an embargo until its delivery at the Bar of the House. Someone broke that embargo.

These honest, decent people expressed a proper opinion in full view of the public when the cattlemen rode up Bourke Street to the steps of Parliament House. They acted in a way that any member of the community or a democracy is entitled to act, but they were subjected to a campaign of vilification that brought no credit whatsoever on those who carried it out.

The reason Mr Stoney was called before the Bar of the House was to protect that position. It is up to those of us who have a sense of fair play to ensure that the correct information, for which the cattlemen fought and which was strongly supported by the community during the Nunawading re-election campaign, prepared by people who need not necessarily be seen as the cattlemen's supporters, is written into the proposed legislation. The National Party intends to move amendments to bring that about.

It may be said that there would be those who desire, for good reason, to have the cattlemen shifted from the high country and that they should not be there. Indeed, as Mr Mosley said, they create a problem for other users of the high country. Quite simply the facts are these: the cattlemen, provided they pay for their leases, have a right to be there. Provided what they do is managed responsibly and the grazing they carry on is responsible grazing, they have a right to be there. More than that, there are substantial advantages—which I shall point to in a few minutes—in the cattlemen remaining in the high country, advantages beyond those accruing just to themselves.

A well-known English botanist, Dr David Bellamy, sometimes referred to as "Seven's Botanic Man", has supported the cattlemen. The *Sunday Press* of 20 July 1986 says:

> Seven's Botanic Man, David Bellamy, bounced into Melbourne last week and immediately had some good advice for conservationists . . . don't remove the cattle from the alpine national parks.

"I'm not as well informed on the matter as I'd like to be but it would be wrong to remove the cattle. They've been grazing the high plains for generations and are now a part of the ecostructure. To take them out would do irreparable damage," said Dr Bellamy, who is one of the world's foremost botanists.

"Had the grazing not been happening already you wouldn't allow it to start but it would be unwise to change the present situation."

I respect David Bellamy for making that comment. He is honest and would scarcely be a person regarded as a friend of the mountain cattlemen.

Mr R. W. Condon, who is a Bachelor of Agricultural Science, a Fellow of the Australian Institute of Agricultural Science, a rangeland consultant, a former special soil conservationist, a New South Wales soil conservationist, a former member of the Kosciusko State Park trust, and co-Chairman of the Snowy Mountains Soil Conservation Conference—was substantially involved in the declaration and early management of the Kosciusko National Park. He wrote to the *Age* on 8 April this year and was reported as saying:

The present condition of the sub-alpine flora of the Kosciusko National Park, 30 years ago after the removal of domestic livestock, shows quite dramatically that the lack of grazing, and the lack of wild fire normally associated with it, are certainly not compatible with nature conservation.

In the sub-alpine grasslands and woodlands, the dense accumulation of dead and dying snowgrass, along with increasing shrub density in both woodlands and grasslands, is pushing out the herbaceous species which provide the alpine flowers and the very necessary species diversity. The risk of wild fire, and the consequent damage to catchment and environment values is immense.

Mr Condon then went on to say:

There is a need to rethink our objectives in nature conservation and how to attain them before the Victorian high country is committed to the same path as Kosciusko.

The *Age* of 12 September 1984 contained a report from a Mr Van Rees, a research scientist at the University of Melbourne, who has conducted extended research on grazing animals in Victoria's high country, in which he stated:

The report does conclude that the relatively low grazing pressure (cattle numbers have been reduced since the 1940s) is in equilibrium with the growth of preferred species . . .

There is no evidence that the present number of cattle are having a measurable impact on the hydrology of the alpine water catchments.

A reasonable interpretation of the results to be published in my report is that if land managers regard the condition of the vegetation on the high plains as acceptable, then grazing can be sustained without causing further change to the vegetation.

The ambivalence of the argument points to the need for ongoing research.

There is a clear indication from people who have expertise in the area and could hardly be said to be supporters of the cattlemen, who have made impartial investigations and who have observed what has happened in other areas where there has been a close-out of grazing, that there are good conservation reasons for retaining the cattlemen in the high country.

The Hon. C. F. Van Buren interjected.

Honourable members interjecting.

The PRESIDENT—Order! Mr Mier and Mr Van Buren have both been talking over the top of each other and Mr Evans. It is quite impossible to hear Mr Evans speaking, even though he has a powerful voice. I should have liked to hear the speaker and I also ask that this constant babble of interjection cease.

The Hon. D. M. EVANS—The issues that I have raised in the debate and the amendments that will be proposed by the National Party in the Committee stage have

considerable support from the community and all arguments I have presented have logic behind them. I direct to the attention of the House the grazing exclusion plots that were established in the Bogong high plains by Maigie Carr some 30 or 40 years ago. If honourable members travelled to that area they would observe a direct contrast between the grazed and non-grazed areas. The ungrazed land contains a great number of dead plants, substantially perennials, and some snowgrass underneath. To me, as a person with a knowledge of fires and an awareness of the fact that the intensity of a fire quadruples every time the fuel load is doubled, it is obvious that an ecological disaster is just waiting for the next bushfire to come along.

The grazed area immediately surrounding those ungrazed areas does not have the same amount of dry material, but it appears to have the same number of plant species and so on. I can assure the House that the flowers in the alpine area continue to bloom. Elyne Mitchell in her book *Discoverers of the Snowy Mountains,* written several years ago, testifies that the high country, from her experience of more than 40 years, has been well tended and that the Kosciusko area has not been well served by the removal of cattle grazing. Elyne Mitchell is a well-known Australian author and is the widow of the late Tom Mitchell, who was a former member of Parliament in the other place.

Over the past 200 years the regime has changed in Australia. Before white settlement some 600 000 Aborigines were living in this country. They were in harmony with the country. With a population of 17 million people we cannot live in the same fashion as the Aborigines did because 16·4 million people would starve to death—there would not be enough resources.

It is important that we should recognise that we have altered the management of the high country. The Aborigines used to go up into the high country to collect Bogong moths—they did not have to travel to Parliament House in Canberra—which they then ate. As the honourable member for Gippsland East in the other place, my colleague Bruce Evans, said, the Aborigines also used to regularly burn the country. I have in my possession an extract of the 1824 diary of Hovell, of Hume and Hovell fame, when he passed through country that I know very well because my farm is there. Hovell referred to the land all around him being on fire and not being able to see the mountains because of the smoke from the Aborigines' fires. At that time some 80 to 90 per cent of the land was timbered. I have seen maps describing as being timbered the area that Hovell referred to. I also know from Hovell's description on 24 November 1824, after passing through some low quality scrub, that the party came out onto the rolling tablelands with a few big trees on them and excellent pasture that had a substantial portion of lime in the soil. I can assure the House that it is good lucerne country because for many years I have harvested lucerne from it.

Hovell looked across to the ranges then called Barrys Mountains, now the Warby Range, and did not describe it all as timbered areas. There was some timber on it but substantial areas were not timbered. I suggest the definition of "wooded ", which was often used to describe country a century ago and to bolster the government's view that because of the areas of land now cleared, an area of land should be locked up or restricted, is incorrect. I am also aware, because my family farmed the area 120 years ago, that areas now described as forested were not so at that time. Just down the road from my ancestors lived a gentleman who owned a dairy herd of 200 cows, so he could not have had them in that forested area. There is clearly something wrong with the description.

The National Party strongly supports the need for additional trees to be planted. It has encouraged people, both within Parliament and outside, to develop policies that will lead to additional trees being grown.

I have referred to the problem involving fires and cattle grazing of the Alps as an opportunity of reducing the fuel load. Of course, cattle grazing will not stop fires burning. Fires are part of the natural Australian scene and have been a part of it for 50 000 years. The Aborigines used to light fires regularly. The problem now is that we must either have regular cool burning to reduce the fuel load or run the risk of having a time bomb that will go off at any time and destroy the high country even more so than did the 1939 Black Friday bushfires.

I also draw, to some extent, on the experience of the lesson learnt twelve months ago in the Yellowstone National Park in America and on written material that I have obtained from the American consulate, including extracts from magazines, from the *New York Times* and from material from the World Forestry Centre in Portland, Oregon. As an aside, shortly I expect an announcement to be made that the new director of the World Forestry Centre in Oregon will be an Australian. Recently I have been asked by the executive director of the centre for a reference on that person.

I have obtained information from the National Park Service in the United States of America which dealt with the fires in the Yellowstone National Park. I shall summarise the position because it will take too long to go through all the details. The Yellowstone National Park is one of the two most famous parks in the world—the other being the Kruger National Park in South Africa—and comprises 2·2 million acres. Over the past 116 years, according to the February 1989 edition of *National Geographic*, about 146 000 acres of the park had been burnt. The US National Park Service has adopted what the *US News and World Report* of 19 September 1988 described as the "Burn, baby, burn; stop, baby, stop!" policy. That document states:

> After 100 years of fighting forest fires, the national parks in 1972 allowed most natural blazes to burn freely. Now there's a hot debate over the switch, and only God can douse the Yellowstone inferno.

What was the Yellowstone inferno? The fire burnt for well over a month and destroyed 800 000 acres of park. Some people have said there were areas within that burnt area that were not damaged, so the estimated burnt areas may be reduced. Numerous problems were created. Another article refers to 900 000 acres being burnt within the park, and the fire could not be stopped, apparently, according to the *New York Times* of 12 September 1988. A commitment of $3 million a day, or $300 million, was made to combat the fires in Yellowstone alone. The fires inside and outside Yellowstone park resulted in seven lives being lost. As a result of the Yellowstone park area, according to the *New York Times* of 11 September:

> About 200 Canadians experienced in fighting forest fires will arrive in the next few days. Some 8500 regular firefighters from around the country are already here. In addition, two Army battalions are being sent . . .

It is also worth noting that during the course of the fires the temperature was 23 to 24 degrees Centigrade. Although the winds were about 100 kilometres an hour, the temperatures were at least 20 degrees Centigrade below what could be expected on a bad fire day in Australia. On occasions snow fell overnight in Yellowstone National Park and firefighting vehicles were covered in snow.

The point I make is, regardless of the resources of the government of the United States of America and its ability to put those resources in the field, regardless of the fact that temperatures were 20 degrees below those experienced in Australia and that the government had four or five weeks to fight the fire, it could not prevent almost half of one of the great parks of the world from being burnt out.

Another quotation from the national parks report shows clearly that it would be as much as 100 years or more before those areas regenerated and returned to normal. That is the risk we run in the alpine areas of Victoria if they are not managed properly.

A key area of management is the necessity to harvest our timber, regenerate it and in appropriate areas carry out cool burning. If that does not occur, we will have serious conflagrations. The department may claim that these days fires are put out. That is true. The former National Safety Council of Australia was assiduous in assisting in fire control, together with the Department of Conservation, Forests and Lands and the Country Fire Authority. Now that the council does not exist, that firefighting capacity is lost. We are sitting on a time bomb unless protective burning continues. One might say that in 1939 fires were burning in a number of areas in Victoria, but when fires occur today they are being put out, so that situation of fires already burning when a bad day arrives will not arise again.

In 1983 there were a number of lightning strikes from Mansfield to the top of Mount Buffalo. A dozen or more lightning strikes occurred in the Mount Buffalo area, and the fires extended all the way to Mount Hotham. I spent 2 hours in an Army helicopter flying over those fires. They were on the ridges of the mountains and covered a wide area. They were slow fires because at the time the drought index was not high and, fortunately, there was not sufficient wind to fan the fires to the size of the fires that occurred in 1939. The 1983 Ash Wednesday fire conditions were much worse than those in 1939.

The time bomb is constantly with us, and that should be recognised. There is a need for timber and, if these particular areas are to be logged out, that will create additional pressure.

The honourable member for Brighton in another place said that, if one area of timber is to be extracted, that will put much more pressure on existing historical forest areas in the State. He directed attention to the huge import bill for timber of $1·4 billion a year. It is the third largest import after oil and motor vehicles. It is a resource that should be utilised in our own country without robbing every other country's forests. Timber accounts for more than 10 per cent of the trade deficit that Australia is facing at present.

Although that is expressed in economic terms, it is a fear I have, which I believe is shared by many Australians. Because of our poor economic performance we are beginning to lose control of our country. If we are not careful, the decisions will not be made by us; they will be made overseas, and there may well be less care for the long-footed potoroo, the mountain pygmy possum or the tallest growing plants in the world if decisions are made in overseas boardrooms, not in Australia.

The East Gippsland Coalition is based in Toorak and does not have many East Gippsland representatives. On Friday, 7 April 1989, the East Gippsland Coalition sent out a circular saying that the yellow-bellied glider would be placed under greater pressure unless trees of more than 100 years of age were left. That is true; but it did not say that the Leadbeater's possum requires young and regenerated trees. The circular said that the forest needs to be logged less intensively and that rotation times should be increased to at least 120-year intervals. That is the latest push by the East Gippsland Coalition.

Environmental groups are entitled to put their points of view. I respect that right and they are entitled to act as a conscience to the community. If they succeed in having that policy adopted, one must think about what will happen. If the resource were not there, we would not have houses. Perhaps we should live in caves. We would have less timber, unless we robbed other countries' forests, and we would go broke. If we must harvest the 120-year-old forests then anyone who knows anything about timber—and I am sure that Mr Mackenzie does—knows that 120-year-old trees do not have a substantial amount of timber within them that is of any value as sawlogs. Most will be no more than pulp quality, because they will be white-ant ridden, and

biomass negative. They will no longer grow fast enough to make up for the loss of biomass by limbs falling to the ground.

If the East Gippsland Coalition had its way, the 50-year old regrowth areas of the central highlands would not be harvested for another 70 years. The major timber resource in the State would be locked up for another 70 years. That would not worry me, and it would not worry a number of people in this place, nor would it worry my children, because they will have died of old age in 70 years time.

A number of unreasonable statements and policies are being pursued by people caught up in the emotional argument. I understand how emotional it can be, particularly for a young person who wants to save our forests. Of course we want to save our forests, but we cannot save them by preservation; we can save them only by regeneration and management.

The June 1985 report of the Ferguson Board of Inquiry into the Timber Industry states that the security of the public estate is now relatively assured, and the principal concerns of Professor Ferguson relate more to the appropriate balance between competing uses. That committee was set up by the government and chaired by an expert. Professor Ferguson has considerable expertise in this area, and I believe the view he took was an impartial one.

It is easy to say that we need to lock up our forests, that that is a good thing and it is necessary. A number of pamphlets distributed by the Forests Commission in 1982 indicated the value of having a mixed-age forest area. Before the white man came to Australia, regular fires cleaned out the forest floor and occasionally very hot fires destroyed areas of forest, the result being a mixed-age forest with mixed competition. Today we do not allow fires to act in that way. We may have another Yellowstone, Ash Wednesday or Black Friday type of fire if we are not careful and do not take precautions.

Other management practices must be substituted if we are not to have fires. The opportunities for recolonisation of native flora and fauna will be reduced, which will probably lead to the loss of species. If the forests are to be locked up, proper management practices must be put in place. The key is management. Proper management can be worked into a plan which will be ecologically and environmentally responsible and at the same time getting the required renewable resources.

The depletion of the ozone layer and the increasing amount of carbon dioxide in the atmosphere are matters of grave concern. Certainly, the depletion of the ozone layer will increase the chances of sunburn for people living in alpine areas! I doubt whether the depletion of the ozone layer is of relevance to the Bill; but the increased amount of carbon dioxide in the atmosphere is certainly relevant. That gas is regarded as a "bogey man". It is regarded as the cause of the greenhouse effect—if such an effect is to occur. There are arguments in scientific circles about what the effects will be; but for the purpose of my argument, I shall accept that increased amounts of carbon dioxide in the atmosphere will cause a greenhouse effect.

If there were no carbon dioxide in the atmosphere, there would be no plant or animal life; although perhaps there would be fish in the sea. Carbon dioxide is an essential ingredient of the earth's atmosphere. Plants absorb carbon dioxide, store it in plant tissue, and expel oxygen. That is a well-known fact, and there is no need for me to do more than underline it. There would be no greenhouse effect if all forms of plant life were recycled. The greenhouse effect has been caused by the use of carbon fuels such as oil, coal and gas, all of which have been buried in the ground for up to 300 million years. Provided we continue to grow trees and other forms of plant life and make sure that supply is replenished, there will be no significant increase in the

amount of carbon dioxide in the atmosphere—and if we grew more trees than exist at present the greenhouse effect could be reduced.

A rapidly growing young tree absorbs considerable amounts of carbon dioxide. Mature trees reach the stage where they become biomass negative—in other words, they absorb little of the gas because the amount of new growth does not equal the loss of growth caused by white ants, falling limbs and rotting timber. Honourable members will be interested to know that white ants that destroy mature trees emit substantial amounts of carbon dioxide; and there are those who say that white ants produce considerably more of the gas than any other living organism, including man. I am not sure whether that is true, but they do emit a substantial amount. Belching cows also emit carbon dioxide; and it is plain from clear observation that the waste products of cows are recycled and encourage the growth of the next year's grass. Certainly that waste does not lie on the ground for a long time; and its degradation is part of a natural process. The greenhouse effect would not be added to if renewable fuel resources were used. The greenhouse effect is added to by the use of such non-renewable resources as oil and coal.

The National Party examines closely Bills such as the National Parks (Alpine National Park) Bill. During the Committee stage, the National Party will propose amendments that will make the Bill more environmentally responsible and more responsive to the needs of the community. A management committee with wide-ranging powers must be established on which various interest groups have an as-of-right representation to ensure that proper management procedures are followed. With such Bills, the National Party has always claimed that issues of status or title are not nearly as important as sound management procedures.

Humans are the cause of extensive damage to alpine areas. Despite the claim that cattle have damaged these areas, the effect of that use has been balanced. If there were an increase in the number of tourists that visit the area, substantial damage could be caused. Damage has been done above Mount Thredbo by people walking through that fragile environment, despite the fact that more than 2 kilometres of steel grating has been laid for their use. The use of four-wheel drive vehicles by tourist parties has also caused substantial damage. I am not suggesting that people should not have the right to visit such areas because that would be contrary to what is contained in the second-reading speech, in which the Minister said that there is a need for such parks as that proposed in the Bill to be more available for a wide variety of uses.

If there is to be an influx of visitors to such parks, proper management procedures must be established to ensure those people behave responsibly. If that is not done, the damage caused by cattle during the past 150 years will pale into insignificance when compared with the damage done by humans. As I said, a representative management committee must be established which has the confidence of user groups and which is responsible for developing a sound management plan—something that the National Party supports strongly.

Amendments must be made to the Bill to protect the interests of those who live in areas surrounding the proposed park, amendments that will prescribe the conditions under which either groups of tourists or individuals may use the park. The Bill must be amended to ensure there is a sound regime for fire control. That regime must include provisions for fuel reduction and the proper management of fire when it occurs. Damage such as that caused by the fires of Black Friday and Ash Wednesday must never be allowed to occur; fires must be controlled as much as possible so that the damage caused by them is minimised. Provision should be made for once-only logging by the timber industry.

Assuming the Bill proceeds to the Committee stage, I shall move such amendments, which I hope will be supported by the Liberal Party—but no doubt members of the Liberal Party will spell out their views on them. If the amendments are agreed to, sound management practices will be established of which the National Party can be proud.

An amended Bill would meet the needs of all Victorians, ensure the establishment of sound environmental management practices, and give many people the opportunity of appreciating the magnificent scenery of the area. If the amendments were agreed to, the National Party's stance on the Bill would be clearly satisfied. The title and status of a national park is of less importance than the way it is managed and whether it meets the legitimate needs of all those who have a right to use the park.

Although the National Party opposes the Bill as it is presently drafted, I trust all honourable members will agree to the amendments to be moved by the National Party in the Committee stage, because, if they are agreed to, the Bill will work and will ensure that the proposed park, which is known as a contiguous national park, will be one of which all Victorians can be proud.

The Hon. B. W. MIER (Waverley Province)—I support the Bill, which will create a magnificent national park of 646 000 hectares that will be protected for ever. The proposed Alpine National Park will be contiguous with a national park in New South Wales, the magnificent Kosciusko National Park.

For many years a number of people have suggested that that national park was Australia's first national park, but I have been advised that that is not necessarily the case. Australia's first national park was created in 1879 by the City of Sydney and was known as the Royal National Park. Being the birthplace of our great nation, over the years New South Wales has initiated proposals for national parks and, in doing so, it has taken an interest in the welfare and protection of a number of its parks. It is unfortunate that, in recent times, a degree of neglect has crept in and I only hope that that is rectified in future.

When one considers the history of the magnificent Kosciusko National Park and the role played by the famous Australian, Sir William McKell, in the establishment of that park, one realises the significance of the creation of the Victorian park to link with the existing park in New South Wales.

William McKell was a former Premier of New South Wales and as a young boy he holidayed in the area that is now the Kosciusko National Park. Over the years he saw the devastation that occurred as a result of grazing. He used his role as a politician to rectify the problems he had witnessed affecting that magnificent landscape. In 1944 William McKell created a State park, which is now the Kosciusko National Park. Prior to that in 1940 he introduced legislation to ban grazing from the high altitude areas. In doing so he rectified some of the devastation that had occurred in the area.

Some years ago I visited the area, accompanied by the then Minister for Conservation, Forests and Lands, Mr Mackenzie, and a number of other politicians, including Mr Birrell. We toured the Kosciusko National Park from the summit of Mount Kosciusko to the lower reaches of the park. We saw the regeneration of plant life that was taking place after grazing had ceased in the area.

Mr Birrell will recall that, some 30 years ago, specific areas were pegged out and photographed annually. The photographs are on public display and one can easily see the damage that resulted from grazing. For the benefit of Mr Evans I add that it was not necessarily cattle grazing; it was predominantly sheep grazing. The photographs show the regrowth of native plants and the regeneration and rebeautification that had taken place since grazing ceased.

During the tour Mr Mackenzie met with the then New South Wales Minister, Mr Terry Sheahan, and both Ministers agreed that a need existed for an extended Alpine National Park to cross the State border from New South Wales into Victoria. Not far from the summit of Mount Kosciusko an agreement was reached in 1984 between the two Ministers to create such a park. The plan for the park extended into the Australian Capital Territory when the Namadgi National Park was amalgamated with the Kosciusko National Park. Because of the arrangements set in train in the early 1980s by Mr Mackenzie and Mr Sheahan, we are now witnessing an event that has been sought after for many years.

The Alpine National Park is magnificent, and any honourable member who has had the opportunity of travelling through that area will never forget the views and the splendour of the land. It truly is Australia's greatest heritage, and it deserves all the protection the governments of this country can offer. The spirit and purpose of the Bill are to offer that protection.

Mrs Tehan referred to the magnificence of the Bluff and the headwaters of Australia's most picturesque rivers, such as the Mitta Mitta and the Murray, and when one sees those areas one realises the importance of preserving and protecting them.

A national park should be available to all people. The Bill provides access to the park for all Australians and it can truly be described as a park for all people. A wide range of recreational activities can be undertaken in the park. Mrs Tehan referred to car touring, picnicking, bush walking, horseriding and skiing, and I wish to refer to some of the activities in which I have participated within that splendid area.

For many years—not so much now because I am getting a little old—I visited Mount Buller and enjoyed skiing in the area. I subsequently visited Mount Hotham and Falls Creek, which are magnificent skiing areas. I wholeheartedly support Mrs Tehan's reference to the enjoyment associated with cross-country skiing, especially through the Bogong and Mount Hotham areas. Once experienced, one always desires to return to those areas and take part in that activity. I am becoming a little older now and it is a little strenuous, so I do not ski as frequently as I did in the past. I frequently enjoy the splendours of fishing in the magnificent rivers.

The Hon. R. M. Hallam—When do you get the time for all of this? I thought you were a hard-working Parliamentarian!

The Hon. B. W. MIER—I make time. It is pleasing to read that the Bill provides that there will be no mining in the park. That subject was encompassed in the debate yesterday in respect of the previous parks Bill. It is understood that the mine operators in the park area have agreed not to renew their leases and, consequently, there will be no mining in the area.

Logging will continue in a number of areas, in accordance with the recommendations of the Land Conservation Council. However, once-only logging will take place only in the areas specified and, once it is concluded, logging operations will cease.

Grazing in the high country has been a contentious issue. Unfortunately, because of the campaign that has been run about grazing in the high country, one could be excused for gaining the impression that the areas were owned by a handful of grazing families when, in actual fact, that land is owned by the people of Victoria. It is the property of the people of Victoria, and the access for grazing purposes is on a lease basis. The leases must be reviewed from time to time. In renewing the leases and reviewing the overall park concept, the Bill removes some 10 per cent of the existing grazing licences from the high country. Once again I point out that the Bogong High Plains, the Bluff, Howitt Plains, and so on belong to the citizens of Victoria; they do not belong to graziers.

The Hon. R. M. Hallam—You can go for a walk while the cows are there; they won't stop you.

The Hon. B. W. MIER—I have been there. The areas are grazed by agreement with the government, and no-one has an exclusive right to the area. The only people who have exclusive rights to the area are the people of Victoria. In accordance with the recommendations of the Land Conservation Council that 10 per cent of the fragile, sensitive areas above a certain altitude not be grazed, the Bill makes that provision.

Although many people suggest that grazing should be permitted, after having visited the areas with a number of others I submit that grazing should not continue. There is no overall hardship for the cattlemen because what a number of them have lost on grazing can be made up with more lucrative tourist operations.

The Hon. R. J. Long—How many tourists per annum?

The Hon. B. W. MIER—In respect of the Kosciusko National Park——

The Hon. R. J. Long—I am not interested in the Kosciusko park.

The Hon. B. W. MIER—It is part of the overall park system.

The Hon. P. R. Hall—A small part!

The Hon. B. W. MIER—A small part? Some 2 million people visit the Kosciusko National Park. The number is evenly divided between the summer and winter months. I do not have at hand the figures for the Victorian section of the park but I suggest that the numbers would be similar when one considers that in winter many visitors engage in skiing activities and in summer they enjoy bushwalking, fishing and picnicking in the area.

Mr Evans raised concern about fire. When I visited the Kosciusko National Park I spoke with the fire control officers about the operational systems they apply. The park has a system which is unique in Australia. It was developed in conjunction with experience gained from the United States of America—especially in the States of California and Montana—where, by means of a computerised system, the whole landscape is broken up into grids, the smallest of which is 10 metres in area, and a stocktake is compiled of the foliage in each grid. Because of the refined nature of the computer system, officers can accurately determine the possibility of a fire and whether it is likely to be a reasonably hot fire or a cool fire. Climatic conditions are also taken into account. This system is unique in Australia, but has worked for a number of years in the United States of America. I understand the Australian experience is equal to that of the United States of America.

When the relevant clause is reached during the Committee stage, I intend to raise my concerns about management of the park. I understand management will be an important factor and I agree with the comments of Mrs Tehan that the park will be only as good as the administration. The Bill provides for an increase in management staff, rangers, and so on. I understand that the number of rangers will be increased initially by eleven and that the numbers will be increased as demand rises.

A number of amateur angling organisations have expressed concern to me about the draft management plan for the Bogong area and the stocking of streams with fish in the park area. The draft management plan provides for the stocking of fish in these streams to be under the control of the Director of the National Parks and Wildlife Division. Various fishing associations have come together to form the Victorian Amateur Recreational Fishermen's Advisory Council. That organisation has suggested that the stocking of fish should be under the control and administration of the Fisheries Division of the Department of Conservation, Forests and Lands. It is concerned that

under the draft management plan no stocking of species of fish in national parks will be undertaken.

If that were to happen, stocking of trout in the upper reaches of rivers would not occur. Rainbow and brown trout were first introduced into this country some 100 years ago. They provide a splendid leisure activity in a magnificent setting. Mrs Tehan described the pleasure she obtained from watching a trout fisherman catch one of these magnificent fish. If trout were no longer stocked in these rivers, one of Australia's most popular leisure activities would be denied to the people who practise it.

I understand the rainbow and brown trout that flourish in the alpine streams, especially the Mitta Mitta River, compare well with the fish caught in other parts of the world. Even if the management plan is implemented it would not work. These streams would never be devoid of trout even if the upper reaches were not stocked because the lower reaches of the rivers would be stocked and the fish would eventually find their way upstream into the park area. I understand the Minister is considering this matter and I shall raise it again during the Committee stage.

I am proud that I am able at long last to support the Bill, which will provide one of the most magnificent parks in the world, a park that will be enjoyed not only by this generation of Australians but also by many generations to come.

The Hon. ROSEMARY VARTY (Nunawading Province)—First of all, I take issue with a couple of points made by Mr Mier. As usual, he tended to get a bit mixed up along the way and he confused the issues. The first point he made was that this was a great new park. The debate today is about linking up three existing parks. It is true that they make one contiguous park but it could not be described as a new park. We have already been through the exercise of declaring the significant areas as parks; what we are doing today is linking up those parks.

He also commented on exclusive grazing rights and he did so in such a way as to insinuate that the people grazing their cattle were taking everything and not putting back anything in return. I shall take issue with that further down the track because that is totally wrong and needs to be corrected.

I shall also explore in some depth the point Mr Mier made about the increase in staff in the area. He suggested that the park could be adequately resourced. That can happen only if resources are diverted from other areas such as health, education and transport. I should have thought there would be a great deal of conjecture about such a course of action.

I compliment my colleague Mrs Tehan on her portrayal of the historical background of the park. She painted a grand picture on a broad canvas and illustrated how we should be looking after our heritage; she highlighted the issues involved. Mr Evans pointed out that a number of undertakings have been given by the Minister in another place in the second-reading speech and in debate. As has also been pointed out, that is unsatisfactory because in a number of other instances undertakings given have not been honoured. That is the reason for pressing for amendments during the Committee stage that will cover the commitments made by the Minister. It is important to point out that those are matters about which the Minister has already given commitments. It is no good the government saying that amendments are being forced on it by the Opposition because those amendments have already been agreed to by the Minister.

I shall explore in detail some of the practical issues raised by the creation of this park. No doubt there is a heightened awareness worldwide about the need for conservation and environmental strategies and policies to save our world. I do not think that is too harsh a way of saying it. The Opposition is proud of its conservation record. It was successive Liberal governments that created the system of national

parks that we currently have. Dick Hamer set the pattern for conservation in this State.

The Alpine National Park is on government property and does not take in any private property. The Bill really involves a change in status of existing government land and adds some 6267 square kilometres to the existing park areas to make a total area of 646 000 hectares.

The Liberal Party's opposition in the past to the alpine park concept has brought about a change in the thinking of the government. If the amendments that are suggested in the Committee stage are accepted, the Bill will be a recognition of the change that is needed for the alpine park to work properly.

Mention was made of the involvement of the mountain cattlemen in the Nunawading Province re-election. Mr Evans spoke graphically about the cattlemen riding through Nunawading Province in support of my election campaign. What he failed to mention was that the cattlemen epitomised the conservation position of the voters in Nunawading Province. It was not a radical position but it enabled the people of Nunawading Province, many of whom are conservation minded, to have the alternative of supporting a more moderate conservation stance. They did so magnificently and, the second time around, the Liberal Party received almost an outright majority. The first time the vote was tied and the Liberal Party was not able to win even one of the Assembly seats in the Nunawading Province, yet the Liberal Party got it to a tied vote on my behalf.

It is fair to say that the conservationists have given the government only one course of action in the management of public land—that is, to lock it up. That is a ludicrous position to adopt because it places no tools at the government's disposal for the management of parks. The Liberal Party is totally opposed to that concept.

It is interesting to examine what the Victorian National Parks Association says about my party's stand. It is probably fair to say that the people who wrote the letter were not around during the Nunawading re-election episode or did not appreciate what the cattlemen represented in Nunawading, because in a letter dated 22 May the association said:

> Any support for a National Party proposed amendment to enshrine grazing rights in legislation or any other matter that will compromise management of the Alpine National Park would be totally unacceptable to the Victorian National Parks Association, . . .

But that is nothing new:

> . . . to the other supporting conservationist bodies, . . .

That is nothing new, either:

> . . . and to most Victorians, for the following reasons: . . .

Quite obviously, the association is not in touch because the Nunawading events epitomised the fact that a significant number of voters in the community are not dedicated to radical attitudes on conservation.

As I said before about Mr Mier, some people believe that earning a living from the land or in the timber industry is not doing a service to Victoria, but that is an absolute nonsense. Those who live and work in those areas have done so for many generations. I happen to come from a family that has farmed for about six generations and, if my family had not conserved that area, we would not be there now. That fact seems to escape the conservation movement. I sometimes wish that some people in conservation movements who live only in the metropolitan area and who take a metropolitan view would transpose themselves into country areas to see how those areas are preserved.

When my great-great-grandfather took up his land he was required by the government of the day not only to pay his pound an acre but also to clear a certain percentage of it. It is pointless to say that clearing of the land has happened only in the past 60 to 70 years because it has been happening in many areas at the government's behest since Victoria was settled.

There must be opportunities for all legitimate activities. There must be areas in the parks that are suitable for grazing by cattle; areas for horses and adventure tours, and for all other legitimate activities. The Opposition rejects the idea of totally locking up areas, except for its argument put to the House yesterday about wilderness areas.

I wish to examine six factors which are of major concern to the opposition parties, namely: management; cattle and grazing; the huts in the high country; timber; tourism; and minerals and exploration for minerals.

Much was said in the other place by members on both sides about resource management, and two elements are important in resource management: firstly, the physical aspect—in other words, the administration and operations at ground level; and secondly, the financial resources that need to be applied for efficient resource management. It is not simply a matter of changing the definition of a territory that was previously public land or Crown land, applying to it a new definition as a national park, and thinking that the management will be fine. It does not work that way. Not only are financial resources needed but also the proper management structures to ensure that we do not add to the risk of destruction are necessary.

The Liberal Party does not want to see more people going there only because the government says that tourism is a good idea. All avenues must be explored, and it must be ensured that the management practices are adequate to cope with the influx of people.

For instance, the major problem at Sherbrooke Forest, apart from feral animals, is people. The park has been largely destroyed by those who enter the area, and shortly restrictions will probably have to be put upon entry because the lyrebirds that the tourists wish to see are quickly disappearing. That is a classic example of where the government must be more circumspect about how those areas must be cared for and managed.

Others say that grazing should be prohibited so that the bush can return to its natural state, but it can never return to the way it has been. It is like saying, "Let's go back to the good old days"; one cannot return. There is no way of re-creating the forests that existed before man came to the areas, or before the Aborigines lived there, because their way of management changed forever the ecostructures in those areas, as the white man has changed them. As Mr Evans said, David Bellamy stated that cattle grazing has changed the area, but that is not necessarily detrimental so long as the grazing is continued.

I shall talk later about the Kosciusko National Park to which Mr Mier referred as an excellent example of locking up an area where extensive problems exist. If those places are locked up, in many ways what is to be protected will be destroyed because the areas will be overrun by weeds, blackberries and a range of introduced animals. If the management structures are not in place and proper work is not carried out to ensure a reduction in the number of feral animals, combined with a reduction in noxious weeds, what is locked up will eventually disappear totally.

Most members of the Labor Party appear not to understand what happens with fire. They do not understand the ramifications of a serious fire because they talk glibly about it. They cannot come to grips with what it means to use fire as a management tool or what it means to have a hot fire.

When a hot fire devastates an area and clears the ground, the landscape is radically changed. If there is heavy rain after a massive fire, as happened in 1939, extensive sheet erosion will carry sediment into the streams; the streams will be blocked, thereby interfering with the peat moss and moss beds. It is easy for people to say that alpine areas were damaged in the early 1940s by the cattle, but more work needs to be done because there is an indication that the bogyman in the whole series of events was the 1939 fires. In 1939, people did not do enough to establish what had happened in the massive hot burn. It was so hot that even very large rocks split.

Earlier I referred to the January 1985 fire in the Bogong National Park. The snow gum woodland was devastated by the hot fire. The cost of fighting the fire must have run into millions of dollars as there were some 120 tankers, and twelve bulldozers, as well as Army helicopters, brought in to fight the fire. On a purely financial basis, it is probable that spending only one-tenth of the amount it cost to fight the fire could have resulted in proper management procedures and enough people being introduced into the area to protect it from experiencing a hot fire. Controlled grazing would have been needed to have been linked with the other protective measures.

It is clear that many national parks are being infested with blackberries and ragwort. As I said earlier, feral animals are presenting a real problem. Land management practices must address these issues. The problem of salinity is occupying the minds of many people in Victoria and around Australia. The harvesting of timber, allowing tourists to use the area, and allowing grazing must be included in sound management practices. Victoria's entire population can participate in those exercises.

When one examines the Budget, it is difficult to identify exactly what monetary resources are put into the management of parks. A number of programs are called land management programs but one cannot identify how the money allocated is disbursed.

This year's Budget allocation for salaries for personnel represents an increase of 3·9 per cent. The government talks about increasing the number of people on the ground to manage the area—there must be something shifty somewhere. How can one have an increase of only 3·9 per cent in the salaries allocation—which does not even make allowance for inflation or any demands that might be made by unions for salary increases—and talk about increasing personnel numbers? The growth must be negative, with a reduction in the number of people being employed in the management area, or perhaps the books are being cooked. Knowing the Treasurer, I would not put that past him, either.

The Hon. R. A. Mackenzie—Cook books?

The Hon. ROSEMARY VARTY—As I said before, if there is to be an increase in the allocation for management personnel, the Labor caucus must have started to reorder priorities and taken the money from other areas. Honourable members are aware of what is happening in the health field. It may be that money is being diverted from the areas of health, education, or transport to go into the national parks. Honourable members have not heard how the government will manage what it says it will do. The people in the electorates would like to know how the government plans to do what it says it will do.

Mr Mier referred to the Kosciusko National Park. What has happened in that park in recent years is an absolute travesty because that wonderful area has become an intractable wilderness and is fast becoming totally spoilt. I refer to a report entitled *The Condition of the Kosciusko National Park and the Management Implications for the Alpine Areas of that Area*, prepared by R. W. Condon, and issued in March 1989.

On four occasions, Mr Condon, with a number of other people I know very well, went through the area. They looked at a number of issues raised by all those who have prepared reports on grazing in alpine areas, bearing in mind—as Mr Mier said—that the grazing in the Kosciusko National Park was mainly of sheep and not cattle. I quote one or two points from the report; it succinctly puts the point that one cannot just lock up the areas because to do that is to destroy them.

The first point to which I refer relates to the moss beds. The report contains the following remarks:

> With regard to the moss beds, the removal of the cattle has led to the dominance and then ageing of snow grass and this has reduced the stream flow and in turn this has allowed the bogs and surrounding land to dry out.

Conservation groups will produce equally succinct research which says the opposite. It is a bit like economics where experts say one thing on the one hand and somebody else says something on the other hand. I am sure each group can substantiate its claims. It is time the opposite point was put because too often the only point heard is that supported by the conservation groups and sometimes they can be a little selective in their presentation of material.

Mr Condon also points out in his report that mild burns in forest areas can assist with regeneration, whereas hot fires cause devastation, which was the point I made earlier. He goes on to talk about the impact generally on flora and particularly the impact of pest plants. He says:

> Unless action is taken to bring them under control, blackberries will continue to increase at an alarming rate.

He goes into detail about a number of non-native plants as well.

The document to which I have referred is very interesting. I suggest that all those who love the area and have not been there in recent times read the document so that they will know what is happening in the area.

Management practices are spoken of in an esoteric sense. I refer to some examples of the misuse of resources by the Department of Conservation, Forests and Lands, whose officers have missed the point completely. One of the instances to which I shall refer relates to fire management and the other two relate to general work management practices. These examples have been given to me and, although I cannot attribute them, I have no reason to doubt that they are true.

The first instance relates to the fighting of wildfires and how many resources the Department of Conservation, Forests and Lands has available to it. Bearing in mind that resources are limited, what can the department do to fight fires? What happens is that the fire burns for a few days and there is a great hoo-ha about it. Suddenly the Minister gets resources from somewhere and is able to allocate money and equipment to save the situation! It is crazy. It is a regime by suppression rather than prevention and we should be talking about prevention, not about being able to dash out in red fire engines with hats on, waving the flag, and putting out the fire! By then the damage is done. We must be more realistic about management practices.

One of the other examples refers to the inability of the department to show a degree of flexibility. This relates to work plans. I quote from this document:

> Works depots any distance away from where the chief works officer in charge is based at regional offices are disadvantaged because of lack of direct knowledge of day-to-day operations, and needs for changes to works programs—if in fact they are allowed to change anyway. Local works foremen often have not the confidence or authority to take the initiative and authorise changes to work plans, so crews sometimes just sit around, or are gravely under-utilised if weather turns bad, or other problems—breakdowns—arise. Any

experienced, frank member of a CF&L works crew in the Alps will confirm the fact that the situation is much worse than when the district forester in the Forests Commission had total say on works.

We have seen the amalgamation and the regionalisation of the department. Then again we are seeing the misapplication of resources.

I shall give one more specific example. Five Department of Conservation, Forests and Lands employees in a rental deluxe land cruiser wagon were sent to clear fallen limbs from a fire access track. Because the carrying of chainsaws and tools was not allowed in that vehicle, they were told to drive 45 kilometres to the point where they were to start work, and wait for another vehicle to bring the equipment. They waited all day but nobody came and so they went home. Presumably the same thing took place on a second day, but on that occasion the other vehicle turned up with the chainsaw. That illustrates what can happen when proper management programs are not put in place and resources are not utilised efficiently.

I have looked at a couple of the areas being affected by the Bill. My colleague Mrs Tehan mentioned Wonnangatta. I had not intended to raise this matter but it is important that I do. When one considers what is happening—or should I say, "not happening"—with Wonnangatta since the government took it over, one realises what a wonderful area Wonnangatta Station is, but now it has been locked up and virtually no-one can go into that area. Wonnangatta Valley contains some of the most beautiful areas around Victoria, and I am sure Mr Mackenzie would agree with me because he has been in that area. We are heading down a path of excluding everyone from that area because access is becoming less and less easy. For this information I am indebted to Mr John Andrews, the unsuccessful purchaser of Wonnangatta, who still has a great love for that area and hopes that one day he may be able to get in there. He likens Wonnangatta Valley to Yosemite and suggests that, properly managed, the Wonnangatta Valley and station could be as great as the Yosemite National Park. Yosemite is controlled with multiple use management and, again, this is a thread that the Opposition is using in the whole of its policy. It is fine to think of this magnificent contiguous park but it must not be locked up. It must be a multiple use area. I quote from information supplied by Mr Andrews:

> Wonnangatta has the potential to be an equally outstanding national park—it has everything . . . But I am concerned that we are about to see the unnecessary destruction of an irreplaceable asset in Wonnangatta Station and I will try to explain my concern.

Mr Andrews goes on to give an explanation about that and talks about its history, and how it was discovered in 1860 by Alfred Howitt. Mrs Tehan spoke about families who lived there and the things that happened. Mr Andrews said:

> It is important to recognise from Howitt's notes that Wonnangatta is natural, open grassland—not cleared land. On this natural, remote pasture Wonnangatta cattle station began in the 1860s and today stands as an undeveloped, unbroken link with our pioneers.

He is very concerned that proper management plans will not be put into place and that the features of Wonnangatta may be forever lost. He talks about Guy's Paddock and I am sure Mr Mackenzie can confirm what sort of area is involved.

Dr David Churchill compiled a report on the whole of the Wonnangatta area and he agrees that Guy's Paddock is significant. He says:

> . . . I totally agree that Guy's Paddock is botanically significant and that Bryce Gorge and Piemans Falls are breathtaking—perhaps only rivalled by Govetts leap and Bridal Veil Falls in the Blue Mountains.

That is the sort of wonderful situation we are looking at, and yet it has been locked up. He continues:

> I doubt that the historical values of Wonnangatta Station can be preserved if the valley section of the freehold is incorporated into the national park as the present Act proposes.

In other words, it will be locked up so that there can be no access. That is an absolute tragedy. We need independent ongoing research to ascertain what is in these areas and what needs to be done so that there is access for Victorians who want to visit the area.

I wish to deal specifically with cattle raising. Mr Evans went into a great deal of detail when discussing this topic. I shall not go over all the material that he raised but I guess I have a more emotional attachment to the cattlemen than perhaps anyone else here, for obvious reasons. I am concerned about the future of the cattlemen because all we hear is criticism from the groups who are intent on knocking what the cattlemen do, as Mr Mier did. Mr Mier sees them as takers and not givers but in reality they give more than they take. Who is around to fight fires in those areas when things happen? Who is around to provide assistance to people who become injured in the alpine areas? It is the cattlemen, and they do it for free.

In her second-reading speech in the other place the Minister said that the mountain cattlemen will be protected. Members of the Liberal Party happen not to believe what the Minister says at this stage and I reserve my judgment until I see the amendments that will provide that renewable licences or leases are granted to the cattlemen. Then I shall be happy.

In addition to protecting the leases we are protecting a piece of our heritage, and anyone who has seen *The Man from Snowy River* and *The Man from Snowy River II* or who has read the wonderful stories by our early writers will know what heritage that is. If those areas were in the metropolitan area they would be put on an historic register or some interim order would be slapped on them to preserve them. That does not happen because they are in the Alps.

Is it not interesting that there can be ski developments in the Alps, millions of dollars spent, millions of people go there, but not one word is heard from conservation groups about that? There is no complaint about the tourism developments in those areas. Mr Mier said how wonderful it all is and yet some of those tourist developments are next to cattle leases.

An Honourable Member—It is an elitist sport.

The Hon. ROSEMARY VARTY—That is right. It seems to be a great paradox.

The Hon. B. T. Pullen—Are you supporting the Bill?

The Hon. ROSEMARY VARTY—The Minister obviously was not listening when I said I would reserve my judgment until I see the amendments that I hope the Minister is going to introduce.

I move now to the subject of timber. Although some areas have been incorporated, a number of additional areas have been discovered since the Land Conservation Council report. That has been acknowledged by the department.

It is absolute nonsense for the government to say that in the overall context the timber resource long term will not be impacted upon. In the initial stages there will not be much reduction but we are talking about a renewable resource. Mr Evans went into some detail about that. Locking up additional areas and not allowing anything other than once-only logging of course will result in a reduction in the timber resource. Moreover, a number of promises were obviously made about timber areas which to date have not been honoured.

The Hon. B. W. Mier—You don't understand it.

The Hon. ROSEMARY VARTY—Mr Mier sometimes gets a little carried away with his interjections. As I said, a number of resources which were not identified in

1983 have since been identified, and we hope they will be added as part of the resource available on a renewable basis.

Another issue which runs parallel with the cattle grazing issue are the huts in the alpine area. We recently heard that some of those huts had been burnt down by departmental officers. Some people say they should have been but I take the view that not one of those huts should have been pulled down because they are not only cattlemen's huts; they are a refuge for people who get caught out in blizzards. Some are caught out accidentally, but some crazy people go into the mountains in shorts, short-sleeved jumpers and thongs and think everything will be all right. Of course, as has been seen in Tasmania particularly, such people can lose their lives because they have no understanding of conditions in the alpine areas.

One of the safety features in the Victorian Alps has been those huts which have been maintained for many years by the cattlemen. What will we say if those huts are pulled down and a school excursion in the area is caught in a blizzard, as happens? There may be 30 young people on that excursion and no hut is available as a refuge. How will the coroner explain that? Will he not say that someone was derelict in his duty in allowing those huts to be pulled down? Is this government prepared to accept that responsibility? Where is its duty of care? If it pulls down those huts, it is not carrying out that duty of care. In common law, if the government could be prosecuted, it would be, and so it should, because those huts form a valuable link and should not be removed. In fact, additional huts should be placed in the area.

It is my hope that among these amendments will be the ability for those huts to be linked to a cattle licence so that the grazing licence will be similar to a strata title property with a garage attached to it. A responsibility will be placed on the licence holder to maintain that hut, keep it stocked and in good condition.

The government has made much of tourism and how it can be a replacement for the phased out timber industry and become a viable asset and a renewable resource. The Bogong Management Plan is a classic example of the way tourism has been currently handled. It may be only a draft plan but someone did not do their homework properly because there is no way that under that plan the level of tourism into that area can replace the employment that will be lost in other ways. The government refers to low level tourism and low level intrusion tourism—either it is tourism or it is not tourism. If it is to be developed, it needs to be done properly.

The government made all sorts of promises to the Alpine Adventure Tour Operators Association and the association set about gearing up, which cannot be done overnight. It takes five or seven years to set in place the sort of alpine tour operation that will attract overseas tourists, which is a worthwhile initiative because we want overseas people to see our magnificent areas. Currently one area has been closed off even though overseas tourists have been booked into that area. How crazy that is! Considerable concern has been expressed by tour operators about the stop-go situation.

Unless the government gets its act together and listens to the people in the industry, who know what it is all about, instead of listening to a few zealots, there is no way there will ever be a viable tourism industry. Those operators will say it is too hard, that they are losing money and there is no way they will continue to do so. The horse tour is a classic example. The management plan talks about fifteen horses to go into some areas and no vehicles. If they are going on a three or four-day horse tour and have to carry their own food and provisions, the whole bit, by the time two horses are used to carry those articles, that leaves thirteen. By the time there are two spare horses and a couple of horses for guides, only nine horses are available. It would not be a

paying proposition to take nine customers. The price will be so high that no-one could afford to go.

The government is advocating that sort of nonsense, yet it says it anticipates a tenfold increase in the tourism usage of those areas. How on earth can that occur? Earlier, I mentioned the hypocritical situation with ski areas, and it bears repeating. The Minister for Tourism has announced that there is to be an expansion of the ski resorts in the alpine area, when we are battling to see grazing and timber continue in those adjacent areas.

The government is talking about massive expansions, but then what happens to the environmental and conservation use of the areas that the government has tried to ram down our throats? It really does make a mockery of the government's argument because the roads in those areas are not adequate to carry the present numbers of people and so, in future, massive damage will occur. A huge land slippage occurred last year, and we had a diesel spill at Falls Creek, so I should like to know the government's answer to those types of problems. We do not hear the conservationists having too much to say about that, and that is the ultimate hypocrisy.

The other item I want to address briefly relates to mining. In the Latrobe Valley we have something like 1000 years supply of brown coal, but it is becoming increasingly clear that that resource is worthless if the greenhouse effect is as drastic as we are led to believe, because we will never be able to use that resource or build further electricity generation plants. So what will be the alternatives? How will we be able to obtain the power to run our society?

The Hon. C. F. Van Buren—Cut down the trees! Cut them down for firewood.

The Hon. ROSEMARY VARTY—It is obvious that Mr Van Buren has not kept up with recent innovations. It is to be hoped future power generation will come about by methods such as the fusion method that we have heard so much about in recent weeks. I agree there is some debate about whether or not fusion occurred in the experiment, but the interesting point is that it will not have an impact on the greenhouse effect.

The fusion method uses elements that are currently not easily obtainable. In fact, some of them are very new elements. Who is to say that in alpine areas there are not undiscovered minerals which could reduce the greenhouse effect by being extracted without the sorts of problems we see in the Latrobe Valley? We will never know whether that is the case because the Bill means no more exploration and no more mining.

The Hon. B. W. Mier interjected.

The Hon. ROSEMARY VARTY—It is possible these days for exploration to be conducted without being intrusive. In fact, some of the satellites currently whizzing around the earth are being used for mining exploration.

The Hon. B. W. Mier interjected.

The Hon. ROSEMARY VARTY—Some of Mr Mier's interjections are the most inane comments I have ever heard.

The DEPUTY PRESIDENT (the Hon. K. I. M. Wright)—Order! Mrs Varty should ignore them.

The Hon. ROSEMARY VARTY—Eventually, it just gets to be a bit too much.

The reality is that we may be one of those countries in the world which could overcome the problem of the greenhouse effect, but who will ever know? We certainly shall not.

The Hon. B. W. Mier—How could we have a uranium mine if it is on a grazing property?

The Hon. ROSEMARY VARTY—I did not once mention uranium. Obviously Mr Mier does not listen. If he is to be the government spokesman, he should get his act together.

The Bill recognises a change in position by the government and that is significant, and I congratulate the government on that. The assurances given by the Minister in another place on face value appear to address the issue I have raised, but we await the amendments.

I assume the amendments will be accepted by the government, and I shall briefly run through them: the definition of additional logging areas; alpine and grazing leases; licences or leases to be renewable for seven years; a dispute-resolving mechanism to be put in place; a licensing of huts that will attach to those grazing licences or leases; and a widening of the management committee.

On the final point I should like to make a comment. It is essential that once the advisory committee is widened, we do not then have the chairman, every time an issue is raised, saying, "That does not equate with government policy so you cannot discuss it." I have always found, as a manager, that some of the best ideas for change in policy, no matter where one works or what job one is in, come from those who operate at the grassroots level.

If we are to talk about adequate resources of the areas the members of the advisory committee need to have the ability to introduce new material. It might not equate specifically with government policy at the time it is raised, but it may well be that if the issue is discussed in such depth there could come about a change in government policy, and I ask the Minister specifically to take that argument on board, because it is valid that the committee should not necessarily fit strictly into government policy as it is today. We are asking that the management plans be laid before Parliament. If that takes place, I shall have no hesitation in supporting the Bill.

The Hon. P. R. HALL (Gippsland Province)—Earlier this afternoon honourable members had the pleasure—and I certainly believe it was a pleasure—of listening to my colleague Mr Evans, who clearly enunciated the National Party's position on the Bill. He gave a thorough and detailed account of all aspects, and I admit he probably went through more than enough aspects of the Bill. He did diverge at times, but he certainly covered all aspects of the Bill and covered exactly where the National Party stands on it.

I am pleased to have the opportunity of reinforcing the National Party's position and explaining its position in even more simplistic terms. The first thing I should point out is that the National Party is trying to achieve the same objectives as the government—that is, we are just as concerned about the alpine area and the forests of our State as government members, and we want just as much to see them preserved for future generations so that they can be used in the same fashion as we are able to use them. That is a primary objective.

The difference of opinion results from the means by which that would be achieved. The argument from the government members is that we should restrict activities severely in the area because those activities will eventually destroy the alpine and forest areas. The National Party does not agree. It believes we are enjoying the national

parklands and forest areas now because they have been sensibly managed over the past 100 years or even 200 years, and in the time before white settlers came to this country.

These areas are the way they are today because they have been successfully managed, and our position is: why change successful management plans? Why introduce new restrictions? Why restrict their use by the users who have been using them for so long? A change in management plans will bring about a change in the environment in those areas, and that is our concern.

I shall follow up the report to which Mrs Varty referred on the condition of the Kosciusko National Park and the management implications of the alpine area in Victoria. Mr Dick Condon is an eminent scientist, botanist and a former member of the Kosciusko State Park Trust. Other honourable members have explained their perceptions about alpine parks, Mr Mier has explained his perception when he visited those parks, and I shall explain my perception by referring to the detailed study undertaken by Mr Condon, an expert in the area. He referred to the implications of mountain cattle grazing in the following terms:

> The findings on the present state of Kosciusko National Park 30 years after the removal of grazing livestock and the absence of mild burning emphasises the need to re-think the alpine area planning proposals in respect of phasing out cattle grazing in the areas proposed as national parks. The Kosciusko subalpine areas have been allowed to become a major fire hazard. The condition of the country is such that a major fire would cause an environmental disaster. It will remain a severe risk until the areas presently overgrown with standing snowgrass are burnt.

A great deal has been said during the course of the debate about fire management. I shall add my views on the subject. Land management groups over the years have been advocating strategic burning by choosing the right time of the year and the right area to start a fire when the risk is lowest so that during the hot summer months the risk is reduced and there is less chance of fire that will cause large-scale destruction in the forest areas.

Strategic burning is a mild burn during the cool months—about this time of the year in late autumn—the effect of which is to reduce all the extraneous fuel that settles on the forest floor and to clean up the dead branches and so forth so that once the summer months arrive the risk of fire is greatly reduced. If mild burning did not occur, hot burns would occur during the summer months, creating extreme heat, destroying trees and burning grass to its roots. This does not give them a chance to regenerate when the rains come. Mild burns create a situation in which it takes only a year or two for growth to regenerate.

No honourable member can refute the fact that some of the best mountain ash that is now available is the direct result of the 1939 bush fires that swept our State. Without that fire Victoria would be badly off for timber resources. Fire has been used as a management tool for centuries and not only since the white settlers arrived. Nature has its own way of creating fires by lightning strikes. Now we tend to halt nature's action and extinguish fires as quickly as we can. The Aborigines used fire to regenerate the forests because after fires new green shoots would appear that brought back to the area wild animals which they hunted for food. Aborigines used fire management to regenerate their traditional hunting areas.

I have visited some of the more remote towns in my electorate and spoken to some of the locals in Bendoc who have been around for many years. They spoke about years gone by when the ranges would be ablaze during the late autumn. Many of the fires were instigated by the former Forests Commission. A staff member would be told by his boss that he was to drop a match on the crest of a ridge on his way home. They

knew the importance of fire as a management tool so that extreme fire risks were avoided by burning off during the cool periods.

Mrs Tehan described the beauty of the alpine area with its abundant wild flower growth, which is worthy of preservation. Mr Condon also referred to wild flowers in his report on the alpine area. He states:

> In the Victorian highlands, if the cattle are eliminated, one of the losses will be that the alpine flowers which occur widely in areas not grazed until late in the season will become less abundant . . .
>
> In areas now dominated by snowgrass with a good sprinkling of alpine flowers, the snowgrass will continue growing with its usual vigour each year and within eight to ten years will have completely shaded out many of the herbaceous species so that wild flower displays will be a rarity if they happen at all . . .
>
> Wild flowers—Private land which has been acquired by the KNP was inspected because of its reputed display of wild flowers. There are now virtually no wild flowers on much of the land which has been closed to grazing for thirty years.
>
> Protection from fire and grazing has hastened the disappearance of the lesser species in the community, particularly the wild flower species.

Those comments were made by an expert in the area who has undertaken controlled scientific studies into some of the environmental aspects in these alpine areas. He is a credible source whose views should be considered.

Less than two weeks ago I attended a public meeting at Heyfield which was convened not only to allow the mountain cattlemen to express their views on the proposed legislation but also to allow the views of the general public to be expressed. It was a well attended meeting of more than 100 people. Some of the opinions expressed are well worth repeating.

The amount of areas grazed by cattle in the alpine area is a matter dealt with by the Bill. The total alpine area is 1 368 000 hectares—not all of that area will be declared a national park. Only 37 per cent of the total area is regarded by the Land Conservation Council as being available for grazing. However, only 25 per cent of the available area is actually grazed by the mountain cattlemen, and there is the impending eviction of a further eleven graziers from the alpine area—those matters are yet to be heard—which, if carried out, will leave only 7·6 per cent of the total alpine area that will be used by the mountain cattlemen.

Once there were 40 000 head of cattle grazing in the high country; today there are only 18 000 head of cattle. Those numbers have been severely reduced over the years. The Minister referred to this matter in his second-reading speech, when he said the government will:

> . . . allow grazing to continue in over 90 per cent of available area in the Alps suitable for grazing.

That statement uses figures to indicate generosity because, in fact, of the area that is suitable for alpine grazing, the mountain cattlemen use only 25 per cent. The Minister in his second-reading speech said that the mountain cattlemen could use 90 per cent of that area. I ask that the Minister reply to that matter and explain whether that means that further mountain cattle grazing licences will be granted to take up the 90 per cent of available land.

The proposed legislation bans grazing in some areas, particularly on the Bogong High Plains. However, the Minister has offered some concessions and said that some alternative areas can be set aside in which cattle grazing can take place.

Honourable members should realise that there are no fences and gates in the high country to define areas in which cattle can graze. Cattle are creatures of habit and they tend to roam back to some of their traditional grazing areas. Therefore, unless the cattle are taken hundreds of kilometres away, I am sure some of them will stray back

into those former traditional grazing areas. What will occur if the cattle stray back into those areas? Will they be impounded?

The Minister also mentioned in his second-reading speech that seven-year leases would be offered to mountain cattlemen, which would mean an improvement in their lot because they currently have one-year leases. The choice of seven years intrigued me. Why did the government pick seven as the figure? Why did it not choose five or ten years, because they are more common periods for leases? Upon reading through the Bill again, it occurred to me that the last proclamation date for this proposed legislation is 1 July 1996. Therefore, if one were cynical about the whole situation one could presume that if the Labor Party is still in government in seven years time, it could very well say, "Now that we have reached the date of 1 July 1996, all logging will cease".

That is what the proclamation date is all about; once-only logging will cease on that date. However, the government could also say that all mountain cattle grazing is to cease on that date, too. I seek an assurance from the Minister that the choice of seven years as the lease period was not concocted just to agree with the final proclamation date in the Bill.

So far in this debate no-one has expounded some of the detrimental effects that mountain cattle grazing has had on the alpine area. The only opinion that the House has heard is that from Mr Evans. Not one piece of hard evidence has been produced that mountain cattle grazing has been detrimental to the environment in the alpine area. However, there are many benefits, which have been clearly pointed out by my colleagues Mr Evans and Mrs Varty.

As well as producing some of the finest beef cattle for both the local and export markets, cattle that graze in the high country clean the forest floor and greatly reduce the fire hazard risks. In addition, as has been mentioned in the debate today, there is a need for security. Many people go into the depths of the alpine areas and often get themselves into trouble and need to be rescued from those areas.

The mountain cattlemen regularly ride through those areas in the summer months. It is important to make the point that grazing does not take place in the winter months. Some people have the impression that the mountain cattlemen and the cattle are there all year round, even during the snow season when there are many tourists about. The cattle are taken there for grazing through November and December and brought back down in about March or April. It should be pointed out that grazing takes place only during those summer months. During that time the cattlemen regularly ride around and check their stock. The sheer fact that there are people who regularly patrol the alpine area provides additional security because they would be able to assist if there were any difficulties with bushwalkers who got lost or people who had accidents in the area. That point should also be noted.

The Bill is all about preserving our environment and forests for future generations. However, what about the heritage of this country that has been created by the mountain cattlemen themselves? As has already been said today—and I shall repeat it—the spirit of the mountain cattlemen that has been portrayed in poems and later in films such as *The Man from Snowy River* ought to be preserved for future generations. As I said, I fear that the provision of seven-year leases will be terminated at the same time as the last proclamation date in the Bill. It is a tradition that deserves to be shared by future generations and we must ensure that it is not lost for all time.

Mrs Tehan talked about the pioneers in the high country, their traditions and records, and the great things they have done in some of the alpine areas. That is true, and it is part of the history of our country about which I am sure we all love to read

and of which we are all proud. However, it should be noted that those pioneers went to the area for a specific reason: to graze their cattle. That point should be borne in mind. Cattle grazing should not be restricted by the Bill because it will mean an end to those traditions.

I refer now to another point that has not been made today. The Australian Deer Association has made representations to me about the Bill. The Bill will restrict some of the association's traditional hunting areas. It will ban all hunting by scent-trailing hounds and restrict their hunting to more confined areas and to use of the method of stalking only. Why does the Bill do that? Have any reasons been presented today for the necessity to restrict the recreation of deer shooters? Will the shooters be restricted because the government is violently against the shooting fraternity?

Last year the government tried to impose all sorts of restrictions on the shooting fraternity, and it did not work. I believe this provision is just a small step towards making up for some of the things that the government tried to achieve last year as part of its plan to phase out shooting as a legitimate recreation throughout the State.

The arguments for restricting deer hunting in the alpine area are illogical. On the one hand, the government is saying that it wants to preserve our forest areas in the condition they were in in years gone by so that future generations can enjoy them; and that cattle should be removed from the area because they are not part of our history, because they are introduced species and are not indigenous to this country. However, on the other hand, the government intends to restrict the activities of the Australian Deer Association and will thereby allow an introduced species, the deer, to roam free and multiply in the area. There is an inconsistency in that argument. Perhaps the government's plan is to remove cattle from the area but, because there are blackberries and thistles there and deer are very good at clearing up noxious weeds, it will allow the deer to stay.

The association has been harshly treated by the Bill. There has been no argument or evidence that its activities in the alpine area have been detrimental to the environment or to anybody else. The association works closely with the Department of Conservation, Forests and Lands in monitoring the deer population and, by arrangement with the department, the hunting season has been restricted so that it does not coincide with periods in which many tourists are likely to be in the area. It is a very responsible organisation with a strict code of ethics. I disagree very strongly with the provisions in the Bill that will restrict the activities of the Australian Deer Association.

The Minister also said in his second-reading speech that it was recognised that the tourism potential of the area was outstanding. Perhaps the best way to develop tourism is to provide transport to the area. There are no airstrips and there is no way that one can land a plane in the high country. There are no trains. There is no fast train travelling through the area, although it would probably be a very good argument for establishing a fast train service through the East Gippsland area, because at least that would bring people to that part of the country. I understand that is what the Minister wants to do.

If tourism is to develop in this area there is a need for the establishment of an efficient road transport system to enable people to get there. The condition of roads in East Gippsland is a big problem. Before and since my election to this place I have spent much time travelling through East Gippsland on roads such as the Omeo Highway, Bonang Highway, the road from McKillops Bridge to Dargo and through to Tallangatta and beyond. The condition of the roads in the countryside is very poor, yet they are all the main southern access roads to the proposed national park. The state of some of those roads is deplorable, yet the Victorian and Federal governments

have continually reduced road funding in real terms and have done nothing to assist local municipalities in country areas to develop and maintain their road systems. It is pie in the sky to talk about tourism in this area without a big commitment to making the road transport system far more effective.

The Minister for Tourism acknowledges that to make tourism more effective and to encourage overseas tourists we need to improve our facilities. Overseas tourists are not the sort to put on backpacks and hiking boots. They want to stay in first-class hotels. What would be the government's attitude to developing a five-star hotel in this area to increase tourism? Obviously with the restrictions being placed on this area no development will occur, but that is necessary if the government wants to attract tourists to the State. It is a fallacy to talk about developing tourism when the government is not serious about providing the appropriate amenities.

The Bill will not ensure the preservation of the high country for future generations. The comments I have made support that view. The government has not finalised sound management plans. Honourable members were told during the Minister's second-reading speech that management plans and advisory committees have been formed. Surely that is putting the cart before the horse. The government is asking Parliament to give its approval to declare a national park and then it will develop the appropriate management plans. The reverse should be the case. The issue is all about proper management. The government should say, "This is how we propose to manage the national parks. How will you allow us to legislate for a national park?" Until sensible management plans are developed the National Party will oppose legislation such as this.

I have highlighted that proper management is an essential factor and the principal reason for the difference between the National Party's objection to the Bill and the government's support for the Bill. The State's Crown lands are neglected. Blackberries, ragwort, fire hazards and vermin are rife. That problem was highlighted two weeks ago when the House debated a motion dealing with the Department of Conservation, Forests and Lands buying up good agricultural land for pine plantations. Pine plantations are poor neighbours and the State does not have sufficient resources to manage Crown lands.

The State government cannot afford to provide the resources that are needed to properly manage the vast area of national parks. The government has promised eleven people, that is all. That will not be sufficient to manage the national park. In any case, it is absurd that the taxpayers of Victoria have to pay for the cost of management of the park when for the past 150 years it has been provided by the natural users of the area at no cost to the public. Why kick the cattlemen off? Why restrict the logging in national parks? The cattlemen have looked after our national parks for 150 years.

Honourable members who have spoken on the Bill, Mrs Tehan and Mr Mier, told the House how marvellous the area is. Mr Sgro told honourable members about his trip last weekend and said that the condition of the area was something to behold; it was marvellous and sheer enjoyment. I say to Mr Sgro and other honourable members that the alpine area is in that condition because it has been sensibly managed over the past 150 years. Why change a good formula?

The only way we will preserve our alpine areas for future generations is by not meddling with the management program. It has proved effective for over 100 years. I urge honourable members not to support the Bill in its present form because I want something for future generations to enjoy, just as I have enjoyed it.

The Hon. JEAN McLEAN (Boronia Province)—I am happy to support the Bill, which creates an Alpine National Park covering a large part of Victoria's high country.

Honourable members are aware that conservationists and ecologists have been arguing for the declaration of the park for more than 50 years. The government has had a longstanding commitment to the park and it is pleasing to acknowledge the support of the Liberal Party, especially the excellent speech by Mrs Tehan.

A national park should be for the enjoyment of all people, but should not be managed in a way that will degrade the natural beauty and its ecological importance. It is unfortunate that so many compromises regarding cattle grazing, logging and mining have had to be made to bring the national park to fruition. Nonetheless, it is a vital conservation project.

One of the greatest obstacles to the establishment of the park has been the objections of the Mountain District Cattlemen's Association of Victoria. Despite the fact that the National Party has waxed lyrical about the great things that the mountain cattlemen have done, I have not noticed the National Party putting the same emphasis on the great contribution made by the Aboriginal community to our country.

The Hon. P. R. Hall—I did; I said that they had burnt the forest and made it more enjoyable.

The Hon. JEAN McLEAN—Good on you! The mountain cattlemen's attempts to maintain extensive cattle grazing in the alpine areas have been a major threat to the preservation of these areas.

More than 25 research reports, scientific papers and major reviews have looked at the effects of cattle grazing in these areas, using data gathered over the past 40 years. These studies show that cattle grazing has led to the loss of species and diversity in plant communities, changes in vegetation structures and an increase in bare, unvegetated soil. There has also been a reduction in wild flowers. Mr Hall referred to Mr Condon as being a specialist in this area, but I note that the Victorian National Parks Association says that the claim that wild flowers will be out-competed by snowgrass within ten years directly contradicts measurements of vegetation change following removal of grazing in sub-alpine areas of the Kosciusko National Park. This referred to the twenty-year study by the Commonwealth Scientific and Industrial Research Organisation and the Australian National University. At Mount Hotham an eleven-year study was conducted by the Soil Conservation Authority. Both studies found that wild flowers increased.

I also had discussions with Dr Williams from the Biology Department of Monash University and I am fortunate to have a son who is a zoologist and botanist, so he is able to supply me with information. My son is horrified by some of the incorrect information that has been circulated by the mountain cattlemen.

There has been a spread of weeds and great physical damage to and deterioration of bog areas. That comes about because cattle break down the base of the bog areas. Any reasonable person evaluating the evidence would come to the conclusion that grazing is incompatible with conservation values in alpine areas.

The plants on the high plains have evolved because no large native herbivores have grazed there. Cattle do vast damage to this ecosystem. To ensure that these areas remain in their natural state an interaction between native animals and plant life must be maintained. This includes the vital link between hundreds of species of invertebrates with decaying plant matter. This process is impossible if cattle are allowed to graze the high country.

The Hon. R. S. de Fegely—Why are they still there?

The Hon. JEAN McLEAN—We have seen the damage they cause. There is plenty of proof all over Australia of the effects of degradation, but there is no proof that

regeneration to a natural state is possible after intervention by foreign plants and animals. No amount of propaganda by the mining and timber industries or by the mountain cattlemen will alter what has been done. That does not mean the community cannot do the best it possibly can to regenerate native plant growth by removing cattle. The Bill will allow for extensive cattle grazing in the high country. I sincerely hope community attitudes will result in the total elimination of grazing in national parks in the future. The sectional interests of a small group—the mountain cattlemen—will eventually have to give way to the larger community.

It is heartening to see that environmental issues are being acknowledged as vital to the continuing well-being of the planet. Our children know, and our generation is beginning to recognise, that we must change our attitude towards the use and exploitation of our natural resources.

Another difficulty in establishing the Alpine National Park involves mining exploration in the alpine region. Some 38 000 hectares of park have remained unproclaimed since 1983 while previous undertakings given to mining companies have been in force allowing them to complete their exploration programs.

I am glad that this issue is now resolved and that there will be no further mining in this area of the park. The gold mine in the Bogong National Park will be allowed to continue operating. I hope that company will formulate plans to return this area to a reasonable state once it has finished its mining operations.

I am sure all honourable members have seen television programs depicting the incredible damage that mining does to land in Australia and around the world. The other mining problem is in the Dargo area where the Dargo gold company has a current application for a mining lease and the future of that mine awaits further studies.

It must be obvious to everyone that mining is incompatible with a national park. I look forward to the day when all mining is prohibited in the Alpine National Park. It is important to look at this park in terms of the overall environment in Australia. Only 6 per cent of our continent is covered by trees. We can ill afford to cut down any more of them. It seems strange to me that the same people who appear to understand the importance of the Amazon and Borneo jungles to the world's ecology fail to relate this argument to our forests.

In *The Australian Magazine* of 29–30 April 1989, the Director of the Australian Conservation Foundation, Phillip Toyne, said:

> Land degradation is undoubtedly one of the major conservation issues facing our community. Besides the economic and social costs, there is also a great threat to Australia's ecosystems and the biological diversity of our continent.

The consequence of cutting down trees over the past 200 years has been the desertification and salinity of large areas of farmland, loss of topsoil and loss of species. We simply cannot allow this process to continue. Of course, the creation of the Alpine National Park will not stop this process, but it does provide a barrier of natural forested areas, and preserves a substantial area in its undegraded state.

In listening to the contributions of members of the National Party and of some members of the Liberal Party, I consider it is strange that they do not appear to be able to relate what is going on in the world to the numerous conferences being held on the drastic ramifications of the greenhouse effect. Holland is sinking in its own rubbish, and its authorities cannot work out how to overcome the problem. Norway will soon have no trees left. I cannot understand why honourable members do not want to do anything about Australia while we still have the opportunity. Australians must carefully

examine how to tackle this nightmare, especially if they care about their children and future generations.

The tourism potential of the Alpine National Park should not be underestimated. This includes the alpine walking track which stretches from Walhalla to the Kosciusko National Park in New South Wales. The Bill will bring parts of the alpine walking track in the Barry Mountains within the park.

The Hon. R. J. Long—Where do all these tourists stay?

The Hon. JEAN McLEAN—In huts.

The Hon. R. J. Long—You would only get sixteen in a hut. How stupid can you get!

The Hon. JEAN McLEAN—I have been informed by my son that tourists are attracted to this area without having the need of a five-star hotel, a golf course and other facilities that some people regard as essential.

The Hon. R. J. Long—You are not talking about 100 visitors. You are talking about thousands!

The Hon. JEAN McLEAN—Tourists travel to many countries in the world not to stay at five-star hotels but to see and experience the beauty of the countries that they visit.

The Hon. B. E. Davidson (to the Hon. R. J. Long)—Are you against tourism?

The Hon. R. J. Long—Where are you putting them? Don't talk nonsense.

The Hon. JEAN McLEAN—I have been told by my son that these are some of the most scenic and challenging sections of the whole track. I believe this track has the potential to become as well known internationally as the Appalachian trail in the United States of America and the Milford track in New Zealand. I am not aware of any five-star hotels, golf courses or beer halls along those tracks. I believe tourist facilities can be provided ecologically.

Those who oppose the Bill for some short-term economic gain should think about the long-term economic benefits from tourism in the alpine area, which will be lost forever unless this region is preserved in its natural state.

There are also splendid sites for cross-country skiing at the Bluff and Bennison Plains and, of course, rafting, canoeing and fishing, as Mr Mier mentioned; horseriding, as Mrs Varty pointed out, and four-wheel drive touring.

Naturally some of these activities have to be kept separate from others, but the park is large enough to allow for this. Even hot-air ballooning could become popular in the area, especially among politicians.

Some of the most spectacular features of this park—Lake Tarli Karng and The Sentinels—will become household names. Their value will be seen as far greater and infinitely more enduring than anything that mining and logging can contribute to the future of this country. The selective scientific evidence produced by Mr Evans to justify continued logging and cattle grazing of our parks is irresponsible, given the new awareness of the destruction of the world ecology.

We cannot divorce ourselves from the world environment. What we do in this alpine park will assist in reversing the greenhouse effect, albeit by a small amount, but nonetheless vital.

It is possible to live in harmony with the environment, but the attitude of some people over the past 200 years has not shown that. The park is a vital addition to Victorian tourism in the nicest possible way without five-star hotels. I commend the Bill to the House.

The Hon. R. A. MACKENZIE (Geelong Province)—I strongly support the Bill. The opening paragraph of the second-reading speech states:

> This important Bill amends the National Parks Act to create the Alpine National Park of 646 000 hectares—a magnificent new national park which will protect forever the splendour of the Victorian Alps, stretching from near Licola and Mansfield to the State border and joining with Kosciusko National Park and its neighbour Namadgi National Park. This new park incorporates three existing national parks—Wonnangatta–Moroka, Bogong and Cobberas–Tingaringy and Wabonga Plateau State Park.

That is as a result of a long struggle by many people over some considerable time. The history of the Bill goes back to 1935 when Miles Dunphy first proposed a national park in the high country. Following his work and dedication, over a long period we have established a series of national parks. Today we are debating the final stages which will bring about the dream of several generations, many of whom have long passed on. It is a significant and an historic measure; it is not a new idea that has been dreamt up by one party or another.

As Mrs Tehan pointed out, many have contributed to the debate, and Bill Borthwick and Rupert Hamer were visionaries in the Liberal Party at that time. They began a process which has been continued by the government. During the 1982 elections, the Labor Party said that it would create a contiguous Alpine National Park. It was no secret and the government received a mandate from the people to carry out that policy.

When in opposition, I remember meeting with the mountain cattlemen and other experts when touring the area for the first time. When the government was elected in 1982, it continued to pursue the goal of producing a contiguous Alpine National Park. A number of honourable members in this place—Mr Mier, Mr Walker, Mr Chamberlain and I—toured the area. It was an all-party, bipartisan group. We met the cattlemen, members from the conservation movement and others. It took me a week to recover but, apart from that, the experience was something I shall never forget.

The Bill is a compromise, but we cannot compromise any further. When the first recommendations were made for the park, it was to be a larger park than is dealt with in the Bill. When I was Minister for Forests and Minister for Lands, the timber industry and those who had timber interests in the area came to my office and said, "We will be ruined; it is the finish; it is the end." I said, "What are you going to do about it?" They said, "You will have to do something about it." I said, "You can forget about changing the government's mind because the government has made a decision. What you have to do is accept the fact that there will be a contiguous Alpine National Park. I want you to come back and show me how you can provide for a contiguous Alpine National Park and still protect your interests; but rest assured there will be a park."

They went away and hired a consultant who produced a plan for a contiguous Alpine National Park, albeit a thin and narrow one. The conservation movement wanted a park that was a lot broader than the recommendations. When the two were brought together a compromise was struck. Although it was not acceptable to everyone, at least it was a compromise. What we are examining at this stage is a compromise. The Bill will create a high quality Alpine National Park that will ensure for all time that the qualities we appreciate in the Alps will be retained.

What upsets me—and this has gone on for a long time—is the use of the term "locking up". Unfortunately, it is not only members of Parliament who use the term

"locking up"; it was used by a few irresponsible foresters who did not like national parks. They stirred people up about the government wanting to lock up the area. In fact, national parks open up areas by allowing more people into them. People can enjoy the beauty of the area and carry out a range of activities.

I was surprised when Mrs Varty spoke about Wonnangatta Station being locked up. That is now open to the public, and the record shows that the people who cleared the blackberries from that property were those employed by the Department of Conservation, Forests and Lands, not the previous owners. That area is not locked up; it is a beautiful area and people are now able to go there and enjoy it. That is what national parks are all about.

Honourable members have already talked about the need for the establishment of wilderness areas. The need for areas that are untouched by man is important; but only a small section of Crown land is allocated for the preservation of wilderness areas.

I have a high regard for mountain cattlemen, and I am sure all honourable members would share my admiration for them. Mountain cattlemen represent one of the few remaining links we have with the past, because they live as they have lived for more than a century; and by so doing they have captured the public's imagination. Mountain cattlemen are good and hospitable people. When the welfare of its members is threatened, the Mountain District Cattlemen's Association of Victoria acts to protect their interests in a way similar to a trade union. One expects the mountain cattlemen to fight if, as in this case, two families are removed from the high country and lose the use of the land they have enjoyed for a long time. But both the plight of those families and the interests of mountain cattlemen should be put in context.

A compromise has been reached and only a small portion of the high country now used by the mountain cattlemen will be excluded from grazing. That occurred because the then Minister for Planning and Environment, now the Minister for the Arts, and I—when I was the Minister for Conservation, Forests and Lands—listened to what mountain cattlemen had to say. We were aware that, although the way mountain cattlemen have managed the high country in the past has not always been satisfactory, they had become aware of their responsibilities and had adopted commendable management practices.

As I said, a compromise was reached. I think it is the mark of a true compromise when one is belted over the head by those who represent opposing views—although I do not know what to think when a Minister, for example, is applauded by both sides! Certainly the Minister for the Arts and I received a great deal of criticism from the conservation movement at that time.

Honourable members should realise that mountain cattlemen are allowed the use of Crown land, land that belongs to the people of Victoria. Admittedly mountain cattlemen put up with a great deal of hardship to open up the high country more than 100 years ago. My great-great-grandparents immigrated from Scotland in the 1850s and took up virgin land in the Riverina. The families of many honourable members come from such stock.

The mountain cattlemen have a commercial advantage over the other cattlemen in Victoria. For example, cattlemen who use the Barmah State Forest pay $23 a head to run their cattle in that forest for six months of the year, yet the mountain cattlemen pay only $3.50 a head for a similar privilege in the high country. Mr President, if you and I were to start a cattle property, we would have to buy sufficient private land on which to keep our cattle for twelve months of the year.

The Hon. R. J. Long—What about ski resorts?

The Hon. R. A. MACKENZIE—I understand what Mr Long is saying. A direct comparison cannot be made between the mountain cattlemen and those cattlemen who are allowed the use of the Barmah State forest because the latter group have advantages that the local cattlemen do not. Nevertheless, mountain cattlemen are allowed the use of Crown land at a very reasonable price.

There has been a great deal of discussion about the effect of cattle grazing in the high country. Mrs Varty, Mr Hall and Mr Evans have quoted from a report compiled by a Mr R.W. Condon on the Kosciusko National Park. None of those speakers said why and for whom the report was undertaken. In response, I shall quote from a copy of a letter that was sent to members of the Opposition by Dr Terry O'Brien, who is a Bachelor of Agricultural Science, a Doctor of Philosophy from Harvard University, a Fellow of the Australian Institute of Biology and a reader in botany in the Department of Botany and Zoology at Monash University; certainly, his credentials are beyond question.

Dr O'Brien sent copies of his letter to members of the Opposition because he was concerned that they would take heed of what is contained in Mr Condon's report and, based on that report, propose amendments to the Bill. Dr O'Brien's letter states:

I understand that two reports prepared by Mr R. W. Condon may be influencing your thinking on this matter. I have studied Mr Condon's documents. Extracts from a report on the condition of the Kosciusko National Park and the management implications for the alpine area of Victoria, dated May 1989, which I shall call document 1: and his commentary on a paper by Jenny Barnett, his commentary dated May 1989 also, which I shall call document 2, at some length.

It is difficult to be charitable to these two documents and it is disappointing to find a man trained as an agricultural scientist and decorated with a fellowship in the AIAS pushing such anti-science, and I would urge you most strongly to set them aside from your own thinking on the matter. Mr Condon's views are that one can set aside 40 years of hard-core experiments with many published papers, full of results of careful measurements, all designed to remove bias from the outcomes, and replace it with such pieces of fatuous nonsense as his remark on p. 2, doc. 2 . . .

Mr Condon's approach to data he doesn't like is very similar to that put by the church in Galileo's time; the church ignored the observed facts and asserted they were wrong and tried to get Galileo to recant the facts. In modern parlance, we call this approach science by assertion . . .

Mr Condon appears not to understand the scientific process very well, and he sets up the straw man argument on numerous occasions. For example, at 3.1 on p. 5 of doc. 2, he tries to belittle Williams's 1985 conclusion . . .

At no point does Williams claim there are not other ways of getting sharp boundaries . . . and in any event Mr Condon is doing classic science by assertion . . .

I should be deeply concerned if you permit Mr Condon's documents to influence your thinking because they do not contain a shred of evidence that is worthy of your attention.

That is what Dr O'Brien thinks of Mr Condon's report.

Dr O'Brien was so concerned that he wrote a further letter based on papers and information that were available to him. In the letter he provides some facts concerning the mountain cattlemen. The letter states:

I find the arguments being pushed in front of you about the plight of the mountain cattlemen absolutely appalling.

I shall read the letter to the House because it contains arguments that refute those put by Mrs Varty, Mr Evans and Mr Hall:

Let me give you some facts.

1. There are twelve families affected by the proposed phase-out of grazing, involving a total of 1200 cattle normally with about three months access to the area in question. The total cattle on the Victorian Alps is about 17 000 so we are talking about dropping that back to 15 800.

2. The area to be withdrawn is 20 300 hectares from a total of about 489 000 hectares available and suitable for grazing; on the rest, cattle grazing is to continue as normal.

3. The returns to the cattle farmers are estimated to be $45 per beast for the three months they are up there, for which they pay an annual licence fee of $3.50; this fee is substantially less than the annual cost of administering the licences, which therefore incurs a net debt to the State to administer the licence.

4. None of the twelve families of affected cattlemen agists more than 300 head so that the total income being foregone by any one family cannot be more than 300 × 45–3·5 = $12 450. Since there are twelve families involved, clearly most agist substantially less, and therefore stand to lose substantially less.

5. Forty years worth of hard-core scientific data collecting, both in Victoria and in Kosciusko National Park where grazing was withdrawn more than 30 years ago, shows beyond the remotest shadow of a doubt, that cattle grazing, even at low stocking rates, has a series demerit impacts upon the ecology; no-one has yet found any good points. This is scarcely surprising; native animal grazing—e.g., kangaroos—of the high country is rare, and so the vegetation has not evolved in a grazing-resistant mode.

6. Condon and others claim that grazing prevents fire, and that the withdrawal of grazing will increase the frequency and severity of the fires. This is truly a disgusting distortion of the facts; in the area affected by the proposed phase out, the natural fire frequency is 50–200 years! This is high altitude, summer green country, which will only burn on the rare days like Ash Wednesday or 1939, when your backyard lawn in Melbourne would also burn.

The cattle eat edible shrubs, grasses and herbs. When grazing is removed, the edible shrubs grow more vigorously, but these are the short-lived shrubs which engage in a tug of war with the grasses for dominance. They are short in height and do not contribute significantly to fire risk at any time. This country does not have the heavy leaf litter and stem-bark fuels that are a feature of the Australian forest country, and which are so vital to fire. There is not a shred of evidence that grazing reduces fire-risk in this high altitude country: when the fires of 1939 burnt in Kosciusco, the cattle stocking rates at the time were twice what they are now! . . .

8. Cattle damage the bogs and snowpatch areas, drastically altering these areas; and it only needs a small number of cattle to do it. They don't spend much time in the bogs because they do not go in there primarily to graze, they go in to drink. They alter the filtration rates of the bogs, the residence time of the water in the bog, and can drain bogs and cause them to erode.

That sums up the situation with regard to what has been put to the House by some honourable members. There is no argument about the effect of fire and, in my view, there is no argument about cattle grazing. The letter to which I referred puts the whole matter in the right perspective.

The Bill creates a situation where a national park of enormous significance will be proclaimed, but there are some concerns, which I shall now refer to the government. It must accept responsibility for the management of the Alpine National Park. So far the government has made a commitment to provide an additional eleven rangers, and one cannot complain about that. However, honourable members must not get carried away with the talk of rangers. Rangers are necessary, but each ranger needs at least six on-ground staff to work with him. Rangers are well-paid professionals who are trained to organise staff. It is no good appointing rangers without providing support staff, and I am worried about that.

When I was the Minister for Conservation, Forests and Lands an enormous amount of work needed to be done on Crown land, especially in country areas. When the Community Employment Program was in operation, the Department of Conservation, Forests and Lands employed 1000 young people to undertake useful work throughout the State in silviculture areas, pine plantations and roadsides, and even on private land. Many of them performed work to eradicate noxious weeds. The department is set up to handle that type of work; it has trained staff to supervise young people and it has the equipment. It has everything except the appropriate funds. If the government could find the money, the department could employ 1000 people full time to work on Crown land and in national and State parks.

It is a tragedy that young people are paid $100 a week for being on the dole and doing nothing when, for an additional $100 a week, they could be employed and trained to do useful work. I ask the government to realise that it is accepting a huge responsibility with the management of the Alpine National Park.

The seven-year leases concern me. I understand they are part of the bartering that has been continuing with the mountain cattlemen, the government and members of the Opposition, but it worries me. One reason why licences of this nature are normally issued on an annual basis is that it provides more control. If the holder of a licence does not do the right thing and overstocks or damages the leasehold, his licence is not renewed after twelve months. Not much damage can be done to an area in twelve months.

I understand a management plan will accompany the new leases, and I am anxious to see the terms of the plan. I suggest that the leases should be reviewed every twelve months and, if the management plan is not being adhered to, the lease should be reconsidered. The seven-year period is too long and there must be more control. Penalties should be included in the Bill.

Logging is another matter that has been raised. The Bill will reduce the amount of available timber but I point out that, when the Labor Party came to power, the planning with regard to conservation and the timber industry was minimal. When I became the Minister responsible I was astounded to find that no long-term plan existed. The then Forests Commission was not able to tell me what resources were available for the future. If the allocations that were being made on an annual basis at that time had continued, many of the mills in Gippsland would have been out of timber in ten or fifteen years. A rationalisation of the system was desperately required. Many mills were uneconomic, were using outdated equipment and had implemented no safety measures.

To its credit, the government asked Professor Ferguson to investigate the timber industry and the then Minister for Conservation, the present Minister for the Arts, asked the Land Conservation Council to review the matter. For the first time we knew what areas needed to be preserved and what areas could be used for the timber industry. We were able to form a long-term plan; that was the first time that had happened in this State. The government is to be commended for creating a total plan for the State.

I am pleased at the attitude of the Liberal Party to the Bill, and there are two reasons for that change of heart. Perhaps I am cynical, but I believe one reason is the feeling that there is a green vote and that, for a variety of reasons, people are becoming more concerned about the environment. The second reason is the work done by Mrs Tehan. I pay tribute to Mrs Tehan; she has been a great influence on the Liberal Party since she has been a member of this place. I do not know how the Liberal Party operates, but political parties do not always opt for logic when frontbench positions are handed out.

There are exceptions, of course. If there are any reshuffles in the other party, one can only hope that, for the good of Victoria, Mrs Tehan retains the shadow portfolio of conservation, forests and lands. She is the only person in the Liberal Party who really has a sensitivity for and understanding of the issues involved.

I thank the House for its indulgence. Perhaps we might be able to organise some Parliamentary function in the high country when the park is proclaimed. Perhaps you, Mr President, might have the annual President's dinner up in the high country. I feel that there should be some sort of celebration.

An Honourable Member—Would you invite the mountain cattlemen?

The Hon. R. A. MACKENZIE—Yes, they would all be invited. I commend the Bill enthusiastically and look forward to discussing the amendments. Although I have some concern about them, I am sure we will be able to come to an arrangement that will be satisfactory to us all.

The Hon. M. A. BIRRELL (East Yarra Province)—I wish to speak briefly in support of the Bill. The Bill will create a special and large national park—646 000 hectares of perhaps the most important area in Australia, although it has to be seen in the context of other magnificent national parks.

Most significantly, the proposed legislation will guarantee the protection of the Victorian Alps for all time and link them with existing national parks in New South Wales and the Australian Capital Territory. It will create a vast area that will be preserved for future generations.

Perhaps it does not need to be said, but this park will have the most rugged features and perhaps the greatest diversity of land that could be imagined in a park in this nation. The Victorian high country is unique and it will be protected as well as the rare flora and fauna of the entire area stretching throughout north-eastern Victoria.

I particularly welcome the fact that, through the passage of the proposed legislation, Victoria will have joined with two other governments—New South Wales and the Commonwealth in its responsibility for the Australian Capital Territory—so that we can have an area which crosses legal boundaries but which will be managed so that it is protected and safeguarded. That is most desirable and I am glad that at long last it can be arrived at.

As an individual I have long supported the formation of an Alpine National Park. I have been bushwalking in the area on a number of occasions and, through family links in north-eastern Victoria, have developed a very keen interest in much of that part of the State which I had not previously seen.

In 1986, when debating a similar piece of proposed legislation, I asked for the Bill at that time to be withdrawn and rewritten. I am glad we have this proposal back before us today, which, when amended, will be a different Bill. It takes into account a number of sensitive issues which have engendered such enormous community debate. There is a vital need for a successful and vibrant timber industry. There is also a need to recognise the heritage of the mountain cattlemen. Those issues were not adequately catered for in the original Bill; they will be catered for in the Bill when it is passed.

I am pleased that, through negotiation, we have been able to arrive at a position that will be largely one of consensus, given that so many conflicting interests have been dealt with and accommodated. It will be true that some will continue to oppose the park. I can understand the feelings of many of them, but I believe it is in the enduring public interest for a contiguous Alpine National Park to be created now.

I commend Mrs Tehan and the honourable member for Berwick in another place for the work they have put into establishing the Liberal Party stance on the Bill, which has been well communicated, and for their work on a stream of detailed amendments. I also give credit to the government for ensuring that the delicate negotiations on the amendments were productive rather than simply frustrated or ignored.

I have a number of concerns about the alpine park. The prime one is to ensure that once it is created it is something more than a shape on a map. We cannot allow the public to see an Alpine National Park which is in poor condition, is overrun by weeds or causes difficulties to neighbouring public lands in the form of bushfires or which simply cannot accommodate the vast number of tourists that a good national park will attract.

All these issues have to be adequately catered for, and the bottom line is money. This government will win real credibility in the conservation debate only if it allocates extra funds to the Department of Conservation, Forests and Lands for the management of public land. I say "public land" and not just the national park, but, in the context of debate on the Bill, it would be a disgrace if substantial extra resourcing were not made available to ensure proper and effective control of the alpine park.

We know that one of the anomalies relating to national parks is that we seek to protect the area by calling it a national park, but the spin-off is that we draw more individuals into that park who could damage it. That conflict can never be resolved, but it can be catered for by proper management plans.

I regard the practical record of the Labor Party in respect of the allocation of resources to other national parks and State parks as so lamentable that I have little confidence it will do this well. Nevertheless, we lend our support to the Bill in a spirit of goodwill and in the hope that the government will do the job properly this time.

The alpine park will undoubtedly be one of our most popular tourist attractions. It already attracts people who are escaping suburban life and looking for open spaces and the beauty of the area. Some individuals will visit the area for pursuits such as skiing. It is on that issue that I believe the government can be critically analysed on the basis of hypocrisy.

At the same time as one Labor Minister was seeking publicity for the Alpine National Park, another Labor Minister was describing a massive commercial development to be established at Mount Stirling. If commercial operators had been trying to establish such an operation at Mount Stirling, or if private enterprise, mountain cattlemen, or anyone else wanted to establish a commercial operation of that scale, the government would have loudly and forcefully insisted upon an environment effects statement first being put in place. However, for this Cain government the development at Mount Stirling and its associated ski developments will go ahead without any environment effects statement.

I regard that as hypocrisy of the worst kind and it clearly indicates the government's double standards on the management of public land. The government also has double standards in respect of who is developing the site. If private enterprise develops a site it must go through the rigours of preparing an environment effects statement; but if the government develops the land it need not go through such rigours because it exempts itself from the heavy duties it imposes on others. That approach is wrong, it is not in the public interest, and it is worth analysing because it tells us something about the inner thoughts of members of this government.

To me, public land is an enduring, long-term asset. It may be a forest, a national park, a wilderness zone; no matter how it is managed at the time, a government and an Opposition have a duty to preserve it in the long term. But proper controls can be put in place only if there are adequate resources to manage the land and if there are consistent rules applying to all of the land.

The government's track record with respect to Mount Stirling and other commercial developments does not give people faith in the government's consistency across the line.

I believe there is room for expanded winter skiing facilities in this State. That expansion should not occur in an environment of hypocrisy but in an environment of a level playing field for all involved.

I am pleased to see the expansion of the national park network in this State. It is our party, the Liberal Party, that has created or facilitated the creation of every

national and State park in Victoria. Without our party there would be no national or State parks. The rich support for the environment is ours, and we look forward to supporting this amended Bill.

The Hon. K. M. SMITH (South Eastern Province)—I congratulate Mrs Tehan on her magnificent speech last night and again today. Her speech almost moved me to tears because it made me realise the things I have missed; Mrs Tehan brought those things home to me. I am not a greenie but I appreciate what we have in this State. I thank Mrs Tehan for the fine work she put into her speech—it was spot on.

Nevertheless I look on the Bill with some cynicism. The Liberal Party supports the Bill because it has negotiated a number of amendments that will make the Bill worthy of our support. My sole concern is the management and maintenance of the national park. The resources that the government is prepared to make available for the park will make it either the most magnificent park in Australia or the worst park in Australia. We already have many examples of national parks and other areas in the control of the Department of Conservation, Forests and Lands that are neglected because of lack of resources, facilities and manpower. The government is not prepared to provide adequate resources to maintain the areas under its control.

I am concerned about the risk of fire in national and State parks because of neglect of these areas by the government. Fires can burn out areas that will take many years to recover. The mountain cattlemen have been on the land for some 150 years. They have run cattle on the land and maintained the land. They have kept down the weeds and scrub and in doing so have removed the food source of feral animals that do so much damage to State and national park areas.

The government must realise the commitment that is needed if this national park is to be the best in Australia. Honourable members have spoken about the opportunity of providing a magnificent park area if the government is prepared to contribute. I have seen at first hand what happens to some of the wilderness areas that are neglected. The Point Nepean National Park and the Greens Bush area are close to my electorate. The government has placed an order on some of the Greens Bush land and has bought out the rest of it. The Green family maintained that area for some 60 or 70 years. The government has had nothing but criticism for the Green family despite the wonderful job it did of maintaining that area.

I recently visited Greens Bush to see for myself what was there and why the area was worthy of being classified as a national park, a place that in years to come the people of Victoria would be able to visit and enjoy. I drove over areas of the Greens farmland where their cattle have grazed for many years and also other areas that the family has maintained and kept free of bracken, noxious weeds and blackberries. The family had fenced off the conservation area. I do not think I have ever seen so many kangaroos in my life as I saw on that conservation area. There were fully mature animals that had obviously been there for many years.

I asked the owner, Bill Green, to show me some of the national park area that the government has been trying to maintain. He pointed out an area on the other side of the fence, probably 200 or 300 yards from where we stood. He then drove right up to the fence so that I could have a good look. On his side of the fence were kangaroos and on the other side of the fence were blackberries, ragwort and every exotic noxious weed that one could possibly imagine growing right up to the boundary fence. My concern with the alpine area becoming a national park is that it could be neglected by the government in the same way as the Point Nepean National Park at Main Ridge.

The Minister for Tourism recently spoke about spending $540 million to $560 million on snowfields over the next ten years. It is all very well for the government to

put that sort of money into ski resorts but if it is fair dinkum it should be prepared to put the same amount of money into other conservation areas.

Much has been said about the greenhouse effect and how it will change the earth in the future. If Australia experiences the predicted severe increases in temperature, by the time the government has spent all that money on the snowfields, snow may not stay on the ground long enough for people to use and enjoy those facilities.

If the government is to commit funds, they should be committed to the national park to make it a great place. I attended meetings with a number of interested people who were prepared to discuss the national park program. One of the gentlemen from the Department of Conservation, Forests and Lands said, "There is no intention of locking up the area. We intend to cut it into zones and then we will be seeking the opinion of the public on what we should do in those zones—whether the area should be defined so that people can ride horses or drive buses there; perhaps it will be an area where people will only be able to walk, or perhaps a wilderness where they cannot enter." Apparently the department was then to seek public opinion on whether the area should stay locked up or be opened.

My grave concern is about the support being received from the conservationist lobby groups. A letter from the Victorian National Parks Association disclosed the number of people that the association was able to obtain support from—approximately 40 000 Victorians. Each would be able to write a letter to the government stating, "We do not believe the area should be opened but should remain closed." That would eventually deny access to Victorians. The Department of Conservation, Forests and Lands could say that public opinion is that the park should be closed; therefore, those who have access may lose that privilege.

I am concerned about the amendments proposed affecting the mountain cattlemen and what can be done in future years. They have been there for 150 years and have supported and properly maintained the area. They have had the opportunity of grazing their cattle over the summer months, but have done the right thing by maintaining the area.

Had the government not been prepared to examine some of the amendments proposed by the Opposition, the cattlemen may have found that their huts had been removed and they may have been turned off their land because the leases may not have been renewable. Hopefully, negotiations between the three parties may have resulted in a solution. Obviously the government is keen to have the national park established, as is the Liberal Party.

My party is the conservation party and, although many people in the outside world, if I may put it that way, would not think so, an examination of the history of the Liberal Party will disclose its concerns for the environment in that it has declared national and State parks within Victoria. The Liberal Party has made it happen and has provided the opportunity for the establishment of this national park.

I support the concept of the national park, and I only hope the government is prepared to put its money where its mouth is, and contribute to make the area one of the best national parks within Australia.

The Hon. R. J. LONG (Gippsland Province)—Mr Mackenzie suggested that the Liberal Party support was provided because there was a green vote in the community, but the reverse is the case. I shall refer to some history: in 1973 the Liberal Party established the Land Conservation Council. In 1978 it produced a report that recommended the establishment of four national parks—Wonnangatta-Moroka, Cobberas-Tingaringy, Bogong and Snowy River. Those parks were created by a Liberal government, and honourable members should never forget that.

When the government came to power one of the first things it did was to direct the Land Conservation Council to hold another inquiry, bearing in mind the Labor Party's conservation policy. That independent body examined the same issues but, being independent and knowing who was to feed its mouth, it arrived at the recommendation contained in this measure. The Snowy River National Park has been omitted from this Bill, and it deals with the Wonnangatta–Moroka, Cobberas–Tingaringy and Bogong national parks. The Bill will amalgamate those parks; they will be joined by scrubland that does not even qualify as a national park.

The Hon. W. R. Baxter—And therefore denigrates the rest of the national park.

The Hon. R. J. LONG—Correct; it denigrates the whole system. The Liberal Party was fair dinkum in its suggestion about creating national parks, and the government is tagging along and trying to get some kudos.

The government has introduced a Bill that is deficient in detail. I lodge the strongest possible protest against that action, because everyone today has agreed that whether or not the park will be a success depends on a management plan. No semblance of a management plan is contained in the Bill. Honourable members are supposed to be legislators who guarantee rights to people, but there is no suggestion in the Bill that I will be able to fish or hunt deer by stalking—I cannot do it with hounds—and I cannot graze cattle. The government even hits the tourist industry.

Is it any wonder that the Opposition in doing its job then has to negotiate to insert in the Bill all those provisions which should have been there in the first place to protect people and their rights? I strongly protest about certain provisions, and look forward to the amendments being moved in the Committee stage because it is vital that they be included in the Bill to protect the people who want to use the park.

Since the government came to office it has reduced the funds made available for weed and pest control in national parks. It has reduced allocations every year, yet it has the temerity to suggest that it will increase the funding for national parks. That is absolute garbage! If anyone wants to see a cynic, I am the first.

The government will not do it. It will be giving the worst possible name to a national park. If it is not to be run properly, forget it! The government will have complaints about blackberries and noxious weeds because of its reduced funding. If the government has not increased the funding at the next opportunity, it has lied to Parliament and to the people of Victoria.

The Hon. B. A. E. SKEGGS (Templestowe Province)—The Bill provides an environmental landmark in the provision of a national park totalling 646 000 hectares, incorporating three national parks. The provision is one of the most exciting Bills in terms of environmental values to come before any Parliament in Australia.

The Bill marks an outstanding high point in bipartisan cooperation in the Parliament. In an age of hectic pace and pressure it is essential that people have recourse to areas of natural beauty and tranquillity. The Australian Alps represent one of the great natural chains of high mountain country spanning our continent. It is rare to have such an unbroken mountain chain along the coast of a continent and so our Australian Alps are of international significance.

It is commendable that the Victorian and New South Wales governments are seeking to lodge a joint nomination to have the Alps listed as of World Heritage significance. All honourable members will hope that the nomination is accepted, as the Alps are worthy of such a listing.

For many decades it has been a vision in Victoria to have a great park established in the alpine areas. The Liberal Party has always fostered environmental values. This

was particularly true during the years of the Hamer Liberal government. The recommendations of the Land Conservation Council were far reaching in their effects on the environment. National parks were established in East Gippsland, the Flora and Fauna Guarantee Act ensured their protection, and the Little Desert National Park was established during the time of Liberal governments. They all enjoyed the support and patronage of the Liberal Party. State parks were established and the Melbourne and Metropolitan Board of Works established metropolitan parks. All of these improvements are another illustration of the policy of the Liberal Party to encourage the establishment of parks throughout the State.

The proposed legislation is important because it will provide protection for the flora and fauna in the alpine area. The diversity of the forms of plant and animal life are important and they will be protected. It will also protect the high quality water of the major alpine streams.

Wilderness has been discussed during the debate on the National Parks (Amendment) Bill. Wilderness is important in this Bill, too, when honourable members recognise that only 3 per cent of Victoria is still in that condition. The contiguous national park established by the provisions of the Bill will ensure the preservation of wilderness areas for future generations, who will applaud today's initiatives.

Walking tracks must be made available for visitors to the park. Honourable members will acknowledge that one of the most important aspects of a national park is the provision of access to the recreational amenity of the park. Walking tracks, camping, and horse trails are important. Many of the discussions which have taken place between the various parties interested in the passage of this proposed legislation have contributed positively to the future preservation of those uses in this great national park. People's rights must be preserved and facilities must be made available for people to enjoy the park.

Global and environmental considerations are important. All concerned parties have been alerted to the need to enshrine environment preservation and control measures into legislation. Honourable members are aware of the greenhouse effect and its implications not only for today but also for the future. As I said, the bipartisan approach to this proposed legislation is a landmark in the work of this Parliament.

If parks are to be for people, the importance of effective land management issues must be acknowledged. Access to horseriding trails must be protected, not only for commercial operators who are involved in the tourism industry but also for private parties. Progressive attitudes must be adopted to ensure that horseriding trails are opened up and not closed, as has happened in recent times. The mountain huts must be preserved. It has already been said in the course of the debate that the mountain huts provide essential refuge in times of emergency.

Grazing licences have been secured as a result of negotiations. The seven-year renewable grazing licence is a measure that is to be applauded. The Alpine Adventure Tour Operators Association has indicated that the negative attitude of the Department of Conservation, Forests and Lands and the National Parks Service to tourism in the Alpine National Park is of concern. The Bill must preserve the right of groups in the tourism industry to use the park.

While the Bill is in the Committee stage, amendments will be moved relating to grazing licences in the area, an increase in the size of management committees, retention of mountain huts, and dispute-solving mechanisms, all of which are vital to the management of the area. The Alpine National Park must be enjoyed by everyone if it is to be a success. I commend the Bill to the House.

The motion was agreed to.

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

The sitting was suspended at 6.27 *p.m. until* 8.03 *p.m.*

DAIRY INDUSTRY (AMENDMENT) BILL (No. 2)

This Bill was received from the Assembly and, on the motion of the Hon. E. H. WALKER (Minister for the Arts), was read a first time.

EGG INDUSTRY BILL

This Bill was received from the Assembly and, on the motion of the Hon. E. H. WALKER (Minister for the Arts), was read a first time.

TRUSTEE (AMENDMENT) BILL

This Bill was received from the Assembly and, on the motion of the Hon. D. R. WHITE (Minister for Industry, Technology and Resources), was read a first time.

FIRE AUTHORITIES BILL

The Hon. D. R. WHITE (Minister for Industry, Technology and Resources)—I move:

That this Bill be now read a second time.

Since the passage of the Fire Authorities Act in 1987, the government has continued its review of the operations, administration and funding of Victoria's fire and emergency services—the Metropolitan Fire Brigade, the Country Fire Authority and the Victoria State Emergency Service.

This review process has been guided by three basic policy objectives, which can be briefly summarised as:

the pursuit of increased levels of operation effectiveness, skill and efficiency;

the establishment of mechanisms which will ensure high levels of managerial competence, efficiency and accountability; and

the introduction of a greater level of equity into the funding bases of the fire services.

The provisions of this Bill flow from the continuing review process, and are wide ranging in character and their degree of significance. It is appropriate that in the context of this debate I should discuss only the major provisions of the Bill, and refer honourable members to the clause notes which accompany the Bill for an outline of these numerous technical and machinery provisions of the Bill.

Since their inception, both of the fire services gradually acquired significant and often costly new areas of responsibility outside the firefighting sphere. Although this expansion has clearly reflected community expectations and needs, it has been underwritten by legislative provisions which have often been less rigorous and precise than one may have wished. A major focus of this Bill is, therefore, the replacement of the present rather nebulous provisions.

This exercise is not, of course, an academic one. It reflects a concern on the part of the government that the operational roles of the fire and emergency services be defined

in terms which are clear, and minimise the likelihood of duplication, confusion and inter-organisational 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.

The Bill gives formal recognition to the well established role of both fire services in responding to hazardous materials incidents, road accidents, industrial and building accidents, and incidents involving railway and aircraft emergencies. Their role in the provision of property protection and loss mitigation services on a contractual basis has also been formally recognised in the Bill. Corresponding adjustments have also been made to the fire services training powers, and to their compensation provisions.

Honourable members will be aware that the funding bases of the fire services are extremely narrow, relying on contributions from fire insurance policies, the consolidated fund, and, in the case of the Metropolitan Fire Brigade, municipal government.

The government is of the view that the responsibilities of the fire services have now expanded to the point where it would seem appropriate to broaden their funding bases by the adoption of a fee for service approach wherever possible, consistent with maintaining ready access to essential emergency service by all sections of the community.

The Bill incorporates provisions which will address this need in a significant degree. The key elements of this approach are:

INSURANCE

The nexus between insurance levies and liability to pay for brigade fire attendances has been tightened up to ensure that all policies with a fire component are leviable to the extent of that component. However, the capacity for the Governor in Council to exempt certain classes of policy from a fire insurance levy—for example, motor vehicle policies—will be retained.

FIRES

A clear distinction has been drawn between fire and fire-related services and other related events and activities for which the fire services have gradually acquired responsibility. This is designed to protect the entitlements of fire policy holders under existing insurance and funding arrangements, and to enable the services to charge on a differentiated basis for hazardous materials and clean-up activities and so on.

HAZMAT

Both fire services are to be formally empowered to combat HAZMAT incidents, and to exercise powers and recover their costs under section 66 of the Environment Protection Act 1970.

ROAD ACCIDENT RESCUE

The costs of road accident rescue services are to be recoverable from the Transport Accident Commission. Individual motorists will not be liable for these charges. It is not intended, however, that these arrangements will come into effect until 1990, when details of the level of charges and standards of service and training will have been resolved between the combat agencies and the Transport Accident Commission.

OTHER RESCUE ACTIVITIES

Consistent with the principle which I outlined in relation to road accident rescue, no charge is to be imposed for these services, such as trench collapse, rail or air accident, on the basis that there is no clearly identifiable third party to whom the

invoice could be presented, and that it would be inappropriate to charge the recipients of the service.

TRAINING

The training mandates of each of the fire services are to be expanded to include all of their operational activities. There is also to be a capacity to impose charges for all such services and the use of facilities by other organisations.

OPTIONAL ACTIVITIES

A broad category of existing non-emergency related activities has been redefined, including pumping water from basements after water mains have burst and salvage services after extinguishing of fires. These activities are to be undertaken only on a contractual basis at charges determined by the agencies. Owners of the affected properties will have the option of having these services performed by private contractors if they so choose.

VICTORIA STATE EMERGENCY SERVICE

The costs of providing road accident rescue services are to be recovered from the Transport Accident Commission on the basis outlined earlier in relation to the fire services. Other VICSES emergency services are not to be charged for, on the basis that they are either lifesaving activities, services to entire communities, or services to individual properties, only some of which may be insured. However, a capacity is to be created for the service to render a range of non-critical property protection and loss mitigation functions on a contractual basis and for an appropriate fee.

I am confident that these measures will contribute significantly to the achievement of the financial objectives that I outlined earlier, and will enjoy the support of all honourable members.

The Bill provides for an increase in the borrowing limits of the Metropolitan Fire Brigade to enable it to implement its strategic location plan for the future deployment of its firefighting resources.

The plan will be implemented over a ten-year time frame, and will involve the rationalisation of the board's fire stations in order to improve the quality and rapidity of service delivery throughout the metropolitan fire district. The plan involves a net capital outlay during the implementation period of approximately $48 million; the sale of eighteen fire stations; the purchase of land for fourteen new stations; the building of sixteen new stations; and the redevelopment of a further twelve. The present borrowing limit of the Metropolitan Fire Brigades Board is set by statute at $20 million, and steps must be taken to enable the board to expand its borrowing capacity to meet its commitments under the strategic location plan. Given the capital nature of the undertaking, it is believed appropriate that expenses associated with its implementation be met substantially from borrowings.

Honourable members may recall that the Country Fire Authority (Amendment) Act 1988 empowered the Country Fire Authority to manufacture and sell a range of firefighting and other emergency response equipment. During the debate on the Bill, the Opposition expressed concern that its provisions should not give the authority carte blanche to embark on commercial ventures at the expense of opportunities for the private sector, and to use its expertise, scale and pre-eminence in the area to exclude potential competitors. A provision has been included in the Bill which addresses this concern.

Some concern has been expressed among farming and rural firefighting groups about delays in both introducing and terminating fire danger periods and the impact of those

delays on a range of activities, including the burning off of wheat stubble prior to the onset of wet weather and similar operations.

In order to overcome these difficulties, the Bill incorporates a provision which transfers responsibility for declaring and terminating fire danger periods from Ministerial level to the Chairman of the Country Fire Authority in consultation with the Director-General of Conservation, Forests and Lands. This move will allow the declaration–termination process to proceed more rapidly than at present, but will ensure that this discretion is exercised by appropriately accountable senior officers, capable of balancing fire prevention considerations against broader public policy issues.

As I mentioned in my opening remarks, the Bill also contains numerous technical, consequential and machinery provisions on which I do not propose to comment in the present context. Instead I would refer honourable members to the accompanying clause notes for an outline of these items.

I commend the Bill to the House.

On the motion of the Hon. B. A. CHAMBERLAIN (Western Province), the debate was adjourned.

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

MELBOURNE AND METROPOLITAN BOARD OF WORKS (AMENDMENT) BILL

The Hon. M. A. LYSTER (Minister for Local Government)—I move:

That this Bill be now read a second time.

This small Bill has two major purposes, namely:

1. To increase the penalties that may be included in Board of Works by-laws for the illegal dumping of wastes into sewers; and

2. 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 and to provide the board with greater administrative flexibility.

In 1988 Parliament enacted the Environment Protection (Amendment) Act, which protected the environment by a general increase in penalties to ensure that environment protection legislation had adequate teeth to be a deterrent.

It was intended that the Act would increase the Board of Works by-law penalties in respect of the illegal dumping of wastes into sewers. However, the penalties were not increased. The Bill contains provisions to rectify this position.

The government, in accordance with its policy of creating a more efficient and effective public sector, has always insisted that bodies such as the Board of Works constantly review their organisational structures to ensure the most effective provision of services at the best possible saving to the public. In line with this policy, the organisational structure of the Board of Works has, over a number of years, undergone changes to make it more responsive and cost effective.

Recently the structure was further refined, and the Bill contains provisions to increase the administrative flexibility of the board by deleting references in the Melbourne and Metropolitan Board of Works Act to the offices of deputy general manager and director of administration which are now redundant.

I commend the Bill to the House.

On the motion of the Hon. R. I. Knowles, for the Hon. K. M. SMITH (South Eastern Province), the debate was adjourned.

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

EGG INDUSTRY BILL

The Hon. E. H. WALKER (Minister for the Arts)—I move:

That this Bill be now read a second time.

Mr President, the first four paragraphs of the Bill are history. With the agreement of the Opposition I should like to start with paragraph 5, and I seek leave of the House to have the first four paragraphs incorporated in *Hansard* without my reading them.

Leave was granted, and the paragraphs were as follows:

THE VICTORIAN EGG INDUSTRY

The egg industry is an important rural industry. In 1987–88 more than 50 million dozen eggs were produced in Victoria with a gross value of production of more than $70 million.

The Victorian Egg Marketing Board was established in 1937 and recently celebrated its golden jubilee. In 1937 things were different; transport was difficult, refrigeration was limited, production was highly seasonal with gluts in the spring and shortages in winter. Thousands of small egg producers had suffered during the depression and felt that their industry was in the hands of middlemen. It was in this environment that the Victorian Egg Marketing Board came into existence.

In the past 50 years there have been enormous changes. There have been improvements in poultry husbandry, nutrition, housing and breeding. Artificial lighting and more control of the birds' environment have reduced the seasonality in production. Average annual egg production has increased steadily from 12 dozen in 1954 to 21 dozen a hen in 1988. Egg handling and packing is now almost entirely automated. The number of farms has fallen steadily, and there are now about 370 licensed egg producers in Victoria. Of these, 132 large farms produce more than 90 per cent of Victoria's eggs. These are sophisticated modern businesses.

The egg industry is probably the most highly regulated of all Victoria's agricultural industries. All eggs are vested in the Victorian Egg Marketing Board, that is to say, they are compulsorily acquired and marketed under the control of the egg board. It is illegal for a producer to sell his eggs except through the board. Producers receive an average or "pool" price for their eggs, irrespective of whether they go to the premium fresh egg market or whether they are exported at a loss. This may have been appropriate in 1937, but it strikes me as a very paternalistic approach to marketing as we move into the 1990s.

The Hon. E. H. WALKER—Egg production is also constrained by quotas. Except for backyard producers who own fewer than twenty hens, all egg producers are subject to quota restrictions. Quota currently trades for about $11.50 a hen, but quota transfer is subject to very restrictive regulations and must go through the quota tender pool. Farm size is also restricted. The maximum farm size is 10 000 birds a person, or 40 000 for a family farm. There is good evidence that this is less than the minimum efficient scale for modern, fully integrated egg production. The maximum quota limit in New South Wales is 100 000.

The effect of this excessive regulation is to reduce the efficiency of the industry. Production costs are increased by the restrictions on farm size. Investment and industry adjustments are made more difficult by the restrictions on quota transfer. Vesting and revenue pooling prevent accurate price signals reaching producers, and this has lead to persistent problems with surplus production in the industry.

These problems are illustrated by the current situation in New South Wales, where surplus production has got out of hand. Disposal of the surplus is subsidised by a levy, which is currently around 27 cents per dozen in New South Wales. As a result the

consumer price of eggs has risen in that State while producer returns have fallen. In addition, the New South Wales Egg Corporation has accumulated debts of $30 million and has encountered a great deal of difficulty and controversy in enforcing the law. New South Wales is currently contemplating total deregulation of its egg industry.

The government is determined that the Victorian egg industry will not run into the same problems and that it will be in the best possible condition to meet competition from New South Wales if the egg marketing system in that State is deregulated or collapses under its own weight.

PREVIOUS INQUIRIES INTO THE EGG INDUSTRY

There have been numerous official inquiries into egg marketing arrangements both nationally and in this State. The most recent have been the two reports of the Prices Commissioner on egg prices and the reports of the Public Bodies Review Committee.

The Prices Commissioner found in both his reports that the current egg industry regulations caused inefficiency and artificially increased the price of eggs. He estimated that egg prices were too high by at least 20 cents a dozen in 1986 and by 12 cents a dozen in 1988. This confirmed the findings of a number of earlier reports that egg prices were unjustifiably high.

The Public Bodies Review Committee was highly critical of Victoria's egg marketing arrangements and of the Victorian Egg Marketing Board. It found that the legislation granted monopoly powers to a vested interest group which has acted with scant consideration of the public interest. It found that the marketing arrangements have raised prices, reduced efficiency, inhibited investment and placed the Victorian industry at a competitive disadvantage to New South Wales. These regulations had also resulted in an income transfer from consumers to producers of at least $6 million per year.

Furthermore, the Public Bodies Review Committee criticised the administration, accountability and reporting of both the Egg Marketing Board and the licensing committee. It found that the narrow and selective interpretation of surpluses by the licensing committee gave a totally false impression of the level of unprofitable excess production to both egg producers and the Victorian public. Those losses were concealed in an elaborate price equalisation arrangement, an accounting practice devised and administered by the Victorian Egg Marketing Board. The committee also found serious inaccuracies in the quota transfer recording system. The records could not account for more than 6 per cent of the current issued quota.

The government is very concerned about the findings of the Public Bodies Review Committee and about the continuing dissatisfaction which has been expressed by the industry about the performance of the egg board. The industry is entitled to better administration of its marketing bodies. The government agrees with many of the recommendations of the Public Bodies Review Committee, but at this stage there is not the need for wholesale deregulation of the industry. There is, however, a need to free up the industry and remove excessive and unnecessary regulation.

IMPACT AT THE FARM LEVEL

The maximum farm quota will be increased to 80 000 hens. Safeguards will be included to ensure that the farm size limit cannot be evaded by multiple ownership or artifical business structures. At present producers keeping fewer than twenty hens are exempt from licensing and quota requirements. After consideration of industry representations it has been decided to set the exemption level at 50 laying hens.

The hen quota tender pool was seen by the Public Bodies Review Committee as unnecessary and irrelevant. It has also been strongly criticised by producers. The tender pool will be abolished and free trading in quota will be allowed. Leasing of

quota will also be permitted. The Public Bodies Review Committee was of the belief that private sale agreements provide a more efficient system for transferring quota than the tender system.

RESTRUCTURING THE VICTORIAN EGG MARKETING BOARD

The size of the egg board will be enlarged from six to eight. In addition to the chairman, who will have a casting vote, there will be three producer representatives, one employee representative, one representative of the Department of Agriculture and Rural Affairs, one person with expertise in finance and one with expertise in marketing. Accountability to both industry and government will be improved. The board will be subject to strict reporting requirements under the Annual Reporting Act 1983.

The board will continue to have a role in quality control. Egg quality standards will be set by regulation, and will be enforced by the board through the courts. The board will finance its operations from charges for services provided to producers whose eggs it handles. This means that the operations of the board will not be cross-subsidised by general industry levies on producers who do not use its services. In particular, the board will no longer cross-subsidise the disposal of unprofitable surplus eggs by an industry-wide equalisation levy. To assist the board in its management of surplus production and to improve price signals to producers, the board will be able to pay producers different prices according to the end use of their eggs.

Separate provision will be made, using the vesting powers of the board, to finance industry-wide services such as quality control, research and development, generic advertising, quota and licensing administration and general administration costs of the board. Measures will be taken to ensure a high level of accountability and consultation with the industry regarding the use of these funds.

CHANGES TO THE LICENSING COMMITTEE

The Poultry Farmer Licensing Committee will be renamed the Egg Industry Licensing Committee. The new licensing committee will continue to administer quota and licence producers and will comprise four persons appointed by the Minister for Agriculture and Rural Affairs. The chairperson will be appointed by the Minister. The licensing committee will normally have some overlap with the membership of the egg board. However, there will be at most one egg producer on the licensing committee and it will be chaired by someone other than the chairperson of the egg board.

There has been for some time now a growing public awareness of the animal welfare aspects of poultry husbandry. Compliance with the relevant code of practice under the prevention of cruelty to animals will now be a condition of licence.

The Poultry Farmer Licensing Review Committee will be disbanded, as recommended by the Public Bodies Review Committee, and the responsibilities transferred to the Administrative Appeals Tribunal.

THE EGG PRICES REVIEW PANEL

Egg prices will no longer be set solely by the board as in the past. The price review process which has worked successfully in the milk industry will be adapted so that prices are set fairly for both efficient producers and consumers.

The proposed legislation will establish an Egg Prices Review Panel, comprising of the Prices Commissioner—who will be chairman—and two people with commercial expertise. The Victorian Egg Marketing Board has the right to determine the wholesale price of eggs, but this determination will only be effective once it is ratified by the Egg Prices Review Panel. The review panel will also have the independent right to review egg prices and make a determination if it considers it necessary.

MORE COMPETITION IN EGG MARKETING

The government sees the introduction of more competition in egg marketing as an important step in the freeing up of the egg industry. This will be done by expanding the role of producer agents.

A producer agent licence will be issued by the board and be available to any applicant on similar conditions to those which operate successfully in the dairy industry. The only grounds for refusing a licence will be that the applicant is not a fit and proper person to hold a licence. If a licence is refused then reasons will have to be given in writing. Provision will be made for appeals to the Administrative Appeals Tribunal. Eggs delivered to producer agents for sale will be deemed to have been delivered to the egg board for the purposes of the vesting rule.

Within the terms of their licence producer agents will be free to grade, pack and market their own and other producers' eggs. They will be free to undertake commercial initiatives and to develop their own brands, packaging, marketing strategies and advertising methods. They will be able to sell their eggs to whomever they choose, including supermarkets and manufacturers of egg products. They will also be able to manufacture on their own behalf.

Producer agents must operate within any pricing guidelines set for the industry. Producers will be able to market their own eggs if they hold a producer agent licence. Producers who do not wish to do so can always consign their eggs to the egg board as at present.

REVIEW OF THE INDUSTRY IN 1994

The current legislation is a step in the direction of a more flexible, efficient and market-orientated industry. It creates the environment in which the industry can modernise, invest and restructure, and I look forward to seeing the industry take up this opportunity.

However, there remains a considerable degree of regulation which I do not consider to be in the industry's long-term interest. In particular, I would like to see progress towards the eventual abolition of quotas. I believe if we do not move in this direction it will be forced on us by our competitors.

Accordingly, the proposed legislation provides that there will be a review of Victorian egg marketing arrangements and of the progress towards liberalisation in 1994. Unless this inquiry recommends otherwise, all quota provisions will sunset in 1996.

THE FUTURE OF THE INDUSTRY

I see a positive outcome for the industry from these changes. Victorian producers are eager to invest and modernise, but have been discouraged by farm size limitations, by restrictions on quota transfer, and by uncertainty about the future of the industry. Over the years there have been repeated inquiries and public controversy which have made any business planning or large-scale investment very difficult. The industry should now have the opportunity of undertaking the modernisation which it desires. The result should be an efficient, low-cost industry which can compete favourably with those of other States. However, the threat of potential competition should assist the board to maintain and increase its efficiency and to reduce costs.

I commend the Bill to the House.

On the motion of the Hon. R. I. KNOWLES (Ballarat Province), the debate was adjourned.

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

DAIRY INDUSTRY (AMENDMENT) BILL (No. 2)

The Hon. E. H. WALKER (Minister for the Arts)—I move:

That this Bill be now read a second time.

PURPOSE

The purpose of the Bill is to amend the Dairy Industry Act 1984 in three areas. The most significant group of amendments makes changes to the payment system for market milk. The other changes relate to dairy technicians and delegation powers.

CHANGES TO THE PAYMENT SYSTEM FOR MARKET MILK

The changes proposed to the payment system for market milk will complement the changes proposed to the payment system for manufacturing milk.

Amendments contained in the Agricultural Acts (Miscellaneous Amendments) Bill will give industry the opportunity of replacing the traditional basis of paying farmers for manufacturing milk with a "compositional" basis of payment. Traditionally, payment has been on the basis of the butterfat content of the milk. Industry wishes to move to a pricing system which will reflect both the butterfat and the protein content of milk. An implementation date of 1 July 1989 is proposed.

Changes to the market milk payments system are highly desirable to complement the proposed new payment system for manufacturing milk. Some of these changes do not require legislative action. Those that do are the subject of this Bill.

Under present legislation a factory which acts as an authorised agent for the Victorian Dairy Industry Authority must pay the authority for any butterfat removed from milk by standardising raw milk for market milk purposes. Known in the industry as BRS payments, these payments do not form part of the authority's determined price for market milk.

The requirement to make BRS payments is no longer appropriate if manufacturing milk is not paid for solely on the basis of butterfat. Further, the industry has decided that these adjusting payments should be a matter between the authorised agent and the farmer, subject to the general principles contained in the Bill.

The Bill provides that where the basis of payment for manufacturing milk takes into account the butterfat content of the milk, the agent must make payments to the dairy farmer for butterfat removed in the process of standardising market milk or charge the farmer for butterfat added in this process.

The Bill specifies that one of the two prices is to be paid for butterfat added or removed in standardisation. The price to apply depends upon the nature of the manufacturing milk payment system adopted by the agent.

If an agent adopts the new industry-agreed model of paying for manufacturing milk and takes into account butterfat, as well as other milk components, the same price paid for that butterfat must be used in the adjusting payments for butterfat added or removed in standardisation.

If an agent continues with the traditional basis of payment for manufacturing milk and pays only according to butterfat content, then a special price must be declared. That declared price must be used in the adjusting payments for butterfat. It would not be appropriate to use the manufacturing milk price for butterfat in this case because the value of fat added or removed in standardisation is less than the price paid for butterfat in milk supplied for manufacture. That price incorporates the total value of all the components of milk and would be significantly higher than the price of butterfat under the new industry-agreed model.

An agent must give one month's notice of any change to this specially declared price. This complements the requirement for one month's notice to be given of any change in the basis of payment for manufacturing milk.

Where an agent adopts the new industry agreed model and also pays for the protein content of manufacturing milk, the agent will be required to pay suppliers of market milk according to the protein content of that milk. Again, the manufacturing milk price for protein must be used.

If an agent does not pay for butterfat or protein in manufacturing milk, then the agent is not required to make adjusting payments for market milk.

DAIRY TECHNICIANS

The second group of amendments relates to dairy technicians and removes the requirement that a technician must be registered. Dairy technicians are responsible for testing and assuring the quality of milk and milk products and the maintenance of high operational standards at dairy premises. They play a most important role in the industry and it is most important that they are appropriately qualified.

Present arrangements are duplicative and from industry's point of view confusing. A person who wants to practise as a technician must obtain the necessary qualifications prescribed by regulation and, as well, obtain registration from the Department of Agriculture and Rural Affairs. In many cases both applications have to be accompanied by the same documentation and by a fee.

The government's Regulation Review Unit has questioned the cost-effectiveness of the registration system and a review committee of officers from the department and the Victorian Dairy Industry Authority has recommended that it be discontinued.

Regulations prescribing the qualifications to be held by various classes of technicians will be retained and these will ensure that appropriately qualified people continue to carry out the functions of a technician. The question of a person's competency can be dealt with by the employer. Provision will continue to be made for a person holding interstate or overseas qualifications to be allowed to carry out the functions of a technician but this will be administered by the authority rather than the department.

It is also proposed to ensure that where a technician contravenes the Act the employer can be liable if the contravention took place with the employer's knowledge. Investigations of contraventions indicate that in most instances the technician was working under the direction of the employer.

DELEGATION

The final measure contained in the Bill is of a machinery nature. The chief general manager of the department presently is empowered to delegate his or her functions to a departmental officer. This amendment will enable those functions also to be delegated to an officer of the Victorian Dairy Industry Authority.

I commend the Bill to the House.

On the motion of the Hon. R. I. KNOWLES (Ballarat Province), the debate was adjourned.

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

CORRECTIONS (AMENDMENT) BILL

For the **Hon. D. R. WHITE** (Minister for Industry, Technology and Resources), the Hon. B. T. Pullen (Minister for Housing and Construction)—I move:

That this Bill be now read a second time.

The purposes of the Bill are to abolish the right to automatic remission on sentences of imprisonment; to phase out the prerelease scheme; to allow prisoners to earn merit time for good conduct and industry; to establish a home detention program; to provide additional powers to deal with prisoner discipline and management; to replace the leave of absence program for prisoners with a custodial community permit system; to provide for fine defaulters appearing before a court that imprisonment is a last resort; and to make terminology of custodial sentences more directly reflect the intentions of the court.

The Bill represents the first stage in the government's response to the recommendations of the Victorian Sentencing Committee. The Bill puts into effect a legislative strategy that will put Victoria in the forefront of sentencing reform. The government's strategy for reforming the criminal justice system was released last year as the "Building a Law-Abiding Society—Together" policy statement. This comprehensive strategy covered prevention, apprehension and punishment of criminals, rehabilitation of offenders and care for victims. It included the following initiatives for reforming correctional sentencing and administration:

abolition of all prisoner early release programs;

abolition of automatic sentence remissions, and introduction of a system of merit time to be earned by good behaviour and work performance;

a staged reduction over five years in the maximum rate of merit time;

increased penalties for prison offences;

enhanced prisoner work programs; and

changing sentencing terminology from "maximum/minimum terms" to "principal/parole terms".

Further stages in the government's "Building a Law-Abiding Society—Together" policy which are being dealt with in the government's sentencing reform package include:

establishment of a sentencing task force to review maximum penalties for serious offences;

development of a court sentencing manual; and

establishment of a bureau of crime statistics.

Recently the government established a Ministerial advisory committee to consider the issue of temporary leave of absence for prisoners. The committee has now made its report and the government intends to take action to implement those recommendations. The Bill incorporates a number of recommendations made which require legislative amendment to the Corrections Act and establishes a custodial community permit system.

The Bill abolishes the prisoners' rights to automatic remission on sentences of imprisonment. At present, prisoners are credited with remissions equal to one-third of their sentence at the time of their reception into prison, and may lose part of this entitlement if they are found guilty of an offence committed while in prison.

To completely abolish any incentive for prisoners to behave would seriously compromise the capacity of prison administrators to maintain discipline and order. Therefore, in place of automatic remissions, the Bill provides for prisoners to earn merit time for good conduct and industry. Each month, prisoners' behaviour will be assessed by the officers responsible for their supervision, and only those who satisfy the criteria for good conduct and performance in industry or on an approved program

will be granted the full amount of merit time. In addition, prisoners who breach prison regulations may lose days of merit time that they have already earned. Initially merit time may be earned at a maximum rate of up to one day in three; however, over the next five years there will be a staged reduction in this maximum rate to one day in four and finally to one day per week. When sentencing a person to imprisonment, the court may take into account the amount of merit time that the person may potentially earn.

The Bill also phases out the prerelease program. This program currently allows the Adult Parole Board to release prisoners into the community, subject to the supervision of community corrections officers and the performance of unpaid community work, up to six months before the end of their sentence. The Bill progressively reduces the maximum period that a prisoner can spend on prerelease, finally abolishing the program two years after the proclamation of the Act.

The Bill provides for the establishment of a pilot home detention program. This form of custody is being widely used in the United States of America and has also been established in South Australia and Queensland. Only prisoners in the last six months of their sentence will be eligible to participate in the program, and only then if they have a suitable residence, if their family or coresidents agree to their being detained there, and if they can satisfy a range of other criteria. Participation in the program will be at the discretion of the Adult Parole Board, and home detainees will be subject to regular random checks and tests for drug and alcohol consumption. Home detainees will also be required to contribute to the cost of their surveillance, and to perform unpaid community work.

The terms currently used to specify sentences of imprisonment do not accurately reflect the intentions of the court. The Bill provides for sentences of imprisonment to be described in the same way that they are actually served; a prison term plus a parole term. The decision to place a prisoner on parole will remain in the hands of the Adult Parole Board.

The Bill includes several provisions that strengthen powers to deal with prisoner discipline and management. The Bill provides that sentences of imprisonment imposed on a prisoner for an offence committed in prison would be made cumulative on any sentence already being served, rather than concurrently as is presently the case, unless the court directs otherwise. Other provisions give the power to prison staff to test prisoners for drug use, to apprehend and detain visitors found to be in possession of drugs or other contraband, for the director-general to immediately withdraw prisoners' privileges following serious breaches of prison discipline, and to allow governor's hearings to proceed in cases where the prisoner refuses to attend.

Embracing the recommendations by the leave of absence committee the Bill establishes a custodial community permit system which enables the director-general to issue permits to prisoners for purposes which include health, fitness, education, work, the administration of justice or to participate in an approved program.

The current legislation covering leave of absence from prison is inadequate in cases where prisoners must be placed under police witness protection, where fine defaulters have their sentences converted to a requirement to perform unpaid community work, or where prisoners are participating in an approved program such as working for prolonged periods on community projects in the country. The Bill therefore provides that, in these cases, leave of absence for more than three days can be granted.

In the past, the capacity of the prison system has been strained by the need to process large numbers of persons sentenced to short terms of imprisonment for fine default. It is inappropriate that a person should go to prison for an offence for which a

fine was orginally judged to be a suitable punishment. Therefore, the Bill provides that, for fine defaulters who appear before the court, imprisonment is to be used as a punishment of last resort, and allows the conversion of a prison sentence for fine default to a period of unpaid community work.

The Bill also includes a more specific confidentiality provision for information relating to prison security and prisoner personal information. This has been included because the existing confidentiality provision has been found to be too general to have any real application.

The Corrections (Amendment) Bill is a key element in the Cain Labor government's strategy for tackling the causes and consequences of crime. It contains important initiatives for ensuring that the sentences passed by the courts are actually served, and for continuing the good administration and management of the correctional system.

I commend the Bill to the House.

On the motion of the Hon. B. A. CHAMBERLAIN (Western Province), the debate was adjourned.

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

CRIMES LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

The Hon. E. H. WALKER (Minister for the Arts)—I move:

That this Bill be now read a second time.

This Bill contains a package of measures which will further the government's policy of improving the efficiency and effectiveness of the criminal justice system. The major components of the package are as follows:

(1) repeal of the sunset clause in the National Crime Authority (State Provisions) Act 1984;

(2) completion of the reform of the law relating to the falsification of documents;

(3) repeal of obsolete forgery and currency offences;

(4) permitting courts in fixing sentence to take into account whether a guilty plea was entered or indicated at an early stage of the proceedings;

(5) enabling the Supreme Court to set minimum terms for prisoners originally sentenced to death whose sentences were commuted;

(6) conferral of immunity from liability from defamation on media organisations which publish descriptions, photographs or identikit pictures of alleged crime suspects;

(7) clarifying the power of police to take fingerprints from children, empowering authorised persons to take fingerprints on behalf of police, and simplifying the process for taking fingerprints from persons convicted of serious offences;

(8) the extension to members of the Police Force of the powers currently possessed by authorised officers of the State Transport Authority and the Metropolitan Transit Authority in relation to offences under the Transport Act; and

(9) other technical amendments to crime-related legislation.

I shall briefly summarise each of these elements in turn.

Mr President, the notes elaborating on each of these points have been distributed, and I seek leave to have them incorporated in *Hansard* as comments that I have made as part of my second-reading speech.

Leave was granted, and the notes were as follows:

NATIONAL CRIME AUTHORITY: CONTINUED OPERATION

The National Crime Authority was established jointly under Commonwealth and State legislation in 1984. The State legislation enables the authority to investigate offences against Victorian law. When the legislation establishing the authority was introduced in 1984, the Commonwealth and all State governments agreed that the legislation should initially operate only until 30 June 1989 so that a thorough review of the authority's operations could be conducted before it was given a permanent character.

Following the recommendations of an all-party committee of the Federal Parliament, the Commonwealth has repealed the sunset clause in the Federal legislation governing the National Crime Authority. Each State has agreed to follow suit. It is essential for the sunset clause to be removed from the Victorian Act to fulfil Victoria's part of the national agreement and to ensure that the authority can continue operating effectively in Victoria. 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 jurisdiction, is an important response to organised crime.

During the past five years, various minor amendments have also been made to the Commonwealth legislation governing the National Crime Authority. The Bill makes similar amendments to the Victorian Act to ensure that the State provisions continue to mirror those of the Commonwealth Act.

FORGERY AND CURRENCY REFORMS

In 1988, the government introduced into the Crimes Act new offences relating to the falsification of documents. The new offences, inserted by the Crimes (Computers) Act 1988, cover activities which amount to both forgery and uttering at common law and extend to the falsification of documents not covered previously. In particular, the new amendments criminalise the falsification of automatic teller machine cards, credit cards, computer discs and other machine-readable documents. The amendments were based on the law in England and the Australian Capital Territory.

The Bill will complete this process of reform of the law relating to the falsification of documents by creating additional new offences and by repealing a large number of provisions made obsolete by the new laws.

The Bill inserts in section 83A of the Crimes Act new offences dealing with the possession of a machine, implement, paper or other material specially designed or adapted for the making of a false document. Mere possession of such an article will be punishable by up to two years imprisonment. If the person who makes or has such a machine, implement, paper or other material intends to commit an offence involving the making of a false document, or intends that another person do so, a maximum penalty of ten years imprisonment will apply. These offences are also based on those in force in England and the Australian Capital Territory.

With the introduction of these offences, the common-law offences of forgery and uttering and a large number of statutory offences under the Crimes Act have become redundant. To avoid confusion and to further the government's policy of removing obsolete legislation from the statute book, the Bill will repeal the now obsolete provisions in the Crimes Act, as well as the common-law offences of forgery and uttering.

The Bill will also repeal a number of provisions relating to coinage and currency that date from colonial times. These State offences have long been overriden by Commonwealth law. The law governing offences relating to coinage and currency is now comprehensively dealt with under the Crimes (Currency) Act 1981 of the Commonwealth, which covers the field to the exclusion of State laws. The repeal of the redundant provisions will remove any potential for confusion which might otherwise occur.

The government has consulted widely on each of these changes and they have received universal support.

SENTENCE DISCOUNT FOR EARLY GUILTY PLEAS

Following the report of the Shorter Trials Committee in 1985, the Penalties and Sentences Act was amended to allow courts in passing sentence to take into account the fact that a defendant had pleaded guilty, regardless of whether that plea was motivated by remorse or some other factor in the public interest. The Steering Committee on Delays in Criminals Courts, which was established by the Attorney-General,

has recommended an amendment to that provision. The committee has proposed that a court be empowered to take into account the time at which an accused person pleaded guilty as well as the fact of pleading guilty. It has also proposed that the form of warning given by a magistrate to an accused person upon committal for trial be amended to reflect this rule. The Bill adopts these recommendations. The amendments are designed to encourage guilty defendants to enter a plea of guilty, or indicate their intention to do so, at the earliest possible opportunity. This initiative will significantly expedite criminal proceedings and help reduce delays and costs in the criminal justice system.

COMMUTED DEATH SENTENCES: MINIMUM TERMS

In 1986, on the recommendation of the Victorian Law Reform Commission, the mandatory sentence of life imprisonment for murder was abolished. At the same time, the Penalties and Sentences Act was amended to enable prisoners who had been sentenced to life imprisonment for murder prior to 1986 to apply to the Supreme Court to set a minimum term. This procedure allowed minimum terms to be fixed by courts in the same way that they could be fixed for all other sentences, rather than by the executive behind closed doors.

A question has since arisen about the status of prisoners who had been sentenced to death for murder before the abolition of capital punishment in 1975, but whose sentences were commuted to life imprisonment. Since 1986, seven such prisoners have applied to the Supreme Court to have minimum terms fixed under the new provisions. In six of these cases, the Supreme Court has fixed a minimum term. One case has yet to be heard. In four cases, the prisoners completed their minimum terms and were released on parole. One prisoner, Tibor Bariska, appealed against the length of the minimum term set by the court. In hearing his appeal, the Court of Criminal Appeal held that the 1986 amendment did not in fact allow the Supreme Court to fix a minimum term because he had not been sentenced to life imprisonment. The court described this situation as an anomaly.

The Bill takes up the concerns raised by the court. The Bill makes two changes. Firstly, it removes any doubt about the status of orders made by the Supreme Court prior to the Court of Criminal Appeal decision. Secondly, it allows other prisoners whose sentence of death was commuted to life imprisonment or to imprisonment for a specified term to apply for the fixing of a minimum term as if the prisoner had been sentenced to life imprisonment. A prisoner may not apply, however, if the governor has already fixed a minimum term.

PRIVILEGE FOR CRIME SUSPECT REPORTS

The publication of descriptions, photographs and identikit pictures of crime suspects is often essential to the identification and capture of criminals. In particular, the highly successful "Crimestoppers" campaign depends on the publication of such information, However, media organisations have expressed concern to the government that if, at the request of police, they publish a description or picture of a person who has not in fact committed a crime, they could be liable for defamation. Such anxiety, whether well-founded or not, could jeopardise a very important means of eliciting information from the community for criminal investigation purposes.

The Bill therefore amends the Wrongs Act to confer qualified privilege on certain publications. The privilege will apply to a publication in a newspaper or by radio or television broadcast of a copy or a fair and accurate report or summary of a document issued by a senior member of the Police Force for the purpose of protecting the public or assisting in the investigation of a crime. This will provide media organisations with a complete defence to an action for defamation, unless the plaintiff proves malice on the part of the media organisation in publishing the material. At the same time, the Bill safeguards the interests of the innocent person whose description or picture is published. In order to claim the privilege conferred under the Bill the media organisation must, if requested to do so, publish a reasonable letter or statement by way of contradiction or explanation of the published material. The retraction must be published in a manner or form likely to reach the same general audience as the original report. This safeguard is consistent with existing provisions of the Wrongs Act, and with United Kingdom, South Australian and Northern Territory legislation.

These provisions strike a balance between the need for dissemination of information about crime suspects and the right of a person wrongly portrayed as a possible criminal to clear his or her name.

FINGERPRINTING AMENDMENTS

Last year Parliament passed the Crimes (Fingerprinting) Act which, for the first time, gave the Victoria Police power to obtain, without consent, fingerprints from suspects and persons convicted of serious offences. The Act implemented the recommendations of the Consultative Committee on Police Powers of

Investigation, which is chaired by the Director of Public Prosecutions, Mr John Coldrey, QC. The Act has not yet come into force.

The Bill makes three amendments to the fingerprinting legislation. The first, in clause 11, allows authorised persons to take fingerprints on behalf of police. It is envisaged that protective services officers and some public servants employed by the police will be so authorised. This change will free police for operational duties.

The second amendment deals with the taking of prints of children who are not suspected of an offence or an activity which would be an offence if they were of the age of criminal responsibility. The second-reading speech of the Minister and the explanatory memorandum in relation to the Crimes (Fingerprinting) Bill made it clear that the government's intention was to deal only with the fingerprinting of suspects, but a legal opinion obtained by the police has cast doubt on whether the Act has this effect. The amendment in clause 12 will put the issue beyond doubt.

The third change concerns the procedures which apply to the taking of fingerprints. The Crimes (Fingerprinting) Act contains a number of safeguards to ensure that the new powers are not abused and to prevent subsequent disputes in court about the manner in which fingerprints were obtained. In particular, the obtaining of fingerprints from a suspect without his or her consent must be either videotaped or conducted in the presence of an independent person. These requirements also apply to the fingerprinting of persons after conviction. However, in the light of representations from the police, the government has decided that verification procedures are unnecessary in relation to routine post-conviction fingerprinting and accordingly the Bill will remove them.

TRANSPORT INFRINGEMENTS

The Bill also makes a number of amendments to the Transport Act 1983. The government is strongly committed to reducing crime on public transport. The Minister for Transport has developed a coordinated strategy to ensure that travel on Victoria's public transport system is safe and comfortable. This program includes:

establishment and expansion of the transit police and transit patrol;

introduction of high profile guards moving up and down trains;

the launch of Commuter Security, the public transport arm of Neighbourhood Watch;

setting up the clean-up gang, together with other initiatives to reduce graffiti on trains, trams and buses;

designing new railway stations to improve the comfort and security of passengers;

improved security of existing stations; and

installation of video surveillance cameras and the commencement of a trial of cameras on trains.

As part of the implementation of the government's strategy in respect of the operations of transit police and transit patrol, the Bill makes important amendments to the Transport Act. The main features of the amendments are:

the power to issue infringement notices is extended to include members of the Police Force;

new provisions enabling infringements to be prescribed by regulations rather than in the Act thereby avoiding constant amendments to the Act;

removal of the divergence in powers between authorised personnel and police in relation to particular enforcement provisions of the Act; and

clarification of the power of police to bring proceedings for offences and the enabling of prosecutions for offences to be conducted by police prosecutors regardless of whether the person bringing the proceedings is a member of the Police Force.

These amendments will enhance the maintenance of orderly behaviour on public transport and on property owned by bodies established under the Act. The amendments will enable improved deployment of transit police and transit patrol officers as they will be similarly empowered and joint patrols will no longer be essential. This will lead to a greater uniformed presence in needed areas. Overall, resources will be better used.

Finally, it should be made clear that the primary enforcement of relevant provisions of the Act is and will continue to be by authorised personnel as defined in the Act. The Bill empowers police to deal with certain situations appropriate to the transit policing role which were previously limited to transit patrol

officers. Greater effectiveness and flexibility for police in order to provide community safety, security and good order and to protect property will be achieved. But the amendments do not signal a change in the policing role towards enforcing revenue provisions or dealing with minor matters more appropriately dealt with by authorised personnel of the transport bodies.

OTHER MISCELLANEOUS AMENDMENTS

The Bill makes a number of other amendments of a technical nature to crime-related legislation. These include:

ensuring that both the Director of Public Prosecutions and a defendant can appeal against a bond imposed by the County Court; amending the Penalties and Sentences Act to provide that community-based orders are to be served concurrently unless a court orders otherwise—this rule is consistent with that which applies to custodial sentences;

amending the Penalties and Sentences Act to permit a court to make a single community-based order in respect of more than one offence;

amending the Alcoholics and Drug-Dependent Persons Act to provide that sentences suspended under the Act are to be served concurrently with sentences imposed for subsequent offences; and

amending the Crimes Act to allow the County Court to extend the time for commencement of a trial in a rape case to be conducted in that court—at present these applications must be made to the Supreme Court.

CONCLUSION

The Bill is a package of sensible and practical measures to improve the efficiency and fairness of the criminal justice system and to further the government's program of modernising legislation relating to criminal law.

The Hon. E. H. WALKER—I commend the Bill to the House.

On the motion of the Hon. HADDON STOREY (East Yarra Province), the debate was adjourned.

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

NATIONAL PARKS (ALPINE NATIONAL PARK) BILL

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

Clause 1 was agreed to.

Clause 2

The Hon. B. T. PULLEN (Minister for Housing and Construction)—Firstly, I thank all honourable members who have participated in the second-reading debate. Like some other debates that have been held previously about national parks, it is an occasion when a number of people are able to speak with great sincerity. I regret that I am somewhat restricted in my position of handling the Bill and that I cannot contribute in quite the same way. It is very pleasing that several people have worked together to reach the point where there is now a Bill that can be passed.

I signal that the government will agree to a number of the proposed amendments and, in some cases, it will do so reluctantly. However, it is doing so in the same spirit in which the debate has taken place so far and in the interests of having a Bill passed that will look after the conservation interests of all Victorians. In the best of all worlds, it could be that if those people who are concerned about it were to meet without some of the baggage that they take with them from their party situations, people we consider as being part of our constituencies, it may have been possible to achieve a much cleaner and simpler solution. I believe everyone in this Chamber sincerely holds a view about the importance of the environment and national parks but, be that as it may, we all work with certain restrictions.

I thank those honourable members who have worked to reach the present position. As I said, a number of amendments will be proposed that the government will not oppose, although there will be some that the government is not able to accept.

The Hon. D. M. EVANS (North Eastern Province)—Mr Chairman, amendments Nos 1, 2, 3 and 4 standing in my name are consequential upon my amendments Nos 14 and 15. I therefore suggest that, until the Committee has had the opportunity of debating those amendments Nos 14 and 15, the consequential amendments that I propose to move, Nos 1, 2, 3 and 4, as well as No. 6, not be considered until a final decision is made. I therefore suggest that consideration of my amendments to clause 2 be deferred until a decision is made on my amendments Nos 14 and 15.

The CHAIRMAN (the Hon. K. I. M. Wright)—Order! Perhaps it may be better for Mr Evans at this stage to canvass his arguments in regard to his amendments Nos 14 and 15.

The Hon. D. M. EVANS —The new clause set out in amendment No. 14 provides for bush grazing licence areas in which certain persons, namely mountain cattlemen, will have the right, under certain terms and conditions, to obtain bush grazing licences in the national park. It puts into effect the promises that were made by the Minister during his second-reading speech and have been supported by all parties during the debate.

The new clause also provides for the establishment of an advisory committee. It prescribes the persons who will form the membership of that advisory committee and sets out the process under which the advisory committee will work, and its powers and functions. The two provisions are incorporated into the one amendment.

The new clause dealt with in amendment No. 15 provides that a management plan drawn up for the alpine area be laid on the table in both Houses of Parliament within a specified period, that is, before the expiration of the second sitting day of the House after the Minister has received the management plan. It includes the normal disallowance provisions concerning regulations—that is, within a specified period, the Chamber may either amend, assent or disallow the management plan.

The two amendments will need to be debated conjointly, but until the Chamber has made a decision on these two amendments it is difficult to determine how the earlier amendments, amendments Nos 1 to 4, should be dealt with. If amendments Nos 14 and 15 are agreed to, amendments Nos 1 to 4 are consequential upon that agreement, but if one or both of the amendments are not agreed to there will be a variation in the Bill.

The CHAIRMAN—Order! Amendment No. 1 is the test for amendments Mr Evans has already discussed.

The Hon. D. M. EVANS—The National Party has been working for a long time on these amendments and I am concerned that if the Committee agrees to the first amendment and amendment No. 14, but does not agree to amendment No. 15, there will be some difficulty.

The CHAIRMAN—Order! Mr Evans should put his argument for both amendments. My understanding is that if the Committee agrees to amendment No. 1 it is automatically indicating approval of Mr Evans's amendments Nos 14 and 15.

The Hon. D. M. EVANS—I shall be more than happy with that procedure.

The Hon. B. T. PULLEN (Minister for Housing and Construction)—The government will agree to amendment No. 14 but will oppose amendment No. 15.

The CHAIRMAN—Order! As amendments Nos 14 and 15 are separate matters, the Committee should postpone consideration of clause 2.

The clause was postponed.

Clauses 3 to 6 were agreed to.

Clause 7

The Hon. D. M. EVANS (North Eastern Province)—I move:

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".

The amendment will prevent deer hunting in additional areas providing they are specified in an approved management plan. The amendment will give an additional degree of flexibility to that area. I commend the amendment to the Committee because, as honourable members will be aware, a considerable amount of deer hunting does take place in the alpine area at present and some of that deer hunting could be affected by the declaration of the Alpine National Park.

There are good ecological reasons why deer hunting should be permitted in the area. Deer are not an indigenous species but were introduced. Many deer exist in the area and unless some control measures are put in place they could become a major ecological problem and do considerable damage, particularly in uncontrolled numbers.

Discussions have taken place during the past few days and there has been some acceptance of the fact—and I wait on other honourable members to indicate their views—that the amendment should be proposed. I ask the Committee to support the amendment.

The Hon. ROSEMARY VARTY (Nunawading Province)—I am indebted to Mr Mike Harrison of Tonimbuk for providing me with more detail on this matter. Sambar deer inhabit all the forested country in eastern Victoria, although they are not evenly distributed. Since they were released in the last century they have slowly moved through the State in an ever-expanding way that means that the best populations are usually about 10 kilometres further out after each decade. That is why there is a need for the amendment.

There are approximately 600 to 800 deer hunters in Victoria and the sport has grown rapidly. Victoria is becoming a major deer hunting area, not just for Australians but also for overseas hunters. Deer hunters come from the United States of America, in particular, so it is a tourist attraction.

It is estimated that the hunting of sambar deer in Victoria may generate income of up to $30 million annually. It is an issue of some economic importance. It is important that the Committee allow some flexibility rather than restrict the possibility of the development of that type of tourism.

The Hon. B. T. PULLEN (Minister for Housing and Construction)—The government will not oppose the amendment but I make the point that it will be agreed to in conjunction with the management plan. The agreement is to facilitate the operation of the management plan and not to facilitate deer hunting per se.

It is a measure that can be used with discretion to control deer in areas where it is preferable and ecologically sound to do so, but should not be the basis of an industry.

The Hon. P. R. HALL (Gippsland Province)—I support the amendment and direct honourable members to the points I made during the second-reading debate. Dear shooters have a legitimate recreation and for no good reason they are being denied access to traditional areas where they have hunted for many years.

No-one has given any reason why they have been excluded from traditional hunting areas. Deer hunting is a legitimate recreational sport and they have every right to continue to hunt in these areas.

The Hon. R. A. MACKENZIE (Geelong Province)—I seek some clarification from Mr Evans and the Minister for Housing and Construction on the amendment. Does Mr Evans mean that his amendment to the Bill will cater for deer moving into different areas of the park from time to time? I assume he is trying to cover the situation that if a management plan provides for hunting in one area and it is closed down, when the deer move from that area to another area the management plan will provide for the opening up of the new area; am I right?

The Hon. D. M. EVANS (North Eastern Province)—It will not necessarily be closed down. A substantial process is put in place before approval of a management plan to cover an area is applied. When that process has been followed, it is possible to extend the plan into a new area. Whether that will include closing down some or all of an existing area will be a matter for the persons who draw up the existing plan, which in this case will be the Alpine Advisory Committee.

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

Clause 8

The Hon. D. M. EVANS (North Eastern Province)—I move:

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."

The areas addressed in the clause refer to once-only logging. Generally it is an extension of an existing logging permission for once-only logging where there has not been adequate time to complete the logging originally recommended by the Land Conservation Council. The Rose River area was to have been completed by July 1988—almost twelve months ago—but for various good reasons the logging has not been completed. There is still additional timber in that area which the Land Conservation Council expected would have been completely logged by that time. The intention of the amendment is to extend the ability to log until July 1992. The area involved is not enormous and my understanding is that the number of logs involved is not high.

The second aspect of the amendment refers to the West Buffalo area which is not currently being logged. My understanding is that the area was not accurately mapped at the time the resource map was first drawn up by the Land Conservation Council. It was discovered as a result of bushfire control operations in that area some three or four years ago.

It may be of value to the Committee if I read an extract from a letter of 29 July 1986 from Mr Mike Gardiner, then Assistant Regional Manager, Public Land Management, to John Wright, Assistant Director (Planning), State Forests and Lands Service, East Melbourne. Mr Gardiner states:

There are no known significant conservation values within the stands. The stands are largely hidden from vantage points in the area, which may explain why they have not been found before. The Razor Track forms the east boundary of the largely unroaded Catherine River headwaters. Timber harvesting would need to be planned to ensure that the Razor Track had a buffer along it to protect the values of the Catherine River.

The restrictions to which Mr Gardiner hinted in that letter will be met, assuming that a code of forest practice is available in the near future. The Committee will be aware that such a code is currently in preparation.

This issue has been subject to significant discussion and consultation and I hope the Committee will agree to the amendment.

The Hon. R. A. MACKENZIE (Geelong Province)—I recognise that there has been significant discussions on these amendments but it is difficult when one has not been party to them. I accept the realities of why that has occurred, but it would be improper for me if I did not express some concern in particular about the West Buffalo area. I seek some assurances from the Minister that the normal provisions will apply with respect to proper flora and fauna surveys being carried out as is the normal practice in 50 per cent of areas that have not been logged. I seek an assurance that this area will be subject to surveys that occur in other areas of forests under existing provisions.

The Hon. D. M. EVANS (North Eastern Province)—It is clear that any logging to be carried out in the area would be done under existing conditions that the Public Lands and Forests Division management would impose and under any code of practice that would be in force at the time. The amendment will simply put into effect the possibility that logging can take place in accordance with those conditions. It is not a matter of simply going in and logging without any controls being applied. It is clear that some areas will be logged and others will not.

It is important to recognise that Victoria's timber resources on which so many of us depend are running close to an exhausted state. We are still waiting until the 1939 forest regrowth, which is substantial throughout the high country region, comes on stream. It is not far short of being mature enough to begin harvesting, but every year we wait allows it to grow a little more. Therefore, it makes the timber resource that much more valuable and efficient in terms of quality and yield of timber on percentage of sawlog volume basis.

It is good ecological practice to maintain and allow to grow other forest reserves that will shortly come on stream, particularly for employment purposes and to address the balance of payments of Australia, which now amounts to $1·7 billion in timber imports each year. As Mr Gardiner said in his letter with respect to the second area, no conservation values are at risk.

Once harvesting has taken place it is expected that it will be carried out properly so that regeneration will take place in its own right. That will have substantial ecological value because it is a mixed stage forest. It will allow recolonisation in a more ordered fashion for species of flora and fauna and will be of considerable value in reducing the amount of flammable material. Part of that process would be to cart away and use the material or, alternatively, to use the flammable material on site so there would be a substantial benefit.

The Hon. B. T. PULLEN (Minister for Housing and Construction)—In the spirit of establishing the Alpine National Park, the government is prepared to accept some amendments, although reluctantly. With the Rose River and Howqua area, an extension of time is justified in some instances. With the West Buffalo area, the Land Conservation Council report of 1979 did nominate this area for once-only logging.

It was taken out in the report of 1983. It is with some reluctance that the government agrees to the amendment.

In response to the point raised by Mr Mackenzie, in the case that all logging would be subject to normal conditions, in that a code or draft code of forest practice should apply to all operations, the boundaries should be delineated and appropriate flora and

fauna surveys should be carried out before harvesting takes place. That could lead to conclusions that harvesting was not approrpriate in some areas; it would be subject to review and agreement that adequate regeneration could be carried out at reasonable cost. In the case of the West Buffalo area, since this area is close to the area known as the Razor and the Viking, measures should be taken to ensure that views from the alpine walking track and Razor track environments are protected.

Before dealing with the clause, I invite the opposition parties to indicate general views on the Code of Forest Practices which is being considered in another place before the Committee and its application to those areas to have once-only logging. As honourable members would know, once-only logging is sometimes unfortunately carried out with less care than is exercised in those areas that are part of an overall strategy. I ask honourable members to indicate whether they support the introduction of the Code of Forest Practices.

The Hon. M. T. TEHAN (Central Highlands Province)—The Liberal Party does not oppose the Amendment. In principle, the Code of Forest Practice has the support of the Liberal Party and so far as I know, with very few, if any, amendments. I endorse the remarks of the Minister that the special areas included should be used strictly in the interests of aesthetic values as well as the other values that will be spelt out in the Code of Forest Practices.

The Hon. R. A. MACKENZIE (Geelong Province)—With regard to the code of forest practice, is the Minister seeking agreement of the Committee now on the principle of the Code of Forest Practices?

The Hon. M. A. Birrell—The Minister is trying to get the views of the two major parties.

The Hon. R. A. MACKENZIE—Will there be an opportunity of discussing the Code of Forest Practices? I am asking the Minister, not Mr Birrell.

The Hon. D. M. EVANS (North Eastern Province)—That question was asked of the National Party also. There is no Code of Forest Practices currently before the Committee. One is listed on the Notice Paper in another place. I am aware that a code of forest practice was mentioned in the 1987 Conservation, Forests and Lands Act. At that time, I moved an amendment on behalf of the National Party. That amendment was accepted by Parliament and the government to allow for a Code of Forest Practices to be developed under Parliamentary control. The National Party gives a clear indication that it supports the principle of a Code of Forest Practices. Until the document is actually on the table in this place, despite what private views I may have on it, in principle, the National Party supports the principle of a Code of Forest Practices, but I cannot give any more assurance than than.

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

Clause 9

The Hon. D. M. EVANS (North Eastern Province)—I move:

10. Clause 9, page 5, after line 9, insert—

'(6) In Schedule 2 to the Principal Act, at the end of part 37 insert—

"Subject to section 25B (except sub-section (7)), once-only logging may be carried on—

(*a*) in the area marked A25 on the plan lodged in the Central Plan Office of the Department of Property and Services and numbered NP 70/1f until 1 July 2000; and

(*b*) in the area marked A8B on the plan referred to in paragraph (*a*) until 1 July 2000.

(7) In section 32AD (4) (*c*) of the Principal Act, for "1991" substitute "1996".'

Amendment No. 10 is similiar to the amendment with which I have just dealt. It aims to extend once-only logging in two additional national park areas, one known as the Davies Plain area, which is in the far East Gippsland area past Upper Bendoc. Those who know the honourable member for Gippsland East in another place would know the importance of Bendoc and Upper Bendoc.

The Davies Plain area consists of approximately 7000 hectares, and I understand that nothing like 7000 hectares would be logged: no logging would take place under any existing code of practice or in accordance with departmental guidelines that may be in force at the time. I understand there could be as much as 50 000 cubic metres of quality timber available in that area. The Committee will be aware that legislation passed in recent times has led to a substantial reduction in the availability of timber from the East Gippsland area. The amendment may at least give some assistance to people in keeping their jobs in that area. I feel for them. It will reduce the pressure on the resource from the 1939 regrowth which should be coming on-stream shortly, but which should not be logged too early. It is like eating scones before they are cooked.

In support of my argument, when a previous alpine national park Bill was before the Committee, the then Minister made a number of overtures to people suggesting that if, by some amendment to the park boundary, some additional logging area was made available, that may be more acceptable. The Minister indicated a willingness to make changes because park boundaries tend to be arbitrary. There could be areas within the park which would not have such significance to the integrity of the park itself and those areas could be used for logging. Davies Plain is one of those areas. Clause 9 (6) (*b*) refers to an area known as Grimms Creek with 2500 hectares of timber available for logging. I understand some of the area is quite steep and for that reason alone would not be readily accessible and appropriate for logging. Some timber in the area is of value, and it is reasonable to suggest that it should be made available under strict environmental conditions to allow some additional logging. It is not only of economic value but also of ecological value because of a more mixed-age forest and environment. Substantial environmental values could be appreciated or improved, and there is also the aspect of fire reduction.

The third amendment refers to the vexed question of the phasing out of grazing for the mountain cattlemen in several areas of Victoria, particularly in the Bogong High Plains. In fairness and justice to those people, that phase-out period should be extended.

When the original Land Conservation Council report was released in 1979, a phase-out period of twelve years was proposed. I suspect, without being certain, that the Land Conservation Council believed that would give the mountain cattlemen sufficient time to move the cattle to adequate alternative pasture. The council has not advanced strong ecological reasons for the cessation of grazing in that area. Had grazing caused considerable damage, I believe the LCC would have been irresponsible not to recommend an earlier phasing out period.

During the second-reading debate I illustrated at length the value of cattle grazing as a management tool. There are two reasons for my strong support of mountain cattlemen; one concerns the fair treatment of individual cattlemen; and the other concerns the continuance of high country grazing. It will become increasingly important in the future to control the amount of material on the forest floor. If the amount of material proliferates and a bushfire goes through, the damage caused may last for 100 years—as occurred in the Yellowstone National Park.

In the interim, grazing should be allowed in the area until 1996; and further research must be undertaken to discover whether that practice should be allowed to continue beyond that date. I am aware that the Minister has promised to relocate eleven families in the high country who will be dispossessed of the land they currently use for grazing. Because they may be granted leases on land that is up to 50 kilometres from their homes and is difficult to get to, for reasons of equity and justice and because grazing should be seen as a management tool I ask the Committee to support the amendment.

The Hon. B. T. PULLEN (Minister for Housing and Construction)—No part of the proposed amendment is acceptable to the government. Two areas have been referred to—Davies Plain and Cribb Creek. Davies Plain is an area of high wilderness value and should be protected. It is a pristine area adjacent to the Kosciusko National Park. Similar comments have been made about the need to protect the Cribb Creek area. I cannot see any reason why those areas should be subject to once-only logging.

As to extending the phasing-out period from 1991 to 1996, in 1979 the Land Conservation Council recommended that the phasing-out period should end in 1989. The recommendations of the council were accepted by Parliament in 1981. At that time, the Honourable Vasey Houghton, the then Minister, said that the phasing-out period would end ten years after the proclamation of the Act. The government sees no reason to vary the view expressed by the then Minister.

The Hon. M. T. TEHAN (Central Highlands Province)—The Liberal Party will not support the amendment. The Cribb Creek area in the headwaters of the Macalister River is so steep that it is unsuitable for logging. Once-only logging in that area would not comply with either the draft Code of Forest Practices or the code of practice which currently prevails in timber areas. For that reason, and for others referred to by the Minister, the Opposition will not support the amendment.

A Liberal Party government gave effect to the Land Conservation Council recommendations to phase cattle out of those areas by 1991; and the Opposition sees no reason to extend the date.

Mr Evans referred to the need for scientific studies to be undertaken on the effects of cattle grazing on the ecological values of the high country. If the terms of such a study can be agreed on there may be some merit in Mr Evans's suggestion, because honourable members would be provided with evidence on which to make decisions, rather than making them for largely emotional reasons.

The amendment was negatived, and the clause was agreed to, as were clauses 10 to 12.

Clause 13

The Hon. D. M. EVANS (North Eastern Province)—Mr Chairman, I draw your attention to the fact that amendments Nos 11, 12 and 13 standing in my name are similar to amendments Nos 1 to 4, in that they are consequential——

The CHAIRMAN—Order! I was about to ask whether consideration of clauses 13, 14 and 15 should be postponed.

The Hon. D. M. EVANS—I would suggest that.

The clause was postponed, as were the remaining clauses.

New clauses

The Hon. D. M. EVANS (North Eastern Province)—I move:

14. 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.".'

The intention of the amendment is to have recognised in the Bill the ability of cattlemen to be granted a licence to graze cattle in certain alpine and bush grazing areas. In particular, the amendment would give effect to promises made by the Minister in his second-reading speech and would allow those who currently hold grazing licences the right to gain alpine and bush grazing licences. The amendment sets out the conditions under which such licences may be granted—for example, a person must apply in writing to the director within 60 days after the provisions of what will be section 7 of the National Parks (Alpine National Park) Act 1989 in order to be granted a licence. It also defines the areas in which grazing can take place.

Discussions have taken place with people involved in the issue to ensure that the maps have been drawn correctly. That is of particular importance with reference to proposed section 32AD (1), which deals with the granting of licences in respect of the alpine and bush grazing licence areas in accordance with the agreement on provisions for those licences as endorsed by the Minister on 25 May last. I have a copy of that document, and it has been agreed that it will be signed as soon as possible and copies made available to relevant people.

The intention of the document is to set out the conditions under which licences may be granted. It grants mountain cattlemen the right to use existing huts where those huts have been used for a considerable period, and it allows for a small portion of those huts to be locked up. It also provides for the access of cattle, for management purposes such as yard fencing and water management, and, provided the director gives permission, it will also allow a person to carry a gun into the park only for the purpose of humanely destroying injured or sick stock.

Honourable members will recall a recent unfortunate incident where the shooting of a horse at Mansfield resulted in a court case. The intention of the proposed amendment is to cover such eventualities. I believe it is essential that a firearm be available in those circumstances to deal with injured or maimed horses or cattle. The permission to carry firearms would be restricted.

Licences can be issued for up to seven years and can be renewed. In the case of a licensee dying or not wishing to renew a licence, it can be transferred to a member of his or her family or certain other approved persons at the discretion of the Minister. The draft agreement will provide certain responsibilities for licensees, particularly those who have the right to use a hut. They must provide sheltered refuge for other persons and the hut must be maintained and repaired in accordance with the directions of the Director-General of Conservation, Forests and Lands.

The huts are a part of the history of the alpine area. Romanticism surrounds the idea of the huts, and they serve a practical purpose not only for cattlemen, their families and their workers but also for other people who venture into the high country. That area is becoming increasingly popular with tourists, bushwalkers and so on, but it has a changing and at times bleak and dangerous climate. Many people have been more than grateful to find a cattleman's hut somewhere within reach when cold weather sets in. The temperature and the climate can change quickly; cloud can move across rapidly thereby reducing visibility. If it were not for the availability of the huts, there would have been many more deaths in the high country than there have been. More and more school groups are touring through the high country and I am sure that they, along with the parents of the children, appreciate the additional safety factor provided by the cattlemen's huts.

Proposed new clause AA sets out conditions and responsibilities for cattlemen, and those conditions will be set out in an agreement. It is a most important part of the new clause.

Proposed section 32AD (4) sets out the alpine and bush grazing licence areas. particularly refer the Committee to proposed paragraph (*b*), which sets out the reference areas. Some of those areas are close to land that can be grazed and, occasionally, stock will inadvertently stray into the reference areas. The National Party considered the possibility of leaving some of the reference areas within the grazing areas but, on balance, it decided it was a management matter that could be sorted out by commonsense. I have accepted the assurances that have been given that, when incursions happen from time to time, although they are not desirable and will not be condoned, they will be understood.

Proposed section 32AE establishes the Alpine Advisory Committee and sets out its function, which is to assist with the development of a management plan. The proposed section sets out the composition of the advisory committee, which is: five persons nominated by the Minister, one of whom is to be the chairperson; eight other members, each of whom shall be appointed by the Minister from a panel of three persons nominated by a number of different interest groups, such as the Victorian National Parks Association, the Conservation Council of Victoria, the Victorian Federation of Bush Walkers, the Victorian Farmers Federation, the Mountain Cattlemen's Association of Victoria Inc., the Victorian Field Naturalists Club, the Australian Deer Association Inc., and the National Four-Wheel Drive Council; one person representing the commercial tourism activities in the area; and two persons appointed by the Minister representing municipalities that border on the park. It is expected that one representative will be from the northern side of the Alps and the other will be from the Gippsland side.

The National Party believes it is a well balanced committee and will give an opportunity for interest groups to have input into the important process of the development of a management plan. The National Party strongly supports the principle of management plans. The advisory committee creates a process under which disputes and variations in views can be put. It will reduce the friction that could occur in this controversial area. I commend new clause AA to the Committee.

The Hon. B. T. PULLEN (Minister for Housing and Construction)—The government accepts new clause AA. Proposed section 32AD sets out the areas that will be excluded from grazing. The government uses the concept of advisory committees on many occasions, and does not oppose the new clause.

The Hon. M. T. TEHAN (Central Highlands Province)—The Liberal Party does not oppose new clause AA. I direct to the attention of the Committee the fact that it is based primarily on matters raised by the Minister in the second-reading speech and that the areas referred to under the alpine and bush grazing licence areas, with the exceptions set out in the new clause, deal with the provision outlined in the second-reading speech to allow grazing to continue in more than 90 per cent of the available area in the Alps suitable for grazing.

The conditions of the licence have been agreed to after long negotiations. At this point, I commend the parties who, through their patience, were able to come to a sensible agreement. That has taken much time and effort not only by the members of Parliament involved but also by the departmental officers involved, particularly Chris Ashe and Don Saunders, who assisted the parties at all times. As a result, the conditions laid down in the agreement will provide mountain cattlemen and tour operators with certainty about the future.

The Liberal Party recognises that the establishment of an advisory committee is the result of substantial negotiation, and it will not oppose the new clause.

The Hon. R. A. MACKENZIE (Geelong Province)—I have some difficulty with regard to new clause AA. The alpine and bush grazing licence is subject to an agreement, the contents of which no-one knows. I accept the fact that discussions have taken place between the major parties, but I express the concern of conservationists in general about the issuing of a licence for up to seven years. That is an unusual step.

There is a good reason why grazing licences are normally annual licences: in that way, grazing can be controlled. The department has control over land and, if, for instance, the land is overstocked in times of drought, no licence is issued the following year. In that way, a great deal of damage will be prevented in one season. If licences are extended to seven years—I am not saying it will happen, but nevertheless it may happen—an irresponsible mountain cattleman could overstock the area and it would be seven years before anything could be done. A great deal of damage could result.

I am concerned that there should be some review built into the agreement so that, if licences are to be issued for seven years, there should at least be an annual review to ensure that the land is being used correctly and, apart from that, there should be some penalties in case the land is misused or the agreement is broken in any way.

Mr Evans mentioned some of the comments in the agreement and I can only agree with him. I should like some assurances from the Minister that the concerns I am expressing will be taken into account by the government and also that there would be careful monitoring of the seven-year licence system and a report perhaps presented after the first seven years as to how the system was operating and the effect it was having on the areas.

The Hon. ROSEMARY VARTY (Nunawading Province)—Mr Evans covered most of the points relative to the first part of the amendment concerning the alpine grazing licences. It is worth pointing out Mr Mackenzie that the government foreshadowed that it would allow seven-year licences. The provision incorporates that as well as allowing for renewals.

In regard to the second part of the amendment concerning alpine tourism licences, I should like to make a couple of comments. The tourism licences are issued for a period of three years. If we are talking about tourism on the scale the government anticipates and expects to expand, three years—relative to attracting overseas tourists—creates something of a problem because, in effect, one is saying that it is a two-year licence because there is at least twelve months lead time for accepting overseas bookings. However, I think the Minister needs to be able to make some comment about that because, in effect, the government is reducing those licences to two years. That is not going to allow tour operators to invest the capital that is required to set up on the scale that the government itself is expecting.

I shall detail an example of how this could come unstuck. I have a copy of *Airways* for May June 1989. The booklet is the in-flight magazine of Qantas Airways Ltd. On its cover the magazine has a magnificent photograph of Mount Howitt and, inside, it details trail rides on the mountain. The difficulty about that was that the trail area was closed, but already bookings had been made twelve months ahead. Therefore, it is obvious that there needs to be not only an equitable licence time, but also a degree of consistency about decisions that are made about tourism areas.

There needs to be a degree of consultation with tour operators to ensure that they are not left stranded. In this case the problem was overcome. The trail had been closed in December 1988 but, when it was advised that tours had been booked twelve months

ahead, the trail was reopened. That should never have occurred and would not have occurred had there been adequate consultation with the tour operators.

In respect of the provisions relating to tour operators, there needs to be some discretionary permission continued relative to closed roads. Currently access is given to tour operators during times of the year when some roads are closed, and there would need to be some assurance that that practice would continue. There also needs to be some sort of appeal mechanism, and it may be that the new advisory committee is adequate for that. However, I should like an assurance from the Minister on the matter. I seek leave to have incorporated in *Hansard* the draft provisions concerning grazing licences and tourism licences.

The CHAIRMAN—Order! Has Mrs Varty checked this matter with the Leaders of the three parties and with *Hansard*?

The Hon. ROSEMARY VARTY—No.

The CHAIRMAN—It is necessary to check those matters with the Chairman of Committees and with *Hansard* before incorporation.

The Hon. ROSEMARY VARTY—I shall do so but, in the meantime, I shall move on to the third aspect of the amendment concerning the advisory committee, to which I referred during the second-reading debate. It is worth reiterating that, for the advisory committee to be effective, there needs to be a capacity for all members of the committee to speak freely on any issues. As I understand it, currently there is a difficulty when an issue is raised that somebody might not like—the chairman or another member—and it is convenient for the chairman to say that the matter does not equate with government policy and therefore cannot be discussed.

The advisory committee will ossify unless there is an ability for all members of the committee—regardless of whether they are appointed members or Department of Conservation, Forests and Lands members—to speak freely, to put forward proposals and to develop the scope of the committee. There is not much point in having an advisory committee unless that is done. Therefore, I seek some assurance from the Minister that that will be one of the measures taken to allow all members of the committee to be able to speak freely about all issues.

The CHAIRMAN—Order! In respect of the material to be incorporated, I have examined it and it appears to be technically suitable for inclusion in *Hansard*. Is leave granted?

Leave was granted, and the document was as follows:

AGREEMENT ON PROVISIONS FOR GRAZING LICENCES IN THE ALPINE NATIONAL PARK

The standard grazing licence includes a wide range of conditions. However, to accommodate the specific requirements of grazing licensees in the Alpine National Park, the following provisions will apply:

1. A person who, 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 is entitled to be granted a cattle grazing licence in the park.

2. A person to whom clause 1 applies may within 60 days after the commencement of section 7 of the National Parks (Alpine National Park) Act 1989 apply in writing to the director for the grant of a cattle grazing licence.

3. The Minister may grant to an applicant under this Part, subject to adequate protection of conservation values, a cattle grazing licence in respect of a part or parts of the alpine and bush grazing licence areas for a term of seven years, or less if the Minister and the holder agree to a shorter term, which subject to good performance will be renewable, and subject to such fees and other reasonable terms and conditions, including terms and conditions about herd management, fencing, yards, water, responsible management, stocking rates and responsible protection of conservation values, in consultation with the lessee, as the Minister determines.

4. If an application under this Part—

(*a*) has used, or built or maintained, an existing hut in the alpine and bush grazing licence areas in connection with the applicant's exercise of grazing rights; and

(*b*) applies to the director in writing either in the application under clause 2 or in a separate application made before a licence is granted under that clause, for the right to use the hut when engaged in grazing activities—

the Minister may include in the licence the grant of a right of first call for the holder to use the hut, when engaged in grazing activities, whether or not the hut is in the part of the alpine and bush grazing licence areas to which the licence applies.

5. If a licence includes the right to use a hut, the terms and conditions of the licence include—

(*a*) a duty of the holder to maintain the hut in good repair, and provide adequate traditional shelter and refuge for the public;

(*b*) if the hut is destroyed by fire or otherwise, a right for the holder of the licence to rebuild the hut in accordance with plans approved by the director, after consultation with the Alpine Advisory Committee;

(*c*) a right to modify the hut only with permission of the director after consultation with the Alpine Advisory Committee;

(*d*) a right to maintain a small locked space for storage of equipment in the hut, the size of this locked space to be set out in the licence.

6. A licence granted under this agreement may be transferred or assigned by the holder, with the consent of the Minister after consultation with the Alpine Advisory Committee to a person whom the Minister is satisfied is a member of a family of mountain cattlemen or any other approved person.

7. (1) If a holder of a licence dies, the personal representative of the holder may, within twelve months after the death, transfer or assign the licence in accordance with clause 6 as if the personal representative were the holder.

(2) In the event of licences lapsing, for any reason, the licence may be reallocated by the Minister after consultation with the Alpine Advisory Committee to a member of a family of mountain cattlemen and/or any other approved person.

8. Under the provisions of the *National Parks Act* 1975 and the National Parks Regulations, for the purpose of the licensee, his servants or agents performing activities directly related to the proper management of the stock which are the subject of this licence, the director will set aside the licensed land together with other land in the park necessary for the working of the licensee's stock as areas for the riding of horses and, for the same purpose, gives permission for working dogs to be within the park. The regional manager may determine the maximum number of dogs permitted within the park for the working of the stock which are the subject of this licence.

9. The licensee, in performing activities directly related to the proper management of the stock which are the subject of this licence and subject to the discretion of the director or an authorised officer or the regional manager or his delegate, may use vehicles (to the extent necessary for the proper management of the stock) on tracks, formed for the passage of four-wheeled vehicles, which are not open for usage by the general public.

10. The licensee, in performing activities directly related to the proper management of the stock which are the subject of this licence, may carry and use one centre-fire rifle within the park for the sole purpose of destroying injured or ill animals. The rifle shall remain concealed and unloaded at all other times while in the park. The carriage and use of the firearm shall conform with the Firearms Act and regulations.

11. In the event of an unresolved dispute regarding terms or conditions of a grazing licence, an independent panel will be appointed by the Minister after consultation regarding the panel's composition with the Alpine Advisory Committee.

AGREEMENT ON PROVISIONS FOR LICENCES FOR TOURISM OPERATIONS IN THE ALPINE NATIONAL PARK

The standard licence for tourism operations includes a wide range of conditions. However, to accommodate the specific requirements of tourism operators in the Alpine National Park, certain additional provisions will apply:

1. The director may grant to an applicant, a tour operators licence for a term of up to three years, subject to such fees, terms and conditions, including those relating to tour safety and management, use of tracks,

and protection of conservation and recreation values, as the director determines. Subject to good performance, the licence may be renewed.

2. If an applicant has used, or built or maintained, an existing hut in the alpine and bush grazing licence areas in connection with the applicant's exercise of grazing rights the Minister may include in the licence the grant of a right of first call for the holder to use the hut for tour operations.

3. If a licence includes the right to use a hut, the terms and conditions of the licence include—

(*a*) a duty of the holder to maintain the hut in good repair, and provide adequate traditional shelter and refuge for the public;

(*b*) if the hut is destroyed by fire or otherwise, a right for the holder of the licence to rebuild the hut in accordance with plans approved by the director, after consultation with the Alpine Advisory Committee;

(*c*) a right to modify the hut only with permission of the director after consulting the Alpine Advisory Committee;

(*d*) a right to maintain a small locked space for storage of equipment in the hut, the size of this locked space to be set out in the licence.

4. A licensed tour operator, in performing activities directly related to the proper operation of licensed tours, may carry and use one centre-fire rifle within the park for the sole purpose of destroying injured or ill animals. The rifle shall remain concealed and unloaded at all other times while in the park. The carriage and use of the firearm shall conform with the Firearms Act and Regulations.

5. All operations of tour licensees will be in accordance with the relevant provisions of the management plan.

The Hon. B. T. PULLEN (Minister for Housing and Construction)—I shall respond to two points, the first of which was raised by Mr Mackenzie. The circumstances in which a Minister may—that is, may—grant an independent panel in respect of a licence are subject to adequate protection such as good performance concerning stocking and other matters, including responsible protection of conservation values as the Minister determines.

Those matters should always be considered in relation to grazing. I give an assurance that they will be dealt with.

In response to the other point raised I advise Mrs Varty that in the event of an unresolved dispute about terms and conditions of a grazing lease an independent panel will be appointed by the Minister after consultation with the Alpine Advisory Committee. That should provide adequate protection and the committee will operate in a democratic and open way.

The Hon. D. M. EVANS (North Eastern Province)—When I made my comment, I omitted to ask if the Minister would acknowledge for the purpose of the debate that the document is in existence.

The Hon. B. T. Pullen—It has been incorporated.

The new clause was agreed to.

The CHAIRMAN—Order! If after Mrs Tehan moves her new clause Mr Evans wishes to foreshadow his amendment, he may do so.

The Hon. M. T. TEHAN (Central Highlands Province)—I move:

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.".'

The new clause provides that the Minister must cause a copy of a management plan for the park described in part 37 of Schedule 2 of the Bill to be laid before each House of Parliament. The plan may be disallowed by resolution of both Houses of Parliament. The new clause provides the procedure for the disallowance.

The purpose of the new clause is to give Parliament some control over the management plan. Having recognised that management is an intricate and crucial part of the operation of a park—certainly a park of this significance—it does not seem unreasonable that both Houses of Parliament have the opportunity of making comment on and, if necessary, disallowing the management plan.

It is not envisaged at this point that that process would ever be used. However, it is a power that the Parliament should reserve in case the necessity arises. The clause is there for protection and it is highly unlikely that it would ever be used.

All parties have worked hard and, in a spirit of cooperation, have agreed that the resolution of both Houses of Parliament should be the mechanism whereby a management plan would be disallowed. This is contrary to the Liberal Party's normal procedure of disallowance of regulations by either House of Parliament. However, in that spirit of cooperation we have agreed to this procedure; we do not anticipate that it will ever be used.

The Hon. B. T. PULLEN (Minister for Housing and Construction)—The government is unhappy about this precedent because there are no other occasions where management plans prepared in consultation with advisory committees are required to be brought before Parliament. It seems an awkward way to deal with this matter, which requires consideration of detail and often a lot of local consultation and involvement with interested community groups.

In the spirit of the discussions and with the overall purpose of having the Bill passed by this Chamber, the government will not oppose the amendment in the form put forward by the Opposition.

The Hon. D. M. EVANS (North Eastern Province)—I have listened with interest to the amendment proposed by Mrs Tehan. I have formulated an amendment with a similar intent to that proposed. However, my amendment differs in one important respect. My amendment would envisage that a disallowance motion could be passed by either House of Parliament. That would allow a management plan to be debated with real interest in Parliament because it would be given the same political and Parliamentary process as Bills.

Moreover, it is a consistent process and one that the National Party and the Opposition have supported in this Chamber for more than eighteen months. Where

this Parliament gives power through legislation to an outside body or to the government to make regulations under an Act, Parliament should have the opportunity of bringing back and applying the same filter as it applies to Bills originally passing through Parliament. In other words, Parliament would make a judgment on whether the government has used wisely the power that the Parliament has given it and, if it believes it has not, it would have to suffer the same consequences as it would suffer if it were put through as legislation.

The National Party is not satisfied with the amendment. It is better than nothing but, for the sake of consistency—and I must appeal to my Liberal friends in this matter—it would be better to withdraw the amendment and go with the National Party amendment.

Considerable discussion on this matter has taken place. That discussion has been long and tedious and, for many people, time consuming. It has been long and tedious simply because it has been a matter of great intricacy to develop the details that have been necessary to give some degree of form and substance to the Bill. The culmination of this and especially the culmination of the existence of the new Alpine Advisory Committee, which the Committee has just agreed to and which is subject to agreement by another place, requires that the full filter of Parliament be given in this case. As I said, we have ample precedent for expecting either Chamber to have a disallowance right.

We have the precedent of regulations and the precedent of legislation and, because of the importance of management plans and the increasing importance of management plans per se, it is essential that the same filter be provided in this place as is provided with regulations. I appeal to Mrs Tehan to withdraw her amendment and to allow the National Party amendment to proceed.

The Hon. M. A. BIRRELL (East Yarra Province)—There is a spirit of goodwill between all three parties in the negotiations that have lasted an exhausting seven days. This has been one sticking point and we have listened to Mr Evans on this point, which he has put forcefully. I can understand his point of view.

The difficulty that the Liberal Party has is that we support as a matter of principle that legislation and regulations should be able to be disallowed by either House of Parliament.

The Liberal Party has not acted on management plans in the past, and there is no precedent for management plans being disallowed by Parliament, let alone by either House. Therefore, the party has arrived at a decision after long negotiations, and supports the amendment moved by Mrs Tehan.

I can understand the strong views of Mr Evans, but on this occasion the Liberal Party believes its amendment is the one that should proceed.

The new clause was agreed to.

Discussion was resumed of postponed clause 2

The CHAIRMAN—Order! I indicate at the outset that, although the new clause proposed by Mr Evans has not been agreed to, Mrs Tehan's new clause has been passed by the Committee; therefore, the amendments to clause 2 proposed to be moved by Mr Evans will not change.

The Hon. D. M. EVANS (North Eastern Province)—I move:

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".

The amendments were agreed to.

The Hon. D. M. EVANS (North Eastern Province)—I move:

5. Clause 2, line 12, omit "1994" and insert "1999".

Amendment No 5 refers to a once-only logging position in a national park area. In particular, it refers to what is known as the East Kiewa logging area. It is interesting because permission was granted for once-only logging following a Land Conservation Council report and recommendation, but only after a substantial hydrology study was carried out in that area to determine any effects of logging on the stream flow, particularly as it happens to be a State Electricity Commission area. The hydrology survey was thorough and has taken some time; it has now been completed and I trust it is a satisfactory conclusion so that logging will be allowed to continue.

Because the study has been somewhat protracted, the National Party has moved an amendment to extend the logging period for a further five years. While the five-year period may seem rather extensive, it is little more than the time originally envisaged by the Land Conservation Council when the original recommendations were made. It is not an over-extensive time but allows for logging to take place at perhaps a more leisurely pace. In those circumstances there would be less possibility of any adverse effect on streams, and it would lead to better management and a better harvesting program in conformity with forest practice or similar conditions.

I recommend the amendment to the Committee. It appears to correct the situation that has been created because of the slowness of the hydrology study to allow a greater degree of flexibility. It would also allow a proper regeneration of the area where logging has been completed.

The Hon. B. T. PULLEN (Minister for Housing and Construction)—The government will not oppose the extension of time. No decision has been made on harvesting, and that will only follow consultation between those doing the studies—including the State Electricity Commission—regarding the possible effects of harvesting on stream sedimentation. The extension of time is acceptable, but does not indicate that logging will necessarily occur.

The amendment was agreed to.

The Hon. D. M. EVANS (North Eastern Province)—I move:

6. Clause 2, line 14, omit "9" and insert "11".

The amendment was agreed to.

The Hon. D. M. EVANS (North Eastern Province)—I move:

7. Clause 2, line 16, omit "or days".

The amendment refers to the issue of "day" or "days". It is the normal motion my party moves to ensure that all clauses in a Bill are proclaimed simultaneously.

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

Postponed clause 13

The Hon. D. M. EVANS (North Eastern Province)—I move:

11. Clause 13, line 31, omit "8" and insert "10".

The proposed amendment is consequential.

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

Postponed clause 14

The Hon. D. M. EVANS (North Eastern Province)—I move:

12. Clause 14, line 9, omit "8" and insert "10".

The amendment is of a consequential nature.

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

Postponed clause 15

The Hon. D. M. EVANS (North Eastern Province)—I move:

13. Clause 15, line 20, omit "8" and insert "10".

The amendment is consequential.

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

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

DAIRY INDUSTRY (AMENDMENT) BILL (No. 2)

The debate (adjourned from earlier this day) on the motion of the Hon. E. H. Walker (Minister for the Arts) for the second reading of this Bill was resumed.

The Hon. R. I. KNOWLES (Ballarat Province)—The Opposition does not oppose the Bill. Its provisions extend the compositional payments from manufacturers, a matter dealt with by the House several weeks ago, to the liquid milk market. The arrangements for actually calculating the rate are rather complex but the principle is widely supported by the industry, and certainly by the Victorian Farmers Federation. The Opposition is happy to support the Bill.

The Hon. R. A. BEST (North Western Province)—With such short notice, one is not given much time to confer with one's colleagues.

The provisions of the Bill have been foreshadowed in previous legislation. The Bill provides for bringing into line the compositional payment for milk with the payment for market milk. The National Party supports the Bill because it will ensure that farmers will be paid for the composition of the milk—that is, the protein value of the milk—instead of being paid for the butterfat content of their milk. The Bill will encourage farmers to upgrade their herds and be more attuned to what is required by the manufacturers of milk.

The National Party has pleasure in supporting the Bill.

The motion was agreed to.

The Bill was read a second time.

The Hon. E. H. WALKER (Minister for the Arts)—By leave, I move:

That this Bill be now read a third time.

In so doing, I express appreciation of the contributions of the two honourable members opposite who have supported the Bill. I particularly thank the spokesman for the National Party, whose contribution was made after the short notice of only seven and a half hours.

I am personally pleased that the Bill has been accepted because, when I was Minister for Agriculture and Rural Affairs, I worked towards introducing compositional payments.

The motion was agreed to, and the Bill was read a third time.

MELBOURNE AND METROPOLITAN BOARD OF WORKS (AMENDMENT) BILL

The debate (adjourned from earlier this day) on the motion of the Hon. M. A. Lyster (Minister for Local Government) for the second reading of this Bill was resumed.

The Hon. K. M. SMITH (South Eastern Province)—The Liberal Party supports the government's initiatives as reflected in the Bill. The government's recognition of the need to protect the environment of the State of Victoria is important, particularly as it relates to the undertakings of the Melbourne and Metropolitan Board of Works. The board controls assets worth some $6 billion and those assets can be damaged by the illegal dumping of substances into drains.

The government has increased the fines which can be imposed to a level that is appropriate today. It is unfortunate that fines have had to be increased to such huge amounts so that people who may be tempted to dump wastes into sewers illegaly will give a second thought to such dumping. The problem associated with the illegal dumping of wastes into sewers is that it can create many difficulties. The concern is not just that drains may be blocked up.

When I was researching the provisions of the Bill, I looked at a number of newspaper clippings. Articles have been written on spills over a period of time.

The Hon. M. A. Lyster—We know about spills! I shall not make any other comment on them!

The Hon. K. M. SMITH—Over a period of three or four years a number of major spills have been discovered by the MMBW. The people who caused the problems have been caught. The comments in newspaper articles indicate that people are keen to ensure that greater responsibility is taken for the disposal of wastes.

I refer to an article headed " 'Clean up your act', MMBW tells firms", which appeared in a magazine dated 17 September 1987. The important issue is that the maximum fine for illegal dumping of wastes was only $5000 and that fine will now increase to $20 000.

One need only consider the proposed legislation to understand how important the government considers the problem to be. I give a small example of the problems that can be created by the spilling or illegal dumping of wastes. During this month, hydrocarbons were illegally dumped into a sewer at Kealba. The volatile gases exploded and the very heavy manhole lids were blown into the air. Any honourable member who has had any experience of those lids will know that, because of their weight, the manhole covers could kill a person or damage a car, apart from the damage that could be caused to the sewer itself.

The MMBW is keen to ensure that the public is made aware of some of the toxic wastes that can be pumped into a sewer. Only a short time ago the board involved the City of Heidelberg in addressing the problem of stored volatile liquids. Mr Skeggs will remember that some 8000 individual containers were collected at the Heidelberg Town Hall. Those containers were brought to the town hall by 380 residents. That is a large number of containers of toxic materials collected by such a small number of people.

The MMBW is demonstrating a responsible attitude to the problem and I commend the government for demonstrating a similarly responsible attitude.

The Hon. D. R. White—Hear, hear! Put that on the record!

The Hon. K. M. SMITH—Yes, put that in *Hansard*, because I will not be complimenting the government very often.

The Liberal Party supports the increases in the fines that may be imposed for the illegal dumping of wastes. I am concerned that the judiciary has not taken the opportunity of imposing substantial penalties for the illegal dumping of waste. I hope the government will ensure that the courts are made aware of the size of the fines that can be imposed and of the importance that the government places on maintaining a reasonable environment.

I refer to how few and low the fines have been to date. The figures I quote are contained in a letter from the MMBW. In 1985–86, fines totalling $5100 were imposed for the twelve months period on people who dumped toxic wastes into sewers. In 1986–87, no fines were imposed. In 1987–88, fines totalling $4000 were imposed and, in the first half of 1988–89, fines totalling $12 200 were imposed.

The highest penalty imposed so far for the illegal dumping of wastes was a fine of $7200, of which $830 was for costs. It was imposed in November last year against a tannery.

It will be seen that even though quite severe fines were imposed at the time, the courts were not prepared to take a tough stand against people who dumped industrial wastes into our sewers. I can only again congratulate the government.

The rest of the Bill relates to organisational matters in the structure of the Board of Works. Changes are made to some of the designations of staff positions and some have been deleted. That is a small matter with consequential changes being made. The Opposition will support the Bill.

The Hon. W. R. BAXTER (North Eastern Province)—The National Party supports the Bill because it has no sympathy for persons who use our public sewers for purposes for which they are not designed; to wit, the dumping of pollutants. Once can understand the difficulties that occur at times in actually tracing the culprits, particularly if liquid waste is involved. When people dump other forms of rubbish in the community in an unauthorised fashion it is often possible to detect the culprits but when liquid waste is involved, detection is more difficult. The Board of Works has been giving its attention to that aspect more assiduously in recent times, and these penalties will have a greater effect than in the past, combined with the increased likelihood of detection and apprehension. I support those changes.

I take this opportunity of thanking the Minister for Water Resources and the Board of Works for the information seminar they provided for members of Parliament soon after the October election. It was appreciated, I am sure, by honourable members who attended. There was a wide representation, particularly from the National Party, despite the National Party not having any members who represent areas where the Board of Works operates. There was perhaps a disappointing attendance from the other two parties. Nevertheless, I found the morning informative and I hope that from time to time a similar opportunity might be extended to honourable members.

The motion was agreed to.

The Bill was read a second time.

The Hon. M. A. LYSTER (Minister for Local Government)—By leave, I move:

That this Bill be now read a third time.

It is most rewarding that the whole of this House shares in the hope that the significant increase in the level of penalties will be a deterrent to the illegal dumping of wastes.

The motion was agreed to, and the Bill was read a third time.

PRESCRIBED WEAPONS BILL

The debate (adjourned from the previous day) on the motion of the Hon. D. R. White (Minister for Industry, Technology and Resources) for the second reading of this Bill was resumed.

The Hon. B. A. CHAMBERLAIN (Western Province)—The Liberal Party is pleased to support this measure which is unusual in the sense that it merely provides a power to make regulations. It seems that more and more in legislation Parliament is giving a regulation-making power and leaving it to the executive to make the laws, although under the principal Act there is a right for either House to disallow regulations.

In this case the intention is to remove offensive weapons generally from public use, and those weapons have been described as flick-knives, disguised swords, knives or daggers, knuckle-dusters and high-powered hunting slings that include a wrist or arm brace.

One of the difficulties with this sort of measure is to delineate between the items which can have no possible lawful use and those which may have a multiple use. A classic case is knives for outdoor purposes such as camping, fishing and hunting but which, if worn while walking down Bourke Street, could have a different connotation altogether. Similarly, the knives available to a chef or butcher are often very sharp and could be dangerous if used for the wrong purpose. Consequently, we have this difficulty in delineating what will be covered by the measure.

Some things will be apparent, like swordsticks and flick knives; they will definitely be out. However, the multi-use knives, which depend on the intention of the user, will cause difficulties. One has only to go to Russell Street and look in the window of the Army and Navy Disposal Store to see bayonets, bowie knives, very large knives, stilletos, machetes, flick knives, fighting stars—they have not been mentioned by the Minister—and a whole range of other weapons. Similarly, in McEwans one can find a range of butchers knives. As I said before, it depends on the use to which the weapon is put. Obviously the circumstances in which a person will have one of these weapons to a large extent will affect whether the use is legitimate or not.

The Bill proposes to deal with the issue by reversing the onus of proof. In a review of the measure supplied by the Victorian Field and Game Association reference is made to the situation that applies in other States. The suggestion in most cases is that there be a reverse onus of proof; in other words, the presumption is that one has the item unlawfully and it is up to that person to prove he or she has a lawful reason for possessing it. That is not proposed for Victoria.

The Opposition envisages trouble with this proposed legislation in delineating which items should be outlawed and which should not be. My colleague Mr Hallam, has indicated to me that he intends to sunset these provisions in twelve months, and I think that will be necessary to enable us to see how they work in practice. The Opposition will support that amendment.

I strongly criticise the government for the vehicle it has used for this measure. For its own convenience it is using the Firearms Act, which is a specialist Act of Parliament, to cover this issue of other weapons that have dangerous connotations. The government could have used the Police Offences Act, the Summary Offences Act or the Crimes Act. There is no basis for using the Firearms Act. The only excuse given is that the

legislative officers in the Attorney-General's Department are too busy. That is an extraordinary excuse, and strong opposition has come from the shooting organisations and others about having these issues drafted under the Firearms Act.

It is pointed out that New South Wales currently has combined legislation and it is repealing that legislation and dividing it into one on firearms and another on prohibited weapons. Hence we are very critical of the government. It is a lazy way to undertake the process. Mr Hallam and I have spent many hours in trying to make this a comprehensible and composite Bill dealing with all types of firearms. Now, these other issues have been grafted on in an unreasonable way. Again, that is a good reason for us to support the sunset provision because then the government will not have an excuse to pool these provisions within this Act and will be able to start again. We would then have a Firearms Act and another Act dealing with these items.

We believe there will be considerable practical difficulties if the government prescribes a weapon as basically harmless. This House has the right to redress that situation by rejecting the ban as it did once before. We will support the measure on the basis that we will also be supporting Mr Hallam's amendment.

The Hon. R. M. HALLAM (Western Province)—The Prescribed Weapons Bill is described in the second-reading notes as a simple amendment to the Firearms Act in that it is designed to prohibit the manufacture, sale, possession and use of weapons which will be prescribed in the regulation. The National Party has no argument with that objective. It recognises the need to respond to the increasing incidence of violent crime in our society, particularly when statistics highlight the alarming increase in armed robberies and serious assaults involving the use of weapons other than firearms. It is clear our streets, and particularly our public transport, are not safe. Although we would all have our own pet theories on how we should address those problems, one thing on which we would all agree is that we do in fact have a major problem in the burgeoning crime rate in our society. It is also clear that the existing law in respect of possession of offensive weapons is not effective and that this Bill represents one reaction to that.

Our question is not directed to the objective but in fact to its practicality. We have difficulty in determining how one would define an offensive weapon. This Bill settles on the concept of prescribing weapons for which there can be no peaceful purpose. It then sets out to ban them by regulation. It would capture such things as flick-knives, sword-sticks, knuckle-dusters, hunting slings and double-edged daggers. All of those articles are currently prohibited imports in most States of Australia and most are in fact banned in those States.

It is claimed that we can now use a regulatory force to close a loophole in the State. Currently no offence is committed if a person acquires such weapon by direct purchase in the State or, indeed, by manufacturing it himself. So, as I said,there is now an obvious shortcoming in the law.

Although the Bill may help to get rid of some of the most offensive weapons in our society, and that is why we support it, it would be dangerously naive to suggest that this stopgap measure will address the real problem of the increase in violent crime. It is quite impossible, as Mr Chamberlain pointed out, to prescribe all potentially lethal weapons. Obviously the nine-inch boning knife, which is part of the everyday equipment of someone involved in the butchery trade, becomes a lethal weapon in the hands of a psychopath. I suppose one could go on using examples. I suspect in some circumstances we could describe a car as a lethal weapon if it is being driven by a drunk.

I assure the House that someone who is a victim in a hold-up and has a knife held to his or her throat will not be comforted to know that it was not a prescribed weapon

but turned out to be a stay-sharp knife that the robber picked up from his mother's kitchen drawer as he walked to the scene of the crime. Obviously, it is the intent of the person in possession of the weapon rather than the implement itself which will determine whether a weapon should be classified as offensive.

The National Party has several concerns with this Bill apart from the problem of defining what represents "offensive". The first is the one outlined by Mr Chamberlain, namely, that it has been tacked onto the Firearms Act when by its very definition the weapons in this Bill are not firearms.

I remind the House that before the last State election the Minister for Police and Emergency Services said there would be no change to the Firearms Act without prior consultation with the parties directly interested. In fact, I now understand he has not obtained the advice of the Firearms Consultative Committee on this Bill. He has not even advised the committee of the Bill. I find that doubly ridiculous because it means that a committee which the government established to advise it on such matters as are contained in the firearms legislation has not been consulted.

The fact that the Firearms Consultative Committee has not been consulted must in itself raise a question mark as to whether there is a hidden agenda in this proposed legislation. I believe the committee itself can be forgiven for regarding this Bill with some cynicism because it is not long since the Minister banned automatic self-loading, ·22s in this State. He did so on two occasions against the advice of his own committee. It was clear the Minister did not understand what he was banning. I am not sure that he understood the difference between a rimfire and a centre-fire rifle or, indeed, between a rifle and a gun.

It is clear that the provisions of this Bill would be much more appropriate if they were amendments to either the Summary Offences Act or the Vagrancy Act, both of which refer, at least in passing, to offensive weapons. In some respects we have a very clear precedent for that. I refer briefly to a letter from the Secretary to the Attorney-General of South Australia dated 2 August 1988, which sets out the South Australian precedent, one which I think this Parliament could well follow. In respect of dangerous articles the letter 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".

South Australia has not had the problem of trying to define a weapon. It has left it wider to include the concept of "articles". The letter goes on to explain:

> 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".
>
> 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.

The Secretary to the Attorney-General then sets out some examples. If a person possesses a collection of dangerous articles, the person will have a lawful excuse. If a person possesses a dangerous article solely for the purposes of, or in connection with, a lawful sporting activity, for example, a pistol cross-bow used in archery, the person will have a lawful excuse.

There are no qualifications, just a statement, "the person will have a lawful excuse". In another example, 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, the person has a lawful excuse.

The letter also explains that in South Australia the onus of establishing or proving a lawful excuse will be on the defendant. More importantly, the letter says:

> 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, which carries a maximum penalty of two years goal or a fine of $8000.

That is a substantial penalty indeed, and that is the precedent taken by South Australia. What it has done is to expand the definition to "a dangerous article" rather than "a weapon" and then put the onus on the person who is in possession of that article to prove that he or she has an innocent or lawful reason for that possession, and that is the practical way to go.

The Cain government's response is tokenism because it would have to be a pretty poor criminal in this State who could not find a replacement for an article or a weapon which has been prescribed under the regulations. Indeed, we must ask the question: if, in fact, the weapon is not a prescribed weapon and therefore not an offensive weapon, will that be an offence in part before the courts of the land? That would be an absolutely absurd situation.

If we go to all the trouble of prescribing the weapons that we believe to be offensive, and then a crime is committed with one that we do not capture by specific mention, does that mean the criminal involved in that case can therefore claim a lesser crime because the crime did not involve a weapon that was offensive?

The problem we have is that once one starts on that simplistic process of prescribing the weapons, one does not know where to stop. However, the National Party does not oppose the Bill because at least it is a start and, whatever its shortcomings, it establishes a substantial penalty for the importation, manufacture, possession and use of an offensive weapon, and we do not argue with that. It provides for a penalty of twenty penalty units or six months gaol, and it is interesting to compare that with the situation in South Australia where the penalties are four times as great under legislation that has been debated in that State quite recently.

The National Party's position is that it supports the objective of the Bill but believes it to be totally inappropriate to tack it onto the Firearms Act. In another place we proposed a substantive amendment—that the Bill be redrafted to provide for the offence of the manufacture, sale, distribution, supply, possession or use of a prescribed weapon to be an offence under the Vagrancy Act or the Summary Offences Act 1956 as recommended by the Firearms Consultative Committee.

We also proposed that the Bill be expanded to provide 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 such prescribed weapons. That concept was debated in another place but the National Party did not have the support for the amendment even though the validity of the arguments put forward by the Leader of the National Party in another place was conceded. It was not possible to have that amendment drafted into the Bill.

So in addition, as an alternative, it has been suggested that we introduce a sunset clause—in other words, we allow the Bill to pass on the condition that within twelve months it be redrafted to be included in either the Summary Offences Act or the Vagrancy Act or, indeed, to be established as a separate Act, as has been the precedent in New South Wales.

I am delighted to learn that I can expect the total support of the House when I move an amendment to that effect during the Committee stage of the Bill. The other interesting feature which would support the argument is that the Law Reform Commission is currently undertaking an inquiry into ways in which the misuse and

abuse of such articles may be restricted, and we are told that the government expects to receive that report within twelve months, so it could well be that at the expiration of the sunset clause which I am advocating Victoria would have a Bill which is much more effective than the current one and, in fact, may go on to capture other versions of what we would describe as being dangerous weapons.

In effect, we are saying to members of the Firearms Consultative Committee, who have argued strongly against the Bill, that they will have to wear it in the short term in the knowledge that within the next twelve months it will be redrafted and reviewed by Parliament, and, it is hoped, it will finish up in a much more practical form.

That is a fair compromise. It tackles, in the short term, the most obvious of dangerous weapons but it also adds a specific incentive to the government to reconsider the issue and consider the broader aspects of those articles which we would broadly allow into the category of weapons.

I understand the Liberal Party's reticence to support us in our initial opposition to the Bill. I understand that the subtlety of its being in the wrong Act may be lost on the average Victorian and our motive misunderstood, so in those circumstances the twelve-month sunset clause is a practical compromise. With those comments, I state that the National Party will not oppose the Bill.

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 to 4 were agreed to.

New clause

The Hon. R. M. HALLAM (Western Province)—I move:

Insert the following new clause to follow clause 4:

Subset 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.".

I do not intend to canvass the arguments as I did so during the second-reading debate. The object of the new clause is clear, and I look forward to the support of the Committee.

The Hon. HADDON STOREY (East Yarra Province)—I should just like to point out a small matter which can be corrected by the Clerk. In the amendment that has been circulated the heading is "Subset provision". I am sure it is meant to be "Sunset provision" although when I look at the terminology of the new clause, I do wonder about it.

It is a fairly elaborate way of establishing a sunset provision and I wonder why it has been necessary to do it that way. Perhaps Mr Hallam can explain.

The CHAIRMAN—Order! The heading will be amended.

The Hon. R. M. HALLAM (Western Province)—I assure the Committee that it was meant to read "sunset" and not "subset". In response to Mr Storey, I have no idea why it needs to be as complicated as it sounds. The new clause was prepared by the Parliamentary draftsmen. I thought it was complicated when I saw it but I explained to the draftsmen at the time that we sought to completely demolish the effects of the Bill at the expiration of the twelve months, or in any earlier period in which the

government chose to initiate new legislation. I am assured by the draftsmen that that is the most effective way of achieving that objective.

The new clause was agreed to.

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

CRIMES LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

The debate (adjourned from earlier this day) on the motion of the Hon. E. H. Walker (Minister for the Arts) for the second reading of this Bill was resumed.

The Hon. HADDON STOREY (East Yarra Province)—The Opposition supports the Bill. There is no doubt the community is concened about the level of crime and the fear that that creates. The Opposition has frequently said that the government has not been serious in its attack against crime. It is pleasing that the Bill, which makes a number of unrelated amendments to various pieces of legislation dealing with crimes, will help to make the legislation more effective.

I shall not go through the Bill in detail because it is only a short time since the second-reading speech was made by the Minister. The speech was clear and set out fully the provisions of the Bill. I believe honourable members will recall them well.

The Bill repeals the sunset provision of the National Crime Authority (State Provinces) Act. The authority has had a chequered career in its establishment. It arose from inquiries which commenced in Victoria and which led to the discovery of widespread tax evasion and other related crimes which indicated organised crime in Australia, After a troublesome time, the authority was established with a sunset clause included to provide the opportunity of examining its operations and whether it merited continuance.

It is clear that all governments in Australia believe the authority is doing a worthwhile job and it is essential that is maintained. The Opposition is happy to support that provision. I shall not go into the other provisions of the Bill but I note that one provision corrects what the Parliament believed it had done previously when it inserted section 18 of the Crimes Act, which was intended to allow the Supreme Court to set minimum terms for people serving life sentences. It has been discovered that the provisions did not apply in the case of a person who had been sentenced to death but had that sentence commuted to life imprisonment.

The PRESIDENT—There is no way of reducing the penalty of death.

The Hon. HADDON STOREY—It would be difficult to reduce the penalty of death although some honourable members who must sit in the Chamber and listen to some speeches believe that this is not far removed from such a penalty. It is slow death by torture.

The Bill provides for community-based orders, which may be served concurrently or additionally, depending upon the order of the court. It appears that the court occasionally forgets to state whether sentences should be concurrent or additional and this then leads to the question of which it should be. The Bill provides that these matters be served concurrently unless the court orders that they be in addition. The Opposition tends to believe it should be the other way around and that they should be additional unless the court orders otherwise. The point was made in another place and the Opposition does not intend to suggest that that provision be amended.

A number of provisions were inserted in another place dealing with fingerprinting. In view of the work done in particular by Mr Chamberlain of bringing the matter of an increase in the powers of fingerprinting to the attention of the public and the fact that ultimately the government did take this step, albeit not as large a step as the Opposition believes desirable, it is good that the government did insert the provisions to make fingerprinting more effective. The Opposition is pleased that these provisions have been included and it supports the Bill.

The Hon. W. R. BAXTER (North Eastern Province)—The National Party is similarly disposed to supporting the Bill. I shall not go through the measure at any length. I am not the spokesman for the party on Attorney-General matters but I have assured by the spokesman, the honourable member for Shepparton in another place, that he has gone through the Bill and concurs with the amendments. He shares Mr Storey's pleasure that the Minister's second-reading speech was well set out and easy to follow.

The speech went well beyond what has perhaps become customary practice with some Ministers, perhaps mainly in another place, to give second-reading speeches which leave out major portions of detail. That cannot be said for the Minister's second-reading speech. I am not being facetious. I know on this occasion the House has taken a short-circuit method of dealing with the Bill and one reason why that was able to be done was that the speech was such a good one that honourable members were easily able to grasp its import.

It is a Committee Bill, if there were any dispute. It does not appear that offence can be taken at any provision in the Bill, and the National Party supports it.

The motion was agreed to.

The Bill was read a second time.

The Hon. E. H. WALKER (Minister for the Arts)—By leave, I move:

That this Bill be now read a third time.

I thank Mr Storey and Mr Baxter for their support, for the support of their parties and for the warm and complimentary remarks they made in regard to the second-reading speech.

The motion was agreed to, and the Bill was read a third time.

SECOND-HAND DEALERS AND PAWNBROKERS BILL

The debate (adjourned from the previous day) on the motion of the Hon. E. H. Walker (Minister for the Arts) for the second reading of this Bill was resumed.

The Hon. HADDON STOREY (East Yarra Province)—The Bill deals mainly with three Acts: the Second-hand Dealers Act, the Pawnbrokers Act and the Marine Stores and Old Metals Act. The government instituted reviews of the way in which the three Acts operate. In fact, there were two reviews: one through the Victorian Law Reform Commission and the other through the Regulation Review Unit. Their role was principally, I suppose, to examine the way in which the Acts operate and the nature of the licensing provisions that exist, and to recommend what should be done about them.

The reviews recommended that licensing be abolished but the government, in its wisdom, did not accept the recommendations in that respect. Instead, it introduced this Bill, which provides for licensing of second-hand dealers and pawnbrokers. I must say that the Opposition actually agrees with the government on this. It is appropriate

to have a form of licensing for these people. The nature of what they do and their activities as middle people, as it were, between those who want to dispose of goods and those who want to buy goods leads to a situation that is open to misuse. It is desirable to have a licensing system and regulation of that activity. Therefore, the Opposition agrees with the overall thrust of the Bill.

Formerly, licensing was carried out through the Magistrates Court. However, the Bill provides that this now be done by municipal councils. Municipal councils are always complaining that more and more jobs are being thrust upon them by governments without the resources being given to them to compensate for the additional work. It certainly does seem that this is a further imposition upon municipalities.

The old system of licensing second-hand dealers and pawnbrokers through the Magistrates Court worked adequately in my view, but I do not believe it is appropriate for the Opposition to say, if this is the way in which the government wants to tackle it, that it should not be done in that way. I am sure municipal councils will be able to handle the task very well.

The Bill contains provisions that spell out the need for notices and the need for satisfaction that the applicants are fit and proper persons; powers to revoke licences, and the usual types of requirements that are associated with licensing provisions and authorities. All those provisions appear to be quite sound.

The Bill also deals with the need for second-hand dealers and pawnbrokers to retain stock for seven days. The Opposition has some concerns about that. There are people who really rely upon the turnover of the goods that come into and go out of their second-hand shops. There would be people like auctioneers who auction, say, antique furniture once a week. They must clear that stock because they expect more stock to come in to take its place, and they would want to auction that stock in the following week. If they are required to keep all the stock for seven days, that will certainly add to their storage problems and, in fact, change the nature of the business that is being conducted. The Opposition believes the government ought to at least consider, by regulation, exempting appropriate premises from the requirement to retain stock for seven days.

Three items were commented upon in the other place by members of the Opposition which require some attention. The honourable member for Balwyn in another place referred to clause 3 (2), which contains deeming provisions about the advancing of money and how the contract price is to be allocated as between the principal sum advanced and something that is called a "premium" in that definition. It really seems to be in the nature of the difference between the sale price and the ultimate price.

I believe the honourable member for Balwyn made some good points about the drafting of this provision. I understand that the government has recognised the force of those comments, and I hope the Minister responsible for the Bill in this place will propose an amendment in the Committee stage to deal with that.

Clause 10 (7) (*c*) provides that licences are subject to any other conditions imposed by the relevant council—that is, after being subject to the conditions set out in the Bill itself and any prescribed conditions. Again, the Opposition must ask why there should be capacity for a municipal council to impose even more conditions over and above those set out in the Bill and any prescribed conditions. There is good reason to suggest that that paragraph could be deleted.

There is a small drafting error in clause 13 (2) where the word "may" ought to be the word "must", which flows from an amendment that was made in another place.

I hope the Minister will be able to deal with the points that I have raised, including the comments I made about the necessity for second-hand dealers and pawnbrokers to keep goods for seven days. I hope the Minister will give those comments some consideration. The Opposition does not oppose the Bill.

The Hon. W. R. BAXTER (North Eastern Province)—The National Party is not opposed to the Bill either, but it has a number of reservations. It is remarkable how Mr Storey and I arrived at very similar observations quite independently of each other. I quite agree that it is high time for the existing three Acts that cover second-hand dealers, pawnbrokers and old metal dealers to be reviewed. In fact, they are quite archaic in some of their provisions.

I noticed while reading the Marine Stores and Old Metals Act that licensed persons were required to wear badges indicating the nature of their trade. That must have been honoured more in the breach because I knew second-hand dealers who called on my farm—back in the days when I was farming—to buy goods, particularly in the days when we used jute bags prior to the bulk handling of wheat. I do not recall one of them wearing a badge; clearly, they were transgressing the law.

The Marine Stores and Old Metals Act also refers to bag trolleys being painted a certain colour and being marked with a prescribed form of words. Again, I do not ever recall seeing a bag trolley so designated, so clearly that was another breach of the law. I am not sure why that was ever necessary in the first place.

The Act, although revised in 1958, does date from originating legislation back in 1928. At the time there must have been a perceived need for those sorts of strange restrictions to be placed on persons who were licensed as second-hand dealers, so I agree that an update of the legislation is due.

I have noted that the Law Reform Commission and the Regulation Review Unit have conducted inquiries and made certain recommendations and I am disappointed in those recommendations. I am glad the government has not accepted the recommendations in their entirety. Because of the nature of the trade there is the opportunity for it to be used by less than honest people to dispose of stolen goods, so some form of licensing is necessary.

I am glad the government has disregarded the recommendation that licences be abolished entirely. I do not necessarily believe it is appropriate to transfer the issuing of a licence from the Magistrates Court to the municipality. Although magistrates may see this process as a nuisance—and I have sat in courts when applicants have appeared to obtain their licences and the process has not taken much time—at least magistrates have imposed some consistency with licensing because the applicant must present himself and be subject to cross-examination or questioning by the magistrate. If that function is transferred to the municipality, presumably it will be delegated to an officer. The provision is not dealing just with a local second-hand furniture store, because almost every business needs a second-hand dealers licence. From time to time businesses trade in goods, whether they be second-hand vacuum cleaners or some other goods. I am concerned that a consistent approach between municipalities may be difficult to attain.

In smaller areas where everyone is known to everyone alse, there is the possibility of some element of discrimination if a local council officer to whom the duty is delegated has some personal grudge against the applicant. I hope that does not occur. That is far less likely to occur if the application is dealt with by the visiting magistrate.

What will this cost municipalities? I know the Bill provides for the prescribing of maximum fees and for councils to charge less if they desire. That provision will lead to a hotch-potch approach across the State, with different licence fees depending on

which municipality a person happens to be located in. I am not sure that that is the most just way of dealing with a licence.

I have had discussions with the Municipal Association of Victoria and it is concerned about whether the licence can be issued economically at a figure likely to be set by regulation. It is believed it will cost approximately $75 to $100 to process the application, which is a hefty increase on the current fee.

The other cost element that is worrying some municipalities is the cost of an appeal to the Administrative Appeals Tribunal, if an appeal is made against the refusal of the council to grant a licence. I am not contesting the right of any person to appeal to the tribunal but, despite the tribunal supposedly being a low-cost operation, I am told that it could cost up to $2000 to conduct an appeal, and those costs may then fall back on the ratepayers. I am not sure that that is desirable.

The Bill imposes heavy fines for quite minor offences. For example, a fine of a maximum of $2000 will be imposed for buying goods from someone who is apparently under sixteen years of age. That is a heavy fine to impose for an offence that is so indefinite that the word "apparently" is used. A maximum fine of $2000 is repeated throughout the Bill for a number of offences, and that seems harsh in view of the nature of the offences being dealt with. I ask the government to consider that issue.

I endorse Mr Storey's remarks about the necessity for all second-hand dealers to keep purchased goods for seven days. That is a serious imposition on their trading ability. Everyone in business knows that the secret of success is rapid turnover. The Bill imposes a severe impediment on rapid turnover. I know there is a four-day holding period in other legislation. That is probably bad enough from the dealers' point of view, but to extend that period to a week is unnecessary, particularly with a second-hand furniture dealer or persons dealing with clothing. I can understand the validity of that provision where people are dealing with electrical goods, which are much easier to steal, are much higher in value and where, perhaps, there is some incentive for trade in stolen goods.

I endorse Mr Storey's request that the regulations be so framed that certain classes of businesses can be exempted from the seven-day holdover period so the ability to trade profitably is less impaired.

I also sound a warning about the rapid escalation in the number of garage sales, which the Bill does not cover. I am not necessarily saying that the law needs to be extended to cover such garage sales, but it is an area that should be watched carefully because it is an avenue for the fencing of stolen goods if ever there was one. The same can be said for traders at trash and treasure markets. I do not mean a person who is cleaning out the household goods, but someone who makes a habit of doing the rounds of trash and treasure markets in every country town and suburban location once a week.

The Hon. B. A. Chamberlain—Four thousand people attend the trash and treasure market at Hamilton.

The Hon. W. R. BAXTER—The Rotary Club at Wodonga, with which I am associated, runs a trash and treasure market every fortnight and regularly collects $1200 to $1400 at the gate and for trestles. That is an indication of the number of people who attend these markets, particularly at 40 cents a head for adults and children free. It is an area that needs to be watched if it is not to become an easy outlet for the disposal of stolen goods.

Although I have reservations about the proposed legislation, it is not the type of legislation that should properly be opposed by the Opposition and the National Party.

I do not believe in the mandate theory, but I take the view that on minor legislation such as this it would be unduly interfering in the wishes and rights of the government to impose amendments upon it. I simply make the requests that I have made and hope they are taken up in due course.

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 and 2 were agreed to.

Clause 3

The Hon. E. H. WALKER (Minister for the Arts)—Mr Chairman, you did not give me the opportunity of responding to the points raised in the second-reading debate.

The CHAIRMAN—Order! The Minister may speak, with leave.

The Hon. HADDON STOREY (East Yarra Province)—Leave is granted.

The Hon. E. H. WALKER (Minister for the Arts) (*By leave*)—I thank Mr Storey and Mr Baxter for their comments. As a number of points raised by Mr Storey are subject to the amendments circulated in my name, I shall speak to them in a moment. Firstly, I shall make a few comments on the general issues referred to by either or both the honourable members.

Mr Storey referred to auctioneers, but I believe they are already exempt. In other words, auctioneers are not subject to the Bill as they are exempted in clause 4 (*a*).

Both Mr Storey and Mr Baxter referred to the provision requiring stock to be maintained for seven days. In the other place the Attorney-General said that consideration would be given to the matter. Under the current Act dealers have to retain goods for four days, so it was determined an additional three days would not be too onerous.

The Hon. W. R. Baxter—It is if you have weekly sales!

The Hon. E. H. WALKER—I understand the points that were made, but they were taken into account by the government. The government believes seven days is reasonable. If the current provision of four days were to apply, the police may have insufficient time to inspect the goods in shops to ascertain whether they are stolen. The government understands the points raised by the honourable members but does not intend to change the provision.

Mr Baxter referred to maximum fees when considering costs to councils. The maximum fee will be set at a level to allow councils to recover costs. In other words, his concern will be met in terms of the manner or level at which the maximum fee is established.

I must admit that I did not catch all points he raised, but one matter involved garage sales and trash and treasure operations. If garage sales or trash and treasure operations are of a continuous nature—I am not sure how one defines that—the Bill allows for the person conducting the operations to be defined as a second-hand dealer under clause 3. Therefore, there is some control of garage sales. If there is a tendency for them to be continuous, or if a person consistently runs garage sales, that person will be defined as a second-hand dealer.

They were the main points to which I wish to respond, so I now move:

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 purchased shall be deemed to be the total amount of interest payable.".

Clause 3 defines the word "pawnbroker" as including a person who purchases goods from a customer and gives the customer an option to repurchase the goods within a certain period, at a higher price. Such arrangements have become known as "buy-back contracts".

In reality the seller is borrowing money, the difference between the price paid when the goods are sold to the pawnbroker and when the goods are repurchased being in reality the fee or interest on the loan. This provision deems such arrangements to be the activities of a pawnbroker, so that a person who provides buy-back contracts will be covered by the Act.

In another place the honourable member for Balwyn highlighted some difficulties with this clause. The government has adopted his suggestions and redrafted the clause accordingly. I should record the government's appreciation for the honourable member's contribution.

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 4 to 12.

Clause 13

The Hon. E. H. WALKER (Minister for the Arts)—I move:

2. Clause 13, line 33, omit "may" and insert "must".

Clause 13 provides that the holder of a business premises licence can apply to a council to have the business location noted in the licence changed, so that the dealer can operate premises in a different location. The council "may" grant the licence.

In another place the Opposition proposed to change the wording by deleting "may" and substituting the word "must". This change would mean that a council would have an obligation to amend a licence if the basic requirements are met. The government is happy to take up the suggestion.

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 14 to 22.

Clause 23

The Hon. E. H. WALKER (Minister for the Arts)—I move:

3. Clause 23, line 3, omit "apparently".

Clause 23 (1) prohibits a pawnbroker from receiving goods in pawn from a person "apparently" under the age of sixteen years.

In another place, the Opposition noted that this may be inadequate as a pawnbroker may believe that a person is aged sixteen whilst a court may nonetheless decide that the person was "apparently" younger and accordingly find the pawnbroker guilty of an offence. Although the old Act is in similar terms, the government agrees that the wording could be improved.

My amendment simply deletes the word "apparently" from clause 23 (1). The effect of this will be that the onus will be on pawnbrokers to require proof of the person's age. That seems to be a more direct and better approach, and the government is happy to accept the Opposition's suggestion.

The Hon. HADDON STOREY (East Yarra Province)—I thank the Minister for the Arts and the government for accepting the suggestions made by members of the

Opposition. The remaining amendments to be moved by the Minister are merely technical. I place on record the Opposition's appreciation of the government's response.

The amendment was agreed to.

The Hon. E. H. WALKER (Minister for the Arts)—I move:

4. Clause 23, line 15, after "interest" insert "(calculated in the prescribed manner)".

Clause 23 (4) requires a pawnbroker to serve on the owner of the goods being pawned a notice of annual and monthly rates of interest. In another place the Opposition pointed out that there are a number of different methods of calculating interest rates.

It is proposed to amend clause 23 (4) to state that the rate of interest will have to be calculated by a prescribed method.

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 24 to 26.

Clause 27

The Hon. E. H. WALKER (Minister for the Arts)—I move:

Clause 27, line 29, after "have" insert "been".

This is a consequential amendment.

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.

TRUSTEE (AMENDMENT) BILL

The Hon. E. H. WALKER (Minister for the Arts)—I move:

That this Bill be now read a second time.

The objective of this Bill is to preserve the trustee status of Telecom's debt securities following its "corporatisation". Currently, Telecom issues are authorised at trustee investments and have a Commonwealth government guarantee. However, from 1 July 1989, Telecom will be corporatised and the explicit government guarantee will be removed. The removal of the guarantee will mean that Telecom's debt raised after 1 July 1989 will not have trustee status in Victoria.

The new arrangement, designed to restructure Telecom along more modern financial lines, subject to the Commonwealth Parliament passing the necessary legislation, is to come into force on 1 July 1989. The arrangements involve:

the establishment of a commercially orientated financial structure with an equity base of $4·4 billion and the usual obligations to pay appropriate dividends on shareholders' funds while providing for future investment needs.

Telecom which does not presently have an equity base will receive an equity injection from the Commonwealth government, which will convert 25 per cent of its loans to Telecom;

Telecom paying State government taxes and charges;

the removal of an explicit Commonwealth government guarantee of Telecom's debt instruments issued after 1 July 1989; and

Telecom paying income tax from the 1990–91 income year.

Telecom's head office and treasury and finance operations are located in Melbourne. Telecom issues all its domestic debt securities from this office and approximately 40 per cent of the end holders are Victorian by residency.

The restructure and corporatisation of Telecom should leave it in a good financial position worthy of trustee status, and will allow fund managers access to this top quality issuer.

As honourable members may recall, the government gave an undertaking on the occasion of the previous amendment to the Trustee Act that it would seek a review of the Trustee Act by the Legal and Constitutional Committee. Because of the current workload of this committee, it has not been able to commence a review, and the government is currently examining an alternative arrangement whereby a review can be undertaken by officials from the Attorney-General's Department and the Department of Management and Budget under the supervision of a formal interparty committee.

However, the issue of Telecom's continued trustee status cannot wait for the outcome of this inquiry. If Telecom were not to obtain trustee status, the interest rate which it pays on its borrowings may be adversely affected, or Telecom may decide to issue its securities in another State where it would receive trustee status.

I commend the Bill to the House.

On the motion of the Hon. ROSEMARY VARTY (Nunawading Province), the debate was adjourned.

It was ordered that the debate be adjourned until the next day of meeting.

ESTATE AGENTS (AMENDMENT) BILL

The debate (adjourned from earlier this day) on the motion of the Hon. E. H. Walker (Minister for the Arts) for the second reading of this Bill was resumed.

The Hon. HADDON STOREY (East Yarra Province)—Estate agents in Victoria have been subject to regulation for many years. A major review of the Act relating to estate agents took place a few years ago, which I had to handle as the then Minister responsible for estate agents. As a result of that Act a new form of regulation, licensing and so on came into operation really at the behest of the estate agents industry itself because its members believed it was important for them to be a professional organisation, to ensure that proper standards were observed by members operating in their profession and to ensure there were proper procedures for reviewing the holding of licences and the conduct of agents and for protecting persons who deal with estate agents.

An Estate Agents Guarantee Fund was established and other provisions for the protection of the public generally. As with many of these types of regulatory Acts, that Act has come back to this House on a number of occasions since for amendment, always with the intention of improving the operation of the legislation and with the ultimate aim of improving the protection afforded to members of the community, those who deal with agents as vendors, those who deal with them as purchasers and those who deal with them in relation to renting arrangements. In recent times the government took the view that it was appropriate to have a review of the regulation of the industry, and a review took place by the Law Reform Commission of Victoria and the Regulation Review Unit.

Tonight we seem to be dealing with a succession of Bills in which the same result has occurred. The government has had a review by the Law Reform Commission of

Victoria and the Regulation Review Unit and has not accepted the recommendations of those bodies or, at any rate, has not taken up all of those recommendations. It says something also for the recommendations in the two cases I am referring to, the Second-hand Dealers and Pawnbrokers Bill and this Estate Agents (Amendment) Bill, that the Opposition agrees with the government in relation to the recommendations that it has not accepted.

In effect, it was recommended that the education standards required for agents be lowered and the licensing controls eased, and it is the view of the Opposition and of the industry itself that this is not appropriate.

The result is that the government has introduced a Bill as a first stage only, and it has indicated that the Estate Agents Act will be further amended. The Bill covers a number of different matters relating to the Act. It deals with trust accounts, interest on trust accounts and the operations of estate agents who live on the borders of the State—people who operate, for instance, in Albury–Wodonga and who find it necessary to deal with people in New South Wales and Victorian border towns.

The Bill also deals with the practice of licence lending. I remember when I introduced an estate agents Bill one or two years ago that licence lending was a major area that was sought to be dealt with. Despite that Bill and many amendments since, it is still necessary to further amend the Act to deal with this practice. Licence lending, in whatever form it takes, means that the people running the business establish appropriate qualifications for a licence and therefore do not match the standards set out in the Act. The Opposition agrees with the provision relating to that matter.

The Bill deals with declared corporations, which generally means various pastoral companies. It deals also with a general indemnity provision for measures taken by members of the Estate Agents Board and so on.

Under the provisions dealing with trust moneys held by estate agents, the Estate Agents Board may direct agents to deposit such moneys with certain financial institutions. The board can then take a portion of the money and invest it, and any profit, together with any interest on the trust moneys, can be put into the guarantee fund. If there are excessive moneys in that fund, in the opinion of the board, those moneys may, with the approval of the Minister, be used for education and housing assistance programs.

The Opposition does not agree with the notion that there should be another fund managed by the Estate Agents Board, which might be seen as another Victorian Economic Development Corporation; another opportunity for a government agency to be, in effect, dealing with moneys when there are already many financial institutions into which moneys can be paid. The moneys we are talking about do not belong to the estate agents; they belong to the clients, the people who pay deposits. Although moneys paid into trust accounts as such have in the past not attracted interest, the notion that the moneys can be invested by the board in a way which will lead to the moneys being used as a vehicle for making money is inappropriate.

The Opposition recognises that it is desirable to have an arrangement under which interest can be obtained on the whole of the moneys paid into estate agents trust accounts, and that is also provided for. The Bill enables those moneys to have interest paid on them under arrangements which can be entered into by the board with other major authorised financial institutions.

The result of the view I have expressed is that the Opposition foreshadows amendments in the Committee stage of the Bill to delete those provisions relating to the payment of deposits into special accounts which may be managed by the board.

When those clauses are being dealt with in Committee, I shall speak in some detail on the matter.

In conclusion, the Opposition is grateful for the assistance it has received from the Estate Agents Board, the Real Estate Institute of Victoria, the Victorian Stock Agents Association and the Law Institute of Victoria. Those bodies have provided information and advice on the provisions of the Bill and have been helpful in enabling the Opposition to arrive at its view. The Opposition does not oppose the Bill but foreshadows amendments in the Committee stage along the lines I have outlined.

The Hon. W. R. BAXTER (North Eastern Province)—Perhaps not surprisingly, the National Party takes a similar view to the Liberal Party. I express concern that the Regulation Review Unit and the occupational reviews do not produce reports that are acceptable to the government. I wonder about the efficacy of continuing with that operation because it costs a lot of money.

I commend the government for not accepting the occupational review report on estate agents. It was not a viable report and created dissension in the industry. Much time was spent rebutting some of the more extraordinary claims made in that document.

The Hon. K. I. M. Wright—Some would have been disastrous.

The Hon. W. R. BAXTER—Indeed, they would have been disastrous. The government has been swayed by those representations, or it has made up its own mind to take a similar view. I commend the government for doing that.

I attended a meeting of real estate agents in Wangaratta twelve to fifteen months ago after the report was released, and I have never before known a body to be so united in its opposition to a report. It was deemed by the agents at that meeting to be a specious report, and I shared that sentiment.

I had discussions about the Bill with real estate agents in my local area and, in particular, with my neighbour, who happens to be a real estate agent. To that extent, I can be regularly lobbied over the fence on Sunday mornings! I received a good deal of assistance from the Real Estate Institute of Victoria.

I understand that the Leader of the National Party in another place had communication with the Estate Agents Board. I thank those two organisations for that assistance. It assists those of us who are not practitioners to form a considered view on the proposed legislation. I am happy with the Bill and pleased that the matter of licences for agents along the border in such areas as I represent has at long last been addressed and that those agents have been given some rights to deal with interstate clients. It is clearly impractical in a place such as Albury–Wodonga and other towns along the River Murray to have separate offices on each side of the river. That only adds to the costs and increases the price of housing. We all know how costs should be controlled to assist people in getting a roof over their heads.

I have some concern about the provision of franchising. The Victorian Stock Agents Association wants to ensure that both the principal and the franchisee have appropriate qualifications and that we do not want Coles–Myer Ltd, for example, being able to put a shingle up in each of its enterprises and operate as a real estate agent.

I understand that the Attorney-General has undertaken to review that matter and the possibility of any further legislation in the next session. There is also the vexed question of section 14 (3) that has long been a bone of contention in the principal Act. It was what might be referred to as the grandfather clause that enables persons to be issued with licences without going through the formal education process.

A large number of people have been licensed under that section and I believe rightly so, even though some were contested by some people in the industry, including one of my close colleagues. However, I believe there are people in the industry who, prior to the introduction of the principal Act in 1980, were very experienced and clearly deserved to be licensed. It was perhaps not easy for them because of geography or family reasons or whatever to undertake the formal qualification. Upon due inquiry, if the board was satisfied, they were licensed. Nine years have passed, so anyone who had any possibility whatsoever of coming in under that section ought by now have made application and had it determined.

It is appropriate that that avenue of licensing be now closed off because anyone with a genuine case has had ample opportunity to become licensed. Therefore, I do not have any objection to this provision in the Bill.

The aspect of the Bill which causes me most concern, and I know Mr Storey will present some amendments in the Committee stage and I look forward to those amendments, is the handling of trust accounts of real estate agents, because quite a significant change is being envisaged by the Bill. Virtually the total funds in the trust account will come under the control of the board and the interest thereon will be allocated to welfare housing. I resent the implication in the second-reading speech that moneys in estate agents' trust accounts benefited the banks only. That is far too narrow a view of the situation. Clearly the banks do benefit from the deposits in the trust accounts and they like to have those accounts. I do not blame them. It also benefited the real estate agents because they were able to enter into an agreement with their banker which was more favourable than they might otherwise have been able to achieve. That helped them provide a better service to their clients and also because the banks had access to those funds they were in a position to lend more for housing. I should have thought that was a desirable result as well.

So I have some concerns that significant changes are being made. It is not the government's money nor the agent's money, as Mr Storey pointed out. It is money held in trust and belongs either to vendors or purchasers. The changes envisaged are not all plain sailing. It is not all altruism. I shall be interested to examine the amendments that will be proposed to see if they go some way towards overcoming my concerns about the situation. It is setting an unfortunate precedent if we were to entitle an arm of government to siphon off funds which are not its own. That is putting aside any possibility of a VEDC scenario to which Mr Storey referred.

The Hon. E. H. Walker—He was getting carried away.

The Hon. W. R. BAXTER—Whether he was getting carried away or not, I do not know, but my point is it is allowing a government instrumentality to take control of funds to which it is not entitled. I am fairly sensitive about that. I want to express my concerns. I am not proposing any amendments at this stage but I shall certainly examine Mr Storey's amendments with interest.

There is one final matter that perhaps the Minister may be able to clarify for me and that goes to the employment of part-time agents. I do not object to that and I believe a safeguard is inserted that it must be the subagent's principal or only source of remuneration. That is a useful safeguard but I understand there is an award for full-time subagents which goes to the matter of minimum salary or commission formula and perhaps some car allowance. I understand there is no such award presently for persons who might be employed as part-time subagents. I ask the Minister whether he has any knowledge of what the situation will be in determining the remuneration levels for part-time subagents.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2

The Hon. E. H. WALKER (Minister for the Arts)—I thank Mr Storey and Mr Baxter for their responses. Before Mr Storey moves a number of amendments that he has been good enough to show us, I indicate that we will be accepting his amendments. I hasten to add, we would have preferred the Bill as introduced but we have accepted the amendments, principally because there is some $15 million at stake which is an important amount to go to low-cost housing. Therefore, rather than delay the Bill and seeing some reason for Mr Storey moving the way he has, I indicate that the government will be accepting those amendments. Because of the hour, this indication may mean that he will move the amendments rather more rapidly if he does not have to defend them. I shall not be making further comment, but I shall be interested to hear Mr Baxter and Mr Storey debate the amendments.

The Hon. HADDON STOREY (East Yarra Province)—I move:

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".

I am moving amendments Nos 1, 2 and 3 at the same time because they are all related. Their purpose is simply to ensure that all of the provisions of the Bill come into operation on the same day rather than on a series of days, save for proposed section 7, which for reasons to do with issuing of licences and so on should come into operation on 1 January 1990. The effect of these amendments will be that those two clauses will come into operation on that day and the remainder of the clauses will come into operation on a day to be proclaimed in due course.

The amendments were agreed to, and the clause, as amended, was adopted, as were clauses 3 and 4.

Clause 5

The Hon. HADDON STOREY (East Yarra Province)—I move:

4. Clause 5, lines 6 and 7, omit "a special account established under an arrangement made under section 60 or".

The amendment relates to a number of subsequent amendments. Those provisions of clause 16 which insert a new section 60 into the principal Act and provide for the payment of deposits into special accounts and the management of those deposits in special accounts will be deleted.

I shall deal with that point now so that I need not deal with it again in speaking to subsequent amendments. During the second-reading debate I said that the Opposition believed there should not be an obligation for trust account moneys to go into a special account to be held and managed by the board. The Opposition would prefer that all deposits were paid into an authorised financial institution and interest was earned on those deposits. I have made that point as succinctly as I can.

I shall subsequently propose amendments that will seek to take the provision concerning a special account out of proposed new section 60 and omit the reference to the establishment of a special account under that new section.

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 6 to 14.

Clause 15

The Hon. HADDON STOREY (East Yarra Province)—I move:

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.'

This amendment again refers to special accounts. I have already explained that I shall move subsequent amendments that seek to omit from the Bill reference to those special accounts. Therefore, it is necessary to propose the omission of the words and expressions on lines 29 to 31 of the clause and the insertion in their place of the words set out in the amendment.

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

Clause 16

The Hon. HADDON STOREY (East Yarra Province)—I move:

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.".

I have already explained that the Opposition is seeking to delete the provisions relating to special accounts. The effect of these amendments will be to delete those provisions.

They will also have the further effect of inserting a new provision to require the board to publish in the *Government Gazette* the terms and conditions of any agreement it enters into under proposed new section 60 with an authorised financial institution; and it will also require the board to enter into arrangements with any other financial institutions that offer similar terms and conditions—or at least terms and conditions that are not less favourable.

The Opposition seeks to insert these provisions in the clause so that there will be no possibility of the board entering into an exclusive arrangement that would render it impossible for other financial institutions to accept deposits under similar conditions.

The Hon. E. H. WALKER (Minister for the Arts)—This is a complex issue. I shall deal with the proposed new section 60A (2) as contained in Mr Storey's amendment in relation to the proposed new clause 60 contained in the Bill.

The Bill will insert a new section 60 which will give the board the power to enter into arrangements with financial institutions for the keeping of estate agents' trust accounts. The relationship between those two proposed new sections—that is, proposed new section 60A as contained in the Bill and new section 60A (2) as proposed in Mr Storey's amendment No. 10—suggests clearly that the expression "any other existing

arrangement" in proposed new section 60 (2) will mean any other arrangement that the board will enter into under proposed new section 60.

In order that it be made abundantly clear that the reference to "any other existing arrangement" does not include any present agreement on interest under the present sections between the board and the bank, the government would like some statement from Mr Storey clarifying that point in *Hansard.*

The Hon. HADDON STOREY (East Yarra Province)—This certainly represents a reversal of roles! From time to time the Opposition has sought assurances from Ministers about what Bills are intended to mean so that they may be later used against them in court. This is the first time that a Minister has requested something similar of the Opposition!

It is my understanding that the reference to "any other existing arrangement" in proposed new section 60A (2) is a reference to those arrangements that will be entered into under proposed new section 60.

The Hon. R. A. MACKENZIE (Geelong Province)—I raise a matter in relation to clause 16. I have received correspondence from the Tenants Union of Victoria.

The CHAIRMAN—Order! The Committee will deal with the amendments before it and then hear Mr Mackenzie's comments on clause 16. Is Mr Mackenzie seeking to amend the clause?

The Hon. R. A. MACKENZIE—I request an amendment to clause 16.

The CHAIRMAN—Order! The Committee will dispose of the amendments presently before it. Then I shall give Mr Mackenzie the call.

The amendments were agreed to.

The Hon. R. A. MACKENZIE (Geelong Province)—The Tenants Union of Victoria has expressed support for amendments to the Estate Agents Act, because the Bill follows closely the recommendations of the Law Reform Commission. However, the Tenants Union has expressed concern about clauses 15 and 16. That concern has arisen because of the situation that exists with regard to the return on deposits that are invested by the Estate Agents Board. Between $200 million and $300 million is held in trust accounts, on which interest amounting to only $4·9 million was received in 1987–88.

The Tenants Union believes that clause 16, which provides for the payment to the board of interest on the whole or any part of deposits in estate agents' trust accounts, should be amended to specify that interest will be payable on the whole of the deposits in the estate agents' trust accounts.

It seeks that amendment because the experience the Ministry of Consumer Affairs in negotiating rates of return on security deposits held in trust has been very disappointing. The rates of return have not been consistent and have usually been equivalent to the rate payable on at-call investments, which is typically less than 10 per cent per annum.

The Tenants Union believes financial institutions have demonstrated a marked reluctance to increase returns, despite the fact that more than $60 million is held in trust—and the banks reap significant profits from those moneys. The union advocates that the Bill specify that interest should be payable on the whole of the deposits in estate agents' trust accounts. That would mean that proposed new section 60 (3) (*a*) would read: "The payment of interest of the whole on deposits in estate agents' trust accounts to the Board;", which would require the deletion of the words "or any part".

I do not know whether the Tenants Union has negotiated directly with the government on this matter, but I should be interested to hear what the Minister thinks of it.

The Hon. E. H. WALKER (Minister for the Arts)—I cannot say that I fully understand the point Mr Mackenzie makes. When he speaks of "the whole or any part" I think the "or any part" referred to the circumstance that was in the Bill as we introduced it, but which does not now pertain because of the amendments. But the board will be looking for a payment on the whole and by agreement or by negotiation between the board and the bank.

In other words, I do not know that I can offer Mr Mackenzie any great solace in that regard; it will be a negotiated position but it is understood to be "on the whole" rather than "the whole or any part".

The clause, as amended, was agreed to.

Clause 17

The Hon. HADDON STOREY (East Yarra Province)—I move:

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" '.

It applies to clause 17 and, although it does not appear this way, it flows from the amendments I have just moved, and which the Committee has just accepted. The particular lines in clause 17 refer to moneys paid into the special account held by the board under the arrangement made under section 60, which no longer applies since we have taken out the reference to special accounts. Therefore, it is appropriate to remove those words and insert, instead, the words set out in the amendment.

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

Clause 18

The Hon. HADDON STOREY (East Yarra Province)—I move:

12. Clause 18, lines 30 and 31, omit the words and expressions on these lines and insert—

"(*b*) paragraph (*ca*) is repealed.".

Again, the amendment referred to a clause that would be inserted only because of the reference to special accounts. Now that they have gone, it is no longer appropriate.

The amendment was agreed to, and the clause, as amended, was adopted, as was clause 19.

Clause 20

The Hon. HADDON STOREY (East Yarra Province)—I invite honourable members to vote against this clause.

The clause was negatived.

Clauses 21 to 23 were agreed to.

Clause 24

The Hon. HADDON STOREY (East Yarra Province)—I move:

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.".

The amendment follows from amendments made in another place relating to the ability to disallow regulations. I do not know that it does follow from that, but in any event, it is the advice of Parliamentary Counsel that the amendment be moved.

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

New clause

The Hon. HADDON STOREY (East Yarra Province)—I move:

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).".

The new clause was agreed to.

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

ADJOURNMENT

Consultant to Premier—Sugarloaf Creek bridge—Construction of women's refuge at Red Cliffs—Hospital facilities in Altona—Technical and further education in western suburbs—Broombrush harvesting in Mallee—Safety at VFL Park, Waverley—Manning of Ivanhoe railway station—Community centre for Brooks Crescent, Fitzroy—St Kilda foreshore options—Battery hens—Council of City of Doncaster and Templestowe

The Hon. E. H. WALKER (Minister for the Arts)—I move:

That the Council, at its rising, adjourn until this day, at 11 a.m.

The motion was agreed to.

The Hon. E. H. WALKER (Minister for the Arts)—I move:

That the House do now adjourn.

The Hon. M. A. BIRRELL (East Yarra Province)—I raise a matter with the Minister for the Arts as representative in this House of the Premier. It concerns the engagement of a Mr Bob Hogg as a consultant to the Premier.

Documents released to me under the Freedom of Information Act by the Department of the Premier and Cabinet reveal that Mr Bob Hogg was engaged on 1 May 1988 as a consultant for a consultancy fee not exceeding $46 000. The accounts that were also released to me under the FoI Act indicate that Mr Hogg has, thus far, been paid the sum of $9464 for his work as a consultant.

As Mr Hogg has been employed full-time as the Federal Secretary of the Australian Labor Party since 7 April 1988, and given that he, in that capacity, is based permanently in Canberra, I seek an explanation from the Minister on how the government justifies expending public funds on this consultancy. It could be argued that Mr Hogg is double dipping.

It would also be appreciated if the Minister would identify how Mr Hogg's advice as a government consultant can be distinguished from his advice as a paid Labor Party official and, finally, as the freedom of information documents released to me indicate that the consultancy is a continuing one, I welcome any information with

which the Minister can provide me on whether the government has any plans to discontinue this consultancy and, if so, when?

The Hon. G. R. CRAIGE (Central Highlands Province)—I raise a matter for the Minister for Housing and Construction as representing in this House the Minister for Transport, and it concerns the Sugarloaf Creek bridge.

The bridge has been closed since December 1988 when the Road Construction Authority inspected it and found it to be unsafe, due mainly to its age and due to the fact that it is of wooden construction. The bridge is between the Shire of Pyalong on one side and the Shire of Seymour on the other.

It carries a large amount of local traffic but, more importantly, the school bus travelling to Seymour used to travel across the bridge. The bus now takes an additional 20 minutes to travel from the Shire of Pyalong to the Shire of Seymour. In December last year the Road Construction Authority carried out a survey and was to submit a report two or three months later. It is now May, some five months later. I ask the Minister when the report can be expected because both shires wish to know whether the bridge will be repaired.

The Hon. K. I. M. WRIGHT (North Western Province)—I direct to the attention of the Minister for Housing and Construction, who is the representative in this House of the Minister for Planning and Environment, the proposal to construct a women's refuge on a vacant lot in a residential area in Red Cliffs. That proposal is strongly supported by the Lions Club of Red Cliffs, but the residents oppose the project and the shire council has some concerns about it.

The Minister for Planning and Environment has meanwhile introduced a new regulation that greatly restricts the opportunity for residents to appeal to the Administrative Appeals Tribunal. I do not wish to take sides in the matter because two strong groups in the community—the Lions Club and people concerned about the welfare of women, and the residents—are in conflict over this issue, but there should be a court or tribunal to decide such issues. I ask the Minister to consider the matter and report to me about whether he believes this new regulations is equitable.

The Hon. LICIA KOKOCINSKI (Melbourne West Province)—I direct to the attention of the Minister for Health the hospital facilities in Altona. The Altona City Council has expressed concern that it may be left without adequate hospital facilities. The municipality comprises approximately 34 000 people and it has three distinct population centres: Altona North, Altona Central and Altona Meadows. The growth area is Altona Meadows where young families are establishing, and the other areas comprise an ageing population. By way of petitions to the Minister, the council and community have expressed concern that the government may be considering the closure of Altona District Hospital, and they want some assurances about the future of the hospital.

The concerns arise because the government has expressed a firm commitment to the development of the Hoppers Crossing hospital in Werribee. Major developments are taking place at the Footscray and Sunshine campuses of the Maribyrnong Medical Centre, and the Williamstown Hospital is being refurbished and redeveloped. There is also some redevelopment of the Bacchus Marsh and District War Memorial Hospital.

The Altona community is unsure about the future of its hospital and is concerned that it may be left without adequate hospital facilities. I ask for some assurances from the Minister on that point.

The Hon. HADDON STOREY (East Yarra Province)—I direct to the attention of the Minister responsible for Post-Secondary Education the comments I made a couple of weeks ago during a debate on higher education when I referred to the position of technical and further education in the western suburbs. In his response, the Minister dealt with most of the matters I raised but did not deal with that issue. In particular, he did not refer to the report by Ms Susan Ryan that recommended the dismembering of the Footscray College of TAFE and spreading pieces around to various parts of the technical and further education system in the western suburbs.

That report has caused much disquiet and is totally inconsistent with everything else the Minister is doing in post-secondary education. He is attempting to bring about amalgamations of institutions to create strength, but the Ryan report proposes the exact opposite for the Footscray College of TAFE.

Figures from the State Training Board bear out the fact that larger institutions provide more cost-effective education. The figures show that the average funding base for TAFE colleges in Victoria is $5.96 per student contact hour. The funding base for Footscray is one of the lowest in Victoria at $4·73 per student contact hour, while the college at Newport has a funding base of $13.28 per student contact hour.

I ask the Minister to give an assurance that the recommendations of the Ryan report will not be implemented and that the Minister will not countenance the severing of parts of the Footscray college, which is operating economically and which has a good reputation.

The Hon. R. M. HALLAM (Western Province)—I direct to the attention of the Minister for Housing and Construction, who is the representative in this House of the Minister for Conservation, Forests and Lands, the broombrush harvesting in the Mallee area. A company trading as Solomit Strawboard operates from Murtoa and has an enviable reputation for its production of brush panels using broombrush from both private and public lands across the Mallee.

The company's operation is a vital part of the Murtoa economy. It employs approximately 40 people and generates a substantial level of disposable income in the local community. The government should be aware of the operation and the existence of the company because Murtoa was one of six towns included in the Small Towns Study commissioned approximately twelve months ago.

The problem is that the Land Conservation Council has recently framed recommendations in respect of the Mallee and it has suggested that harvesting of the broombrushes should be terminated if the Department of Conservation, Forests and Lands is unable or unprepared to allocate sufficient resources to supervise the harvesting operation. That would be absurd because no-one has argued that broombrush is being harvested beyond the level of sustainable yield, yet this vibrant industry is under threat. If the department is unable to supervise there must be an alternative other than terminating the harvesting.

I suggest a simple licensing system would be practicable. I hope that the Minister will take up the matter with his colleague in another place and request that she use her best endeavours to ensure that harvesting will continue in order to allow this thriving industry to survive.

The Hon. C. J. KENNEDY (Waverley Province)—I direct to the urgent attention of the Minister for Housing and Construction, who represents the Minister for Planning and Environment in this place, a matter—encompassed under the Health Act, which provides for sportsgrounds, theatres and so forth—of the attendances of people at football matches held at VFL Park, Waverley.

Attendances of up to 61 000 people pose a danger. Although there is seating capacity for 67 000 people, there are no facilities for people standing, and people who do not wish to remain seated are blocking the aisles, the tops of stairways and the concourses. This matter should be considered carefully in view of the tragedy that occurred at Hillsborough, England, at a soccer match.

I have received many complaints about the exits from the grounds also being blocked by people standing in the gangways. The management broadcasts warnings, but people take no notice. I ask the Minister to investigate the matter bearing in mind that on Saturday next two strongly supported teams will be competing—Collingwood and Essendon. Attendance at that event may well be more than 67 000 people, which will cause overcrowding and, possibly, danger, and will be in contravention of the Act.

The Hon. B. A. E. SKEGGS (Templestowe Province)—I direct to the attention of the Minister for Housing and Construction who represents the Minister for Transport a request I have received from the Ivanhoe sub-branch of the Returned Services League for the Ivanhoe railway station to be manned until 9 p.m. on Sundays. Ivanhoe railway station is the focal point for buses and taxis transporting veterans and visitors to the Heidelberg Repatriation General Hospital. The sub-branch is concerned about those visiting the Repatriation Hospital, the Austin Hospital and the Macleod Repatriation Hospital, which are all located in that area.

There are a lot of visitors who attend those hospitals on a Sunday and visiting hours conclude at 8 p.m. However, the railway station is only manned until 4 p.m. on Sundays. A lot of elderly people as well as veterans visit those hospitals and they are unable to use the toilet facilities at the railway station, which are locked when the station is not manned. There is concern among those people about the lack of facilities. Also, undesirables frequenting the station are a cause for concern to some of the elderly people waiting for transport.

I ask the Minister to take up the matter with the Minister for Transport so that that facility is manned until 9 p.m. on Sunday nights.

The Hon. R. S. de FEGELY (Ballarat Province)—I direct to the attention of the Minister for Housing and Construction a matter with which he will be familiar. It has been raised on a couple of occasions recently. I refer to the building of a community facility at Brooks Crescent, North Fitzroy, in his province. I understand that a meeting was held on 17 May.

The Hon. B. T. Pullen—You said six people would attend; more than 50 came.

The Hon. D. R. White—It was in 1969.

The Hon. R. S. de FEGELY—It was not 1969 that the suggestion was made, although it may seem so to the residents; it was approximately eight years ago when residents decided that some action should be taken. I understand that at the meeting it was decided that the facility would be constructed.

In view of the fact that the funding was allocated four years ago to build the facility the residents are anxious to know when the starting date will be set. I have been requested to ask the Minister——

The Hon. B. T. Pullen—From whom?

The Hon. R. S. de FEGELY—By the residents.

The Hon. B. T. Pullen—From whom did the request come?

The Hon. R. S. de FEGELY—From the residents of Brooks Crescent.

The Hon. B. T. Pullen—Have they written to you?

The Hon. R. S. de FEGELY—No, they telephoned me and asked me to ask the Minister when the building would commence.

The Hon. REG MACEY (Monash Province)—I direct to the attention of the Minister for Local Government the matter which I foreshadowed with the Minister yesterday when I brought it to her attention. The City of St Kilda has informed me that a study on the Crown land on the St Kilda foreshore area between Fraser Street and Shakespeare Grove is currently being coordinated by officers of the Ministry for Planning and Environment. The council is the committee of management for the area and, as manager and administrator of these recreational and public open spaces, is concerned at the approach of the State government in developing future options for the foreshore area.

Specific concerns that the council has raised with me relate to the inadequate time frame of the project, the inadequate financing of the study, the lack of opportunity for community consultation and the inappropriate treatment of the council as merely an observer and provider of resources, given the council's more than equal role to date in managing the foreshore and resourcing improvements to it. The council is also concerned that the site under consideration has been expanded since last year to incorporate the whole of the St Kilda foreshore.

The Minister's involvement relates to a letter which the council sent on 11 May in which the council referred to the fact that it had decided to suspend its involvement in the working party related to the study. The only involvement it was given was that its representatives were members of the working party, which in turn reports to the steering committee which is made up of State government officers.

My request of the Minister, following through from the request of the council—and the Minister is the Minister for Local Government—is that the council would like the Minister to act for local government in this matter. It requests the Minister to consider the matter and provide the necessary support to St Kilda council. It wants full council involvement in the process with local participation and community views adequately incorporated. The council seeks an urgent response to this request.

The Hon. ROBERT LAWSON (Higinbotham Province)—I direct to the attention of the Leader of the House a matter of importance for the Minister for Agriculture and Rural Affairs. It arises from a letter written to me by a constituent complaining that animal welfare provisions are not being applied, especially in the treatment of battery hens.

My constituent refers to a recent episode at a poultry farm when some animal liberationists became enraged about the treatment of battery hens. They invaded the farm and a shot was fired. I do not know the outcome.

The fracas was triggered by the fact that the regulations were allegedly not being observed by the farmer. I ask the Minister to raise the matter with his colleague in another place to ensure that the regulations under the Prevention of Cruelty to Animals Act are applied.

The Hon. J. G. MILES (Templestowe Province)—I direct the attention of the Minister for Local Government to a question I asked previously during the sessional period about the administration of the council of the City of Doncaster and Templestowe. Many complaints were made about the council's administration and allegations were made about the possible conflict of interest of some councillors.

Several large, well-attended anti-council meetings were held and a petition, signed by more than 10 000 people expressing strong feeling against the council, was circulated.

As I recollect, the Minister replied that she was interested in the allegations and her department was examining some of the problems that had been publicly aired about the administration of the council. In view of the promise of the Minister, and since the end of the sessional period is drawing near, and as council elections are coming up, I ask whether the Minister can report the progress of any investigation into the administration of the council.

The Hon. E. H. WALKER (Minister for the Arts)—The details of the matter that Mr Birrell directed to my attention are not known to me. I shall direct the matter to the attention of the Premier, and he will respond in due course.

Mr Storey made a comment about the report on TAFE in the western suburbs that was prepared by Susan Ryan. Mr Storey asked me to assure him that the Ryan report will not be implemented. The report was distributed publicly and there was significant time for response. A significant number of responses were received.

I am now paying attention to those responses and, indeed, I shall be visiting the TAFE colleges mentioned at Footscray, Newport and the Western Institute in the next two weeks. In that regard it would be inappropriate to respond to the question put by Mr Storey, but I shall certainly pay attention to the matter and, in due course, he will hear the results.

Mr Lawson asked a question for my colleague in another place, the Minister for Agriculture and Rural Affairs, and I shall obtain a response.

The Hon. C. J. HOGG (Minister for Health)—In answer to Ms Kokocinski, I am aware that the Altona City Council has been concerned about the Altona District Hospital in view of the developments at Hoppers Crossing—so concerned that I received a petition signed by more than 2000 citizens of Altona. Unfortunately, the petition was not worded in such a way that it could be presented to the House, but I noted the strength of feeling of the people of Altona.

As I understand it, consultants were retained to examine whether the new hospital at Hoppers Crossing will meet the needs for acute hospital services in the Altona and Werribee areas.

Following representations from the board of the Altona District Hospital, the department agreed to review its future role. The terms of reference for the review have been negotiated between Health Department Victoria and the Altona District Hospital, and the aim of the study will be to identify and report on options for addressing the health service needs of Altona residents.

An advertisement for consultants to undertake the study appeared in the *Age*, I think, on 20 May. The consultants will be employed by the Altona District Hospital. A joint steering committee comprising two Health Department Victoria representatives, two from the Altona District Hospital and one from Altona council, and two community representatives will be appointed to oversee the study. The government has given an undertaking that the role of the Altona District Hospital will be unchanged until the new hospital at Hoppers Crossing is opened.

The Hon. B. T. PULLEN (Minister for Housing and Construction)—Mr Craige referred to the Sugarloaf Creek bridge and the concern about its closure as well as delays on the investigation into the bridge which started in December. I will take the matter up with the Minister for Transport and try to expedite a response about what is happening with the bridge. I hope it will be reconstructed and serve a useful purpose.

Mr Wright raised a serious question about a women's refuge that is causing local concern.

The Hon. K. I. M. Wright—It is a house for removal as well, which exacerbates the problem.

The Hon. B. T. PULLEN—It is a difficult issue because part of the nature of such places is that they are not widely advertised because some of the women that would use such a refuge consider it important that the location is not identified. This creates difficulties in terms of some normal processes, and I understand the Ministry for Planning and Environment is taking measures that will remove local responsibility.

Given the sensitivity of the issue, the most appropriate course would be if I asked the Ministry for Planning and Environment to provide Mr Wright with a comprehensive briefing on the situation. I believe in these circumstances local members have a constructive role to play and, to do that, it is important for them to be fully acquainted with all matters involved. It would be fair, if Mr Wright is willing, that I arrange such a briefing and then Mr Wright can take whatever action seems appropriate.

Mr Hallam referred to Solomit Strawboard. I consider this to be a serious issue once one gets one's head around it. Although I do not pretend to understand the details of it, I shall undertake, given the additional material Mr Hallam provided, to take up the matter with the Minister, and I hope we can proceed to a satisfactory conclusion on the issue.

Mr Kennedy referred to safety matters at VFL Park, Waverley. I must declare my slight interest, given that Collingwood is seeking to go to VFL Park at present and any measure to keep them in Collingwood longer would be appreciated!

I should have thought it was a matter for the Minister for Sport and Recreation. I gather from the comments of Mr Kennedy that he made inquiries and found the matter would be more appropriately directed to the Minister for Planning and Environment. There does seem to be a question mark about who should take up the matter.

However, having now got the gist of the honourable member's concerns, I shall endeavour to find out the appropriate Minister to whom it ought to be directed—perhaps initially to the Minister for Planning and Environment—and furnish him with a response.

Mr Skeggs raised the question of the use of the Ivanhoe railway station on Sundays at late hours when it is not staffed. Given that it is an area where a number of elderly people reside, he has obviously had the matter directed to his attention. I shall take up the matter with the Minister for Transport and determine whether some remedy can be provided.

In regard to the matter raised by Mr de Fegely about a community facility in Brooks Crescent, Fitzroy, I hope the speculation in the press about Mr de Fegely's future is incorrect, because I rather welcome his interest in my electorate, his concern for the residents in the area, and his continual inquiries. I hope we will not miss that in the future.

The Hon. R. S. de Fegely—I hope not, too!

The Hon. B. T. PULLEN—I am happy to inform Mr de Fegely, despite his apprehensions about the residents' meeting proposed for 17 May having fewer than six people in attendance, that between 40 and 50 people attended. The meeting was supported by organisations such as my electorate office, the Fitzroy Social Issues Forum, the Fitzroy Community Health Centre, the Holden Street Neighbourhood

House, the Fitzroy Learning Network, the Ministry of Housing and Construction and the Fitzroy Community Youth Centre. It was undoubtedly the most successful consultation held in that area in order to determine what the community wants to be done with the funds that are available to it.

As a result of the meeting I believe we are now in a position to move forward with greater certainty than before in establishing a facility that actually meets the needs of the community. I am informed that one of the features of the meeting—and I am disappointed that I was unable to attend—was that there was an extremely lively discussion between a number of elderly people and young people. The main area of conflict seemed to relate to the young people not having sufficient facilities and there was interaction with the older people who have been concerned about footballs going over the fence and into their backyards and so on. The discussion was extremely good and I understand a consensus is emerging that the facility should be targeted on youth and that the older people are supporting the need for a facility for young people. Young people are now discussing the sort of facility that would meet their needs.

I am advised that, as a result of the meeting, the decision was made to approach me and to apprise me of the community views about the kind of facility that should be provided. I am looking forward to that, and I have indicated my willingness to meet with them.

I make the general point—and I make it in the sense that I believe Mr de Fegely's interest in this is genuine—that the fundamental issue about communities such as this is developing a sense of community, where any facility that is provided is owned by that community and the community is committed to it. It is all too easy to provide as a gift from the government or other agency a facility that is not really related to the needs of the community.

My reticence in moving on this issue has been because I have not seen the evidence that the people really want one particular thing for which money could be provided. I am sensitive to the needs of my electorate, and it would be only too easy for me to move in and quickly get praise for providing money for a facility in my own province, but I was concerned to ensure that the money was spent so that the community would get value for it. Therefore, I have been patient in order to allow a certain process to take place to establish that there is genuine demand.

I shall get a bit of flak for moving slowly, but as a result a genuine demand will be placed before me to which I can honestly respond, and it will be possible to build a facility which the community really wants, which the community has demanded and which it will own.

I believe it has been worth the time to do that. Of course, several people have criticised the slowness of the process, but I have tried to ensure that the demand was genuine. I do not criticise Mr de Fegely for taking an interest in the matter. I assure him that I am quite sensitive, obviously, to the needs in my own patch and I am trying to work through it in a way that will produce the best possible result.

I have received correspondence from the people who were at the meeting in which they indicated that they would like a definite schedule of construction and that they want to meet with me to explain the exact form that the facility should take. It is interesting that the meeting determined that a committee should be formed and that everybody except the residents of the area should be excluded from membership of the committee. They did not want councillors or community workers on it; they wanted a totally resident-controlled committee. That is quite a brave way for a community group to begin because, obviously, some people who occupy those sorts of positions in the community have a certain expertise and the ability to speed things

up. However, the residents want to begin by working through the project themselves. I shall meet with them and assist them in any way that I can so that they can have a facility that they wish to have and so that the money is quarantined for their use.

Obviously, after the bricks and mortar, the issue of recurrent expenditure is a serious matter. I look forward to having discussions with the local council in an endeavour to ensure adequate local resources so that when the facility is established there can be some ongoing support.

I thank Mr de Fegely for his interest in the matter, and I hope we continue this sort of dialogue. I can assure him that I am taking the matter very seriously.

The Hon. M. A. LYSTER (Minister for Local Government)—The matter raised by Mr Macey was raised with me briefly last week at the meeting of the Inner Metropolitan Regional Association by a councillor from the St Kilda City Council. However, I was not aware of the correspondence to the council from my department.

Mr Macey mentioned a letter sent on 11 May, which might have been when I was at a Federal-State Ministers conference. In that time my department made inquiries of the Ministry for Planning and Environment and ascertained that the Minister for Planning and Environment was responding directly to the St Kilda City Council. As Mr Macey said, he did inform me yesterday that he would raise this matter. I have since found out that the response of the Minister for Planning and Environment is due to be provided to the council "at any time". Those are the words used in the advice that I have been given.

Until I have had the opportunity of discussing the matter with my colleague, the Minister for Planning and Environment, and inquiring about his attitude to the council's representation, I had better leave the matter at that point.

The Hon. Reg Macey—Why not try to persuade him?

The Hon. M. A. LYSTER—Perhaps I did not make myself clear. I shall certainly speak with my colleague and ask whether he is prepared to consider the council's representation on that steering committee.

The Hon. Reg Macey—Thank you.

The Hon. M. A. LYSTER—I am sorry that I may not have made myself clear—perhaps the fact that it is 1 a.m. is confusing us all.

Mr Miles again raised the matter of complaints that were directed to the attention of my department about certain councillors of the Doncaster and Templestowe City Council.

The Hon. J. G. Miles—And the administration generally.

The Hon. M. A. LYSTER—I must admit that I am growing increasingly concerned about the number of complaints that have been lodged with my department about the behaviour of councils generally and councillors and council officers from one end of the State to the other. It is a matter that is causing me considerable concern.

My department has been given specific instructions to investigate all such claims in great detail. I shall be communicating with councils in the near future about my concerns. I must admit that I cannot recall exactly what stage the investigations of the allegations about the Doncaster and Templestowe City Council have reached. However, I am prepared to find that out first thing in the morning and to let Mr Miles know immediately after question time.

The motion was agreed to.

The House adjourned at 12.59 *a.m. (Friday).*

QUESTIONS ON NOTICE

LIQUOR LICENCE APPLICATIONS

(Question No. 22)

The Hon. R. J. LONG (Gippsland Province) asked the Minister for Industry, Technology and Resources:

(*a*) How many applications under the Liquor Control Act 1987 (not including limited licences) have been received by the Liquor Licensing Commission since 2 May 1988?

(*b*) How many of those applications have been finalised?

The Hon. D. R. WHITE (Minister for Industry, Technology and Resources)—The answer is:

(*a*) The number of applications (not including limited licences) received by the Liquor Licensing Commission between 3 May 1988 and 31 January 1989 is 3194.

(*b*) 1994 of those applications have been finalised. 842 of the 1200 applications lodged but not finalised at 31 January 1989 could not be processed until the applicants provided additional materials required by the Liquor Control Act 1987. Most of the remainder had been lodged for less than 28 days—which is the minimum time in which an application can generally be determined.

During the first six months of its operation, in an effort to help applicants become familiar with the new Act, the commission accepted applications which did not fully comply with documentary requirements of the Act. Applicants were given considerable latitude to make good such deficiencies.

Since February 1989, for those applications which continue to be incomplete, the applicants have been advised they have a limited period to rectify the deficiencies, after which the application will be struck out.

It is anticipated that implementation of the new lodging procedures in October 1988, coupled with the tighter time limit on completing applications, will result in the reduction of outstanding applications.

3CR TRANSMISSION TOWER

(Question No. 31)

The Hon. M. A. BIRRELL (East Yarra Province) asked the Minister for Health:

(*a*) Is the transmission tower used by radio station 3CR emitting radiation at levels almost three times the maximum recommended by the Australian Standards Association for non-occupational exposure?

(*b*) Has the Chief Health Officer of Health Department Victoria declared the area immediately surrounding the tower a health risk, and has he stated that "people could get an electric shock if they stood around the base of the tower"?

(*c*) When was the department first made aware of this health risk?

(*d*) Does the department regard the temporary wooden fence that has been constructed around the tower as an adequate safeguard, particularly given the refusal of 3CR to place a lock on the wooden gate?

(*e*) Does the department regard the warning sign on the wooden gate, which has been written in hand using an ink pen, as an adequate notice of the danger involved?

(*f*) What action is the government taking to permanently protect the community from this health risk?

(*g*) Are any other radio towers in Melbourne posing a similar threat to public health?

The Hon. C. J. HOGG (Minister for Health)—The answer is:

(*a*) The Australian Standard AS 2772 (1985) entitled "Maximum Exposure Levels—Radiofrequency Radiation—300 kHz to 300 GHz" recommends maximum occupational and non-occupational exposure levels for radiofrequency and microwave radiation.

Within the perimeter fence, the transmission tower used by radio station 3CR is emitting radiation levels at approximately three times the level recommended for non-occupational exposure by this standard at a distance of 2 metres from the transmitter. However, outside the perimeter fence surrounding the transmitter, radiation levels are lower than the maximum recommended level for non-occupational exposure.

(*b*) The chief health officer considers that the area immediately surrounding the transmission tower does not pose a serious health risk.

The Chief Health Officer of Health Department Victoria has advised the public through a local paper that if they stand at the base of the tower and touch the base plate they may receive a nuisance shock.

(*c*) Health Department Victoria was first made aware of this health risk in March 1987, when it received a complaint from a resident of Abbotsford.

(*d*) Health Department Victoria does not regard the temporary wooden fence that has been constructed around the tower as an adequate safeguard, particularly as it has recently been vandalised. The department has written to 3CR requesting that a cyclone fence be erected around the tower.

(*e*) Health Department Victoria does not regard the warning sign on the wooden gate written in hand using an ink pen, as an adequate notice of the danger involved. 3CR was advised by Health Department Victoria, in a letter dated 25 November 1988, to place suitable warning signs on at least two sides of the perimeter fence. A warning sign considered to be adequate was attached to the side of the fence when the site was visited by officers from the department on 9 February 1989.

(*f*) Health Department Victoria has been liaising with the City of Collingwood council on the matter of the location of the 3CR transmitter. The council has granted an extension of six months from December 1988 for the 3CR transmitter to remain on its present site, pending a decision from the Commonwealth government, which will allow 3CR to move its transmitter to another site.

(*g*) Health Department Victoria has collected data on the radio frequency fields of seventeen radio and television transmitters in Victoria. Of these, 3CR is the only transmitter that was found not to satisfy the requirements of the Australian Standard AS 2772. Health Department Victoria is continuing its survey of radio transmitters in Victoria.

MILDURA COLLEGE LANDS

(Question No. 85)

The Hon. K. I. M. WRIGHT (North Western Province) asked the Minister for the Arts, for the Minister for Education:

With respect to Mildura college lands:

(*a*) How many allotments are—(i) leased; and (ii) unleased, in the City of Mildura and the Shire of Mildura, respectively?

(*b*) Which allotments are leased to government departments, and at what rental?

(*c*) What is the total rental received for each of the past three financial years, indicating how much each school sharing the rentals has received during each of those years?

The Hon. E. H. WALKER (Minister for the Arts)—The answer supplied by the Minister for Education is:

(*a*) (i) 194 (ii) Nil

			$	
(*b*)	15/30/D	33 Chaffey Drive	1600	Department of Property and Services
	6/36/D	76 Chaffey Drive	360	Department of Property and Services

9/84/D	13th Street	5700	Ministry of Housing and Construction
Pt 5/63/D	201 Tenth Street	1050	Department of Conservation, Forests and Lands
2/60/D	Ninth Street—3983 Mildura West PS	3000	Ministry of Education
11 and 12/24/D	Deakin Avenue—HS Mildura	13 000	Ministry of Education
13–19/84/D	Benetook Avenue	1700	Ministry of Education
Pt 9/84/D	Sunnyside Avenue—Mildura Subregional Office	4900	Ministry of Education

(*c*) Total rent received for each of the last three years:

1985–1986	$169 320
1986–1987	$148 502
1987–1988	$266 992

Each School's Share

Irymple Technical School

1985–1986	$62 000
1986–1987	$50 712
1987–1988	$90 254

Mildura High School

1985–1986	$68 880
1986–1987	$36 065
1987–1988	$96 348

Mildura Technical School

1985–1986	$63 500
1986–1987	$35 858
1987–1988	$86 221

ASBESTOS CEMENT WATER MAINS

(Question No. 88)

The Hon. G. P. CONNARD (Higinbotham Province) asked the Minister for Local Government, for the Minister for Water Resources:

(*a*) How many kilometres of asbestos cement water mains remain in service?

(*b*) What was the cost of replacing 55 kilometres of asbestos cement water mains referred to in the answer to question on notice No. 36 and how long did replacement take?

(*c*) What is the time frame to replace the remaining asbestos cement water mains?

The Hon. M. A. LYSTER (Minister for Local Government)—The answer supplied by the Minister for Water Resources is:

(*a*) As at 31 March 1989, there were approximately 1932 kilometres of asbestos cement water mains remaining in service.

(*b*) The replacement of the 55 kilometres of asbestos cement water mains was undertaken in conjunction with other water supply works over a two-year period.

The time and resources required to isolate the cost and time taken for the particular works cannot be justified but on average current costs, the value of the works is estimated at $9·6 million.

(*c*) It is expected that the remaining asbestos cement water mains will gradually be replaced within 50 years.

Friday, 26 May 1989

The PRESIDENT (the Hon. A. J. Hunt) took the chair at 11.2 a.m. and read the prayer.

QUESTIONS WITHOUT NOTICE

REREGISTRATION OF MEDICAL PRACTITIONERS

The Hon. M. A. BIRRELL (East Yarra Province)—The Minister for Health should be aware of the disturbing plans by Dr Geoffrey Edelsten to seek reregistration as a medical practitioner in Victoria and by Dr Ian McGoldrick to apply for registration as a medical practitioner in this State. As there are doubts about whether the Medical Board of Victoria has adequate rights and powers to deal with these controversial applications, does the government propose to seek immediately to amend the board's powers and membership?

The Hon. C. J. HOGG (Minister for Health)—I thank the honourable member for his question and the way in which he has drawn both matters to my attention. When I meet with the Medical Board of Victoria on 1 June, I will seek to be briefed by the board and will then take the appropriate action.

STRIPPING OF TOPSOIL

The Hon. R. M. HALLAM (Western Province)—Is the Minister for Industry, Technology and Resources, who has responsibility for mining in Victoria, aware of the concern being expressed by a number of communities throughout the State at the large-scale stripping of topsoil from particular properties and its subsequent sale for garden purposes? If so, what action is the Minister prepared to take, particularly in those instances where it can be shown that the land is substantially and permanently degraded by being denuded of that topsoil?

The Hon. D. R. WHITE (Minister for Industry, Technology and Resources)—During the course of the life of this Parliament, it is hoped that a number of new commercial ventures will be undertaken in the mining sector. Honourable members will be aware of the current commercial activities in goldmining in Stawell. It is hoped that in the life of this Parliament commercial operations will be begun by Western Mining Corporation Ltd at Bendigo and by Ballarat Goldfields Ltd at Ballarat. It is an important project to which CRA is linked at Horsham, Nagambie and Benambra.

In the context of that setting it is important that honourable members know also that we are in the process of preparing a mines Bill which is a substantial rewriting of the Mines Act, and I hope the Bill will be available for public discussion during the period between now and the start of the spring sessional period. It is by no means certain, but it is hoped that the Bill will be introduced at an early stage in the spring sessional period. In that context, Mr Hallam's question relates not only directly to the Horsham project, but also to the rewriting of the Mines Act.

Officers of the Department of Industry, Technology and Resources, in drafting the Bill, will have regard to the comments he has made and we will seek further comment from him when the draft Bill becomes available and when debate on the mines Bill ensues in the spring sessional period.

ASSISTANCE FOR HOME BUYERS

The Hon. T. C. THEOPHANOUS (Jika Jika Province)—The Minister for Housing and Construction is aware of my continuing interest in housing issues and my concern, in particular, which I have expressed to him on a number of occasions, for the difficulty that low to middle-income householders are having in trying to buy their first homes. Will the Minister advise the House of measures he has taken to assist these people?

The Hon. B. T. PULLEN (Minister for Housing and Construction)—I thank Mr Theophanous for his interest in the issue of assistance for people seeking home ownership. As he is aware, the government has introduced a number of schemes to assist home buyers. The home opportunity loans scheme is structured to peg payments to 27 per cent of a person's income, which makes home loans available to a number of people who would otherwise have difficulty in meeting home payments.

In addition to that, this week I have written to the leading banks and the Australian Bankers Association, putting on record some proposals for a more innovative and cooperative approach to home lending.

The time is right for the banks to step up their involvement in flexible home loan arrangements. One way in which the banks could assist home buyers is by following the lead of the government in providing flexible low-start loans. This is not saying that the banks have to increase their overall lending dramatically, but simply that they should address the question of providing arrangements which enable a wider spectrum of people to obtain loans and to move the opportunity down the scale to people on lower and middle incomes.

Honourable members interjecting.

The Hon. B. T. PULLEN—The lending policies of the banks have not been keeping pace with the need, and it is interesting that the Opposition is so bereft of understanding in this area and so lacking in concern for people who want to get into their own homes. Ironically, instead of taking a positive approach to an issue that demands some bipartisan concern, all the Opposition can do is jeer, and it is quite clear that that is why the Opposition's credibility is at such a low ebb in this area.

Honourable members interjecting.

The PRESIDENT—Order! The House will come to order. I know the Minister, in part, brought it on himself, but nevertheless the House will come to order. It will be a hard day today and the cooperation of all honourable members is required.

The Hon. B. T. PULLEN—I am surprised that the Opposition can be provoked so easily by just reminding it about home ownership.

In addition to asking the banks to examine a more flexible arrangement for assisting home purchasers I am also asking them to support our home opportunity loans scheme by investing in Victorian housing bonds to augment the funds provided by the State and Commonwealth governments through the Commonwealth–State Housing Agreement. With increased financial backing for this scheme the banks could assist many more Victorians to become home owners.

The time is appropriate for the banks to respond in this way and I am confident that several of the banks will respond favourably to this request, which, after all, is practicable and reasonable.

SALE AND CLOSURE OF CITY LANES

The Hon. B. A. CHAMBERLAIN (Western Province)—I refer to the Minister for Local Government the fact that in recent years the Melbourne City Council has closed and sold many of the corporation lanes in the central activities district. Normally lane closures have been made through negotiation with property owners of adjacent development and lanes have been sold to the developers. These lanes are classified as "public highways" under the Local Government Act. However, recent closures have not been effected in accordance with the Act, and the safeguards for the public that are required under the Act have been ignored.

Has the Minister or her department been aware of these facts and will she, as soon as possible, obtain and provide me with a report on the circumstances of all such closures in the central business district within the past three years, including the names and locations of all such lanes?

The Hon. M. A. LYSTER (Minister for Local Government)—I thank Mr Chamberlain for once again giving me the opportunity of becoming better educated on a matter that I am not yet qualified to answer. I am to meet with the City of Melbourne and this is one matter I shall investigate prior to that meeting. I shall communicate with Mr Chamberlain as soon as I have that information.

MELBOURNE AIRPORT

The Hon. K. I. M. WRIGHT (North Western Province)—I refer to the Minister for Industry, Technology and Resources an urgent matter concerning the airport at Tullamarine—which at first sight may not seem to be a State matter—which for at least three months has suffered aircraft landing delays of 20 to 30 minutes, not as a result of radar operating restrictions but mainly because of unreasonable work practices with respect to the separation of aircraft. These delays must have an impact on commerce and industry in this State. Will he and the government take up the matter with the Commonwealth government urgently so that it may be resolved?

The Hon. D. R. WHITE (Minister for Industry, Technology and Resources)—The management of flights into Tullamarine airport, as Mr Wright indicates, is a matter for the Federal government. My colleague the Minister for Tourism has been involved in active discussions with Qantas Airways Ltd, in particular with its chief executive, Mr John Menadue, in regard to increasing the number of direct flights to Melbourne to enhance Melbourne's tourist activities and commercial activities. The government is confident that as a result of the activities of the Minister there will be a greater role for Melbourne's international airport to enhance tourism and domestic activities.

It is important to note that the efficiency, effectiveness and turnaround at Melbourne Airport far exceed those of any facility available in Sydney. The access of skilled labour to the airport for other activities, including maintenance work for Qantas and so forth, is a favourable and substantial factor in the role of the airport.

If there are the minor turnaround problems which Mr Wright has identified, I shall refer them to the Minister for Tourism. I reiterate that the government is more than satisfied with the performance of Melbourne Airport.

TRAINING IN THE WORKPLACE

The Hon. B. W. MIER (Waverley Province)—The Minister responsible for Post-Secondary Education will be aware, as we are all aware, that training in the workplace is taking a more relevant role in post-secondary education these days.

In my electorate alone quite extensive activities have taken place in various industries. I refer to the Nissan Motor Company which recently established extensive facilities for on-the-job training for its apprentices at its premises.

In view of yesterday's decision by the Industrial Relations Commission, which brings into further focus the importance of training in the workplace, can the Minister advise the House what proposals he or this government has to integrate private and public sector training?

The Hon. E. H. WALKER (Minister responsible for Post-Secondary Education)—I am happy to respond to Mr Mier's question. There has been a dramatic increase in demand for training in the workplace, as evidenced by responses I have made in the past few months to increase apprenticeship requirements in Victoria. This demand will increase as we implement the award restructuring process agreed to yesterday by the Industrial Relations Commission. It will not be possible for technical and further education colleges to meet all of the demand from their present resources. A considerable number of the hours will have to be provided by industry itself. Of course, I believe that is a worthwhile approach in any case; we need a partnership.

It is important that we recognise and plan ahead for future developments. We need to ensure that the additional training is of high quality, that it is accessible to all groups within the community and that training by private providers can be cross-credited against TAFE courses. Cross-crediting means that there is some flexibility between the private and public sectors.

The State Training Board is considering how we can best meet these objectives. It is proposing a model of voluntary registration of private providers and accreditation of courses offered by those providers. The details of how this can be done will be negotiated and debated over the coming months.

We have a top class TAFE system in this State and I have been enjoying visiting the various colleges. I have a few more to visit yet, but I have enjoyed visiting them and realising what a top-class system we have. I visited the Holmesglen college the other day and it was a real eye-opener. The building trades courses, as managed by Holmesglen, are excellent and must be the best in Australia. So I must say we are doing well but more needs to be done.

As I have indicated we will see a dramatic increase in post-basic training of various kinds in the workplace. A lot of that will be done by private providers and by TAFE colleges. We have the unique opportunity of planning action to ensure that there is a good integration of the public and private components of the training system.

I thank Mr Mier for his question and I hope to be able to continue to inform the House from time to time as to how that will be managed and how we can make use of both the private and public sectors in the important issue of training young people.

The Hon. HADDON STOREY (East Yarra Province)—I address my question to the Minister responsible for Post-Secondary Education and in a sense it is a follow-up to the answer the Minister has just given to Mr Mier's question. I ask the Minister whether he is aware that there is a shortage of places for carpentry apprentices in TAFE colleges. For example, Footscray, Frankston, Ballarat and Dandenong all have waiting lists, and indeed Box Hill would take in an additional 100 apprentices this year if it had the resources available to it. In view of the fact that this is an area where

there are shortages of skills in the community which will not be resolved over the long term in the way the Minister has suggested but will require the college to have the additional resources to take more apprentices, will the Minister treat this as an urgent matter that must be resolved as soon as possible?

The Hon. E. H. WALKER (Minister responsible for Post-Secondary Education)—I am aware of the issue that Mr Storey brings forward. It has been a matter of discussion and the subject of questions in this House previously. There has been an unprecedented demand for apprentice places in this State over the past couple of years in the building industries. There has been quite an extraordinary demand.

Early last year the State Training Board was able, with existing funds, to increase the number taken into apprenticeships, many of which were in the building trade, by approximately 3500. Earlier this year, similarly, where the demand was far greater than anticipated, we were able to increase the apprenticeships by 4000 and, again, a substantial number were in the building trades. However, there are still—and estimates are difficult to make—between 800 and 2000 young people wishing to enter trades, most of whom believe they can find firms with which to be indentured, yet we are finding difficulty in offering places to them.

The Hon. Haddon Storey—Those are people who have found employers?

The Hon. E. H. WALKER—In most of the cases that I am mentioning they have found employment and I know that is true of the cases Mr Storey mentions. However, although they have found employment it is difficult to find places for them in the system.

I have had urgent meetings on this matter with a number of people involved with the system, and the State Training Board is doing everything it can. It is difficult to extend further the extension we have already made this year. Nevertheless, because I do not wish to lose those young people—it is important they be given opportunities—I am trying to determine whether it is possible for some still to commence this year; some will have to wait until next year. The unprecedented demand caught us off balance a little, but next year I believe we will be in better shape to handle it.

I shall do my best. I agree it is an important issue, and I am having discussions with the State Training Board on that matter and with various providers. No doubt, the matter will not go away quickly; I can see it is important, and we are doing as much as we can.

USE OF TIMBER BY MINISTRY OF HOUSING AND CONSTRUCTION

The Hon. P. R. HALL (Gippsland Province)—During the debates of the past two days in this House, on behalf of the government, the Minister for Housing and Construction has expressed an urgent need to protect our native timber forests. Given that fact, why does the Ministry of Housing and Construction continue to use hardwood palings to fence the thousands of Ministry-owned houses in this State when treated pine timber is a more durable and more environmentally sensitive alternative?

The Hon. B. T. PULLEN (Minister for Housing and Construction)—I thank Mr Hall for his interest in this technical point. I shall examine the merits of hardwood versus pine and furnish him with an answer to that question. I am sure the Ministry has very good reasons for making that decision.

DEPARTMENT OF INDUSTRY, TECHNOLOGY AND RESOURCES

The Hon. W. A. LANDERYOU (Doutta Galla Province)—As the Minister for Industry, Technology and Resources is well aware, the special report of the Auditor-General into financial assistance to industry in March of this year made a number of comments about the Department of Industry, Technology and Resources. Will the Minister report to the House how his department has responded to the issues raised by the Auditor-General in that report?

The Hon. D. R. WHITE (Minister for Industry, Technology and Resources)—I am pleased to inform the House that my predecessor in the portfolio of industry, technology and resources, now the Minister for the Arts, commenced reviews in November 1988. They were extensive reviews to examine the methods of financial management of the department and the method of providing financial assistance to industry.

While that process was occurring, the Fergus Ryan report and the Auditor-General's special report No. 11 were presented just before Easter, as I indicated to the House yesterday and as honourable members will be aware.

It is appropriate that the department give consideration to the matters that were raised by Fergus Ryan and also by the Auditor-General, Mr Barry Baragwanath, to ensure that the review process takes into account the criticisms that were made of the department in its loan functions role, which it no longer has, and how that impacts on the other day-to-day activities of the department; to ensure that these substantive issues have been addressed and submitted to the Auditor-General and Mr Fergus Ryan prior to the conduct of next year's audit; and to ensure that the appropriate consideration has been given to the methods of internal control within the department and the extent to which they meet criticisms that have been raised by the Auditor-General. Also, if those systems of internal control which are deemed to arise from the reviews commenced by my predecessor are satisfactory, we must seek a response to them from the Auditor-General prior to the audit to be conducted during the middle of the year and later this year.

I am pleased to inform the House that those steps have been taken, and submissions have been made to the Auditor-General and to Fergus Ryan. The government looks forward to receiving a response from them at some stage in the near future, prior to the conduct of the audit in the normal course of events during 1989.

FAMILY DAY CARE PROGRAMS

The Hon. ROSEMARY VARTY (Nunawading Province)—Local government is the major auspice of family day care programs. The 1988–89 Federal Budget included the announcement of 4000 new family day care places and a range of other initiatives to upgrade services throughout Australia. However, there are a number of fundamental problems in providing more places which that measure does not overcome.

What action is the Minister for Local Government taking to overcome the lack of adequate numbers of and suitable care-givers; the lack of increased fee relief and operational subsidies; and the present annoying involvement of the Commonwealth Department of Social Security in the assessment of family incomes, to enable that program to become operational, adequate and efficient?

The Hon. M. A. LYSTER (Minister for Local Government)—I thank Mrs Varty for her question which, by and large, tends to fall outside the jurisdiction of my Ministry. I know that the matters she raises are of concern.

Only this morning I was discussing these matters at the annual meeting of the conference of home help supervisors at Hawthorn, which I had the honour of opening. So far as the State is concerned, those matters fall within the province of the Minister for Community Services.

With respect to the assessment by the Department of Social Security that is required, I know some municipalities have taken their own action in refusing to be part of that process. The end product of any ruling like that is that children and their families are missing out on services that they should be receiving, and that concerns me.

Although the matter does not fall immediately within the province of the Local Government Department, I am certainly keeping a watching brief on all the matters raised and, wherever possible, will try to intervene to assist municipalities, and ultimately those communities wherever that can be done.

BREACHES OF LOCAL GOVERNMENT ACT

The Hon. B. E. DAVIDSON (Chelsea Province)—Since my election I have been surprised at the number of constituents who have come to me and asked questions about local government matters. There are approximately six municipalities in my province.

Honourable members interjecting.

The Hon. B. E. DAVIDSON—It is a beachside province, and matters to do with local government are fairly important.

The Hon. K. M. Smith—Do you want to amalgamate them?

The Hon. B. E. DAVIDSON—No, we do not want to amalgamate them. I receive constant complaints with regard to the incompetence and poor behaviour of local councillors and council officers. Most recently the complaints seem to stem from the matter of a by-election in Hastings which was obviously botched by a council officer.

The PRESIDENT—Order! Will Mr Davidson come to the question, please?

The Hon. B. E. DAVIDSON—Thank you, Mr President, I can understand your concern.

Earlier this week the issue of a breach of the pecuniary interest provision of the Local Government Act was referred to. Can the Minister for Local Government inform the House what measures are being taken to inform the local government industry of this important aspect in relation to the Local Government Act?

Honourable members interjecting.

The Hon. B. E. DAVIDSON—The Smiths and the Browns of this world are interested in that sort of thing.

The Hon. M. A. LYSTER (Minister for Local Government)—I remind the House that this is the third time in the same number of days that the question of either general concerns of impropriety or pecuniary interest have been raised in the House.

I have a strong belief that not just the majority of but virtually every councillor and council officer in this State is a person of integrity. I am concerned that the matters have been raised again.

The Hon. G. H. Cox—That is not what you said last night!

The Hon. M. A. LYSTER—That is exactly what I said last night.

An Honourable Member—You've changed the *Hansard*!

The Hon. M. A. LYSTER—I am greatly concerned that often the perception in the community is that this is not the case. It is important that both the general community and local government industry know clearly and understand fully all the requirements in respect of pecuniary interest as prescribed by the Local Government Act. The Local Government Department is in the process of publishing a booklet and a brochure which will be available not only to the industry but also to the general community and which will explain the provisions of the Local Government Act in respect of pecuniary interest. It is important that the community knows that where there is a belief that there has been a breach of the Act people can come to my department if they have substantive evidence, knowing that the evidence for the claim, fear, or perception will be thoroughly investigated.

I also give an assurance that if cases are found to be proven I shall not hesitate to take action. I repeat: I believe the good name of local government must be protected throughout the State.

In respect of the specific matter raised by Mr Davidson, I am concerned about what happened in Hastings. The matter relates to a council officer who apparently was not aware of or did not adhere to the provisions of the Act in setting out the amount of notice that is to be given of the date of a by-election. My concern is that the six candidates who nominated for the by-election went to considerable expense to print their how-to-vote cards and other election material. Those people may well be deterred from standing for election ever again, if that has been their first experience. I do not know the people involved.

The Hon. K. M. Smith—Yes, you do; they were a couple of ALP dummies!

The Hon. M. A. LYSTER—I say again that I do not know the people involved. I am concerned that those people may be deterred from standing for election again.

I remind the community that shire secretaries and town clerks have certificates of competency and statutory qualifications. They are expected to perform their duties according to the provisions of the Local Government Act and with concern towards and consideration of the residents of their municipalities. I hope the people who suffered the disadvantage alluded to by Mr Davidson will not be deterred from standing for election again.

I hope the community at large will have confidence in local government. I remind the community that where there is not confidence the remedy is through the ballot-box, as all honourable members know. In August, elections will be conducted in local government. I hope we shall see a healthy contest.

DEPARTMENT OF INDUSTRY, TECHNOLOGY AND RESOURCES

The Hon. M. T. TEHAN (Central Highlands Province)—I direct a question without notice to the Minister for Industry, Technology and Resources. In June 1986, the Treasurer approved a consultancy to Concord Advertising and Marketing Pty Ltd to conduct an advertising campaign on policies and programs of the Department of Industry, Technology and Resources. The consultancy cost $200 000 for a period of twelve weeks.

Can the Minister justify this expenditure? What current promotional campaigns to sell the department's policies and programs are being conducted by his department?

The Hon. D. R. WHITE (Minister for Industry, Technology and Resources)—I am not aware of the 1986 consultancy undertaken by Concord Advertising and Marketing Pty Ltd or the outcome of that program, but I am happy to investigate the matter raised by the honourable member.

The Department of Industry, Technology and Resources conducts marketing programs of various types from time to time throughout Victoria. I am happy to take Mrs Tehan's question on notice about the various marketing programs that are being provided both in conjunction with specific ventures and on behalf of the department as a whole. As the sessional period is concluding, I shall give her an indication by letter of the nature of the programs currently in place.

CANCER SERVICES

The Hon. G. A. SGRO (Melbourne North Province)—I ask the Minister for Health to inform the House what action the government has taken to provide more accessible services to Victorians suffering from cancer.

The Hon. C. J. HOGG (Minister for Health)—Unfortunately cancer is a disease that is becoming more prevalent in our community, probably because of an increasingly ageing population. Obviously the government has a duty to respond to that increasing demand for services. Unfortunately, as many as 16 000 new cases of cancer are expected in Victoria by 1992. Therefore it is very important that the government respond to that by establishing accessible services in various areas.

I am pleased to inform the House that a fortnight ago I had the pleasure of opening a new cancer service for the highly populated eastern suburbs. Mrs Varty and Mr Cox, as well as the honourable member for Box Hill in another place, also attended that opening. The new service at the Box Hill Gardens Medical Centre represents the first step in decentralising cancer facilities across the State—that is, bringing them to where people live. The opening of that service is a first step in the government's response to a review of cancer services that was conducted in 1987. That review recommended that cancer services be decentralised and that a combined private-public cancer service be established in Box Hill. That has now happened, and the centre will be operated by the Peter MacCallum Cancer Institute.

The government will not rest on its laurels. It will continue to respond by establishing further stages in the strategy of bringing cancer services to where people live. The plan the government is implementing involves two principal centres of excellence. One centre will, of course, be the Peter MacCallum Cancer Institute, which will be linked with radiotherapy centres at Geelong and the Heidelberg Repatriation Hospital; the other will be a Monash University teaching hospital, which will be closely associated with the radiotherapy facilities at both Box Hill and any other Monash University-related teaching centre.

Because of the importance of this topic and because of the need to develop further services, I shall continue to furnish details about this matter to the House.

FRAMING OF QUESTIONS

The PRESIDENT—Order! I desire to make some remarks concerning a question and answer in the House this morning. A question was asked relating to the pecuniary interests of councillors and went on to link in an error by a clerk in the Shire of Hastings concerning the carrying out of electoral procedures, which left an impression in the public mind that those two matters were linked. Clearly they were not linked.

In framing their questions, honourable members should take particular care to avoid innuendos of the type likely to be taken from the framing of the questions.

The Hon. K. M. Smith interjected.

The Hon. D. R. White (to the Hon. K. M. Smith)—That will put you right where we want you—in the cesspool.

The Hon. B. W. Mier (to the Hon. K. M. Smith)—It won't be innuendo when we get to you!

The PRESIDENT—Order! Mr Mier will withdraw his comment immediately!

The Hon. B. W. Mier—I withdraw.

ADMINISTRATIVE ARRANGEMENTS

The Hon. E. H. WALKER (Minister for the Arts)—By leave, I move:

That there be laid before this House copies of Administrative Arrangements Orders Nos 66 to 71 made pursuant to the Administrative Arrangements Act 1983.

The motion was agreed to.

The Hon. E. H. WALKER (Minister for the Arts) presented the orders in compliance with the foregoing order.

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

On the motion of the Hon. HADDON STOREY (East Yarra Province), it was ordered that the orders be taken into consideration on the next day of meeting.

ESTIMATES COMMITTEE

1988–89 Estimates of Receipts and Payments

The Hon. J. V. C. GUEST (Monash Province) presented a report from the Estimates Committee upon the 1988–89 Estimates receipts and payments, together with appendices, extracts from the proceedings of the committee, a minority report and minutes of evidence.

The Hon. J. V. C. GUEST (Monash Province)—I move:

That they be laid on the table, and that the report, appendices, extracts and minority report be printed.

I should perhaps say briefly something about this substantial report. It would be wrong not to give credit to Mr Eric Dyrenfurth, the research officer for the committee, without whom its weight and detailed analysis would not have been possible. It is certainly to be hoped that in whatever form the Estimates Committee may continue, and there are recommendations about that in this report, Mr Dyrenfurth can be associated with future Estimates Committee work of this Parliament.

There is a considerable amount of substance in the report on the Estimates and on issues to do with the presentation of government documents, Budget documents in particular, despite the considerable constraints of time, resources and the few members of Parliament actually engaged in the work.

Considerable discussion took place on the future of an Estimates Committee or Estimates Committees and some reservation was expressed by some members of the committee about that aspect of the report.

Honourable members should be pleased to know that I put in a minority report which reaffirms the case for continuing to seek an Estimates Committee function for committees of this House. A high degree of consensus was achieved in the end and it would be thoroughly worth while for honourable members to read the report.

The motion was agreed to.

On the motion of the Hon. HADDON STOREY (East Yarra Province), it was ordered that the report be taken into consideration on the next day of meeting.

PAPERS

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

Capital Works Authority—Report and financial statements for the year 1987–88.

Chiropodists Registration Board—Report and financial statement for the year 1987.

Dental Technicians Licensing Committee—Report and accounts for the year 1987–88.

Dietitians Board—Report for the year 1987–88.

Members of Parliament (Register of Interests) Act 1978—Summary of variations notified to 30 April 1989.

On the motion of the Hon. HADDON STOREY (East Yarra Province), it was ordered that the papers be taken into consideration on the next day of meeting.

CORRECTIONS (AMENDMENT) BILL

The debate (adjourned from the previous day) on the motion of the Hon. D. R. White (Minister for Industry, Technology and Resources) for the second reading of this Bill was resumed.

The Hon. B. A. CHAMBERLAIN (Western Province)—It is clear that the public of Victoria has no faith in the sentencing system. That was reflected in the findings of Sir John Starke in his monumental report on sentencing which was published in this State. Sentencing is seen by the public to be an elaborate fraud, and the sentences handed down by the courts seem to be absolutely meaningless.

For instance, a bank robber who is caught, convicted by the courts and sentenced by the judge to twelve years gaol with a minimum of nine years, is able to get out of gaol in five years or less. That is the way the system works at present, and the public does not understand it, does not like it and wants the system changed. The public wants a system whereby, when the judge pronounces a particular sentence, that sentence is served.

I have explained to the House how remissions work, but I shall remind honourable members. When a person received a twelve-year sentence with a minimum of nine years, under the current remissions system, as soon as that person walks into the gaol one-third of the sentence is remitted from the nine years and the nine-year sentence immediately becomes a six-year sentence. However, the prisoner is eligible for other reductions in the sentence. For instance, for every day that prison officers are on strike, prisoners are given a credit of two or three days off their sentences, so that the people who have a great interest in strikes by prison officers are the prisoners themselves. There are other unusual events such as visits by the Queen, when prisoners are granted another day off their sentences, and so on it goes again.

Consequently, as I said before, the court sentences the prisoner to a maximum of twelve years with a minimum of nine, and there is a very real prospect that the prisoner will be out of gaol in five years or less. It is clear from public comments, talk-back programs and newspaper articles that the public rejects that system. It is a system in which they have no faith. The public wants to see that the will of the trial judge is, in fact, enforced so that what he says goes. Certainly, that has been the view of the Parliamentary Liberal Party for a long time. The system at present is a sick joke.

Among all the sentencing options available in Victoria for all crimes, the only one that can be said to give an honest result is the sentence for murder. Since July 1986, when any person is convicted of murder and sentenced by the trial judge to a minimum term of imprisonment, the public knows, the prisoner knows and the prison authorities know that he has to serve that minimum time. Therefore, if the judge sentences a person to a minimum of fifteen years for the crime of murder, that person then spends fifteen years in gaol and no less, with no early release and no remissions for anything.

How did that come about? The reason is that the National Party and the Liberal Party voted together to amend the Penalties and Sentences Act to provide for it. It is the only crime in Victoria in which we have truth in sentencing. The Attorney-General at the time—who is now the Minister for Transport in another place—was not keen about that proposition. He reluctantly accepted it, and it became law. That concept is clearly supported by the Victorian public. It is certainly endorsed by Sir John Starke in his report on sentencing.

The Liberal Party tried—and that was its policy at the last election—to extend the principle across the board. It is something that would have to be done in stages. It was the view of the Liberal Party that the emphasis should be in relation to crimes of violence. However, in a moment I shall deal with the philosophy of sentencing and develop that argument a little further.

Over the past number of years—it did not just happen in 1982 when the Labor government came into power; there has been a progressive deterioration of the system—we have seen remissions, early release and weekend leave for killers who still have 20 or 30 years of their sentences to serve, all of which have added to the unease of the public and led to a determination to get a message to politicians that the system must change.

The government promises reform. In August last year it released its so-called law and order policy. The government promised reform and said that we would head towards truth in sentencing; in other words, what the judge said would be what applied.

The Opposition considers the Bill to be a fraud. The Bill is not about truth in sentencing. However, after we fix it up during the Committee stage, it will be a lot closer to the system envisaged by Sir John Starke.

To its credit, the government realised there was community unease about the system and appointed Sir John Starke to head up a committee to investigate all aspects of the sentencing system. Clearly the work that committee did was monumental, and it did the community a great service.

One has to ask the question: why punish offenders? If one of our children throws a rock through a window, what is the reaction? It will vary. Some people will give the child a kick in the pants or a hit around the ears or cut the pocket money. In some cases the parent will say, "Don't be naughty and don't do it again". Our attitude will depend on what we believe the reaction should be to a particular transgression.

Sir John Starke examined the basis on which we have a sentencing system. He quoted from a case, *R.* v. *Williscroft*, which he believes articulates the philosophical foundation in Victoria for sentencing. Although the quotation is fairly long I should like to read it to the House. In relation to that case, the court said:

> The purposes of punishment are manifold and each element will assume a different significance not only in different crimes but in the individual commission of each crime. General deterrence and retribution are elements that must assume greater importance when the crime in question is a serious one, has been committed in a particularly grave form, and its contemporary prevalence is the cause of considerable community disquiet... The concept of punishment remains fundamental to the techniques of correctional treatment... Now, ultimately every sentence imposed represents a sentencing judge's instinctive synthesis of all the various aspects involved in the punitive process. Moreover in our view, it is profitless (as it was thought to be in Kane's case) to attempt to allot the various considerations their proper part in the assessment of the particular punishment presently under examination... In our opinion the learned judge did not in the case before him give the aspects other than reformation the weight that ought to have been allotted to them... In other words he has undervalued the nature and circumstances and gravity of the offences of armed robbery and attempted armed robbery, with the result that ... his discretion has miscarried.

As Sir John Starke says in the report, it is clear in Victoria that there is an acceptance of those principles and that a trial judge must balance three elements: deterrence, rehabilitation, and retribution. In respect of retribution, the report states at page 94 that:

> A sentence is imposed on an offender which is proportionate to:
>
> the seriousness of the offence;
>
> the culpability of the offender.
>
> Sentencing systems based on just deserts principles require the ranking of offences in order of seriousness, the specification of aggravating and mitigating factors... and the ranking of penalties in terms of seriousness.

The Starke committee recommends a philosophy of sentencing at recommendation 3.14 and 3.15. Page 119 of the report states:

> The committee recommends that the purpose of a sentencing system is to prevent crime and promote respect for the law by:
>
> providing for sentences that are intended to effectively deter the persons being sentenced and all other persons from the commission of the same or similar types of offences;
>
> providing for sentences that facilitate the rehabilitation of offenders;
>
> ensuring that offenders are only punished to the extent justified by:
>
> the nature and gravity of their offences;
>
> their culpability and degree of responsibility for their offences; and
>
> the presence of aggravating or mitigating factors
>
> by ensuring that appropriate use is made of the State's correctional facilities.

At page 122 the report goes into considerable detail about what elements should be taken into account when sentencing an offender and sets out the only purposes for which sentences should be imposed.

The Starke committee recommended that a whole host of actions be taken. The first was that there should be a sentencing statute. That is dealt with at page 216 of the report. It also recommended there be guideline judgments because one of the complaints of the community is that a particular magistrate will give a certain sentence for, say, a driving offence and a magistrate in a court up the road will give a different sentence for what appears to be a similar set of circumstances. Rationality in the sentencing system is needed. Obviously guideline judgments that would involve the intervention of the Supreme Court in a way that is not now possible would enable that to happen.

At page 296 of the report the committee dealt with the issue of maxima in sentencing. The committee believed it desirable that real time sentencing be introduced into Victoria to allay public concerns and misconceptions. The committee was of the view that prison was a sanction of last resort and should be reserved for the most serious offences—namely, acts of personal violence.

Again, that is a view that is accepted by the Liberal Party. Too often the public's reaction to a specific offence that has been publicised is to say, "Oh, put them in gaol". That is a most expensive form of punishment for the public. It now costs $34 000 a year to keep someone in prison.

The Hon. W. R. Baxter—And socially it mightn't do much good, either.

The Hon. B. A. CHAMBERLAIN—That's right. More often than not the prisoner comes out worse than when he or she went in. That is especially so for young offenders.

Imprisonment must be restricted to those people who represent a physical threat to society. When the Liberal Party was in government it was developing sentencing alternatives. Similarly, this government has continued on with those sentencing alternatives and that has received a lot of bipartisan support. Community sentencing orders, fines or other forms of restitution are in operation for non-violent offences. Our prisons should be kept mainly for those who represent a physical threat to society. That is also the view expressed by the committee.

The Starke committee recommended a judicial studies board to recommend new maxima to Parliament but said that a table of changes should come in immediately. That table of changes is a set of recommendations the committee made on maxima sentencing. The committee believes, as the Liberal Party believes, that sentences should not be interfered with through administrative intervention, especially in the areas of remissions and prereleases.

The views of Sir John Starke have been recently embodied by Senator Tate, the Federal Minister for Justice. An article in the *Age* on 3 May 1988 reports:

> Drug importers and other people jailed for federal offences will no longer be eligible for State-run early release and remission schemes under changes to be introduced by the Federal government.
>
> The justice Minister, Senator Tate, said yesterday the small proportion of their sentences served by offenders at the moment was "a fraud on the public".

We certainly agree with that—

> He said the reforms were not an attempt to make people serve longer terms or to fill the country's jails, but would give the courts and the public more certainty about the length of time offenders would stay in prison . . .
>
> "The State remissions which can eat away at the minimum sentence will no longer be available to federal prisoners," Senator Tate said.

He is talking about a fifteen-year maximum coming down to about five years—

> "This happens several times a week with federal prisoners in New South Wales, Victoria, South Australia and Western Australia," he said.

The Federal Minister for Justice is saying that the system needs to be changed and that the present system is a fraud on the public. I agree totally with the senator's views on that matter.

The Hon. B. E. Davidson interjected.

The Hon. B. A. CHAMBERLAIN—If the honourable member had heard what I said before about who should be imprisoned, he would appreciate that there would

be no need for additional prisons, provided the court system dealt efficiently with defendants.

The Bill has been much touted by the Minister for Police and Emergency Services in another place and the Attorney-General has said that this is part of the get-tough attitude against crooks in this State. The truth is that the Bill is a fraud and it has been exposed as a fraud by the author of the Starke report.

The *Age* of 28 April 1989 reports:

"This miserable Bill is no more than a dishonest exercise in political opportunism," Sir John said.

The Hon. W. R. Baxter—Strong words.

The Hon. B. A. CHAMBERLAIN—They are strong words. Of course, they are from a man who is known for his strong words. He makes it clear that he is absolutely disgusted with the Bill. The article continues:

Sir John said the government was not bound to accept recommendations from his committee. "But what the government is not entitled to do is to try and push through a feeble and miserable piece of legislation under the guise of accepting our recommendations.

"This is a political manoeuvre. The government have presented this Bill as implementing a part or whole of our recommendations . . . That is political dishonesty."

Those are the words of Sir John Starke as reported in the *Age* of 28 April 1989. He is the author of this monumental report on sentencing that the government is supposed to be implementing. The author has said that the Bill is a fraud. His views are supported by other people, such as a Monash law lecturer, Ari Freiberg, who said that the Bill "shifted the penal furniture" while purporting to introduce reforms.

What we have is a Bill that is not honest. During the Committee stage we will attempt to address some of those issues. As I said before, many of the major elements of the report are ignored—something might happen later on. What was recommended was a package but what has been provided has been a quick-flick press statement, "Yes, we are going to be tough, we are going to have truth in sentencing", but in fact what we have is a fraud and it is recognised as a fraud by Sir John Starke.

I shall deal with a couple of issues touched on in the Bill because they are important. The first is the problem of drugs in prisons. The Liberal Party supports the elements of the Bill that are designed to reinforce the ability of prison officers to check visitors coming into the prison. We do not believe the Bill goes far enough. What is needed is a package of reforms that address the availability of drugs in prisons.

Even the Minister for Police and Emergency Services has said that something like 60 per cent of prisoners have a regular drug habit. Psychiatrists who work in the prisons put it higher; they say that anything up to 80 per cent of prisoners are able to service a drug habit while in prison. There is no doubt that that is the cause of much of the violence in the prison system.

I have visited most of the prisons in this State and a number of prisons in other States and overseas. That is the experience everywhere one goes; the fights in prisons are usually about non-payment of drug money or about who will control the drug syndicates in the prisons. Drugs are one of the major issues affecting our prison system.

The Liberal Party believes sniffer dogs should be introduced in prisons to detect drugs being brought in by visitors, prison officers, other professionals and prison suppliers. Hundreds of people come and go in prisons and the opportunity for contraband in the form of drugs is considerable.

Recently, one prison officer was charged with being involved in the import of drugs into a prison and I note that a prison officer in a South Australian prison was charged yesterday with a similar offence. Teachers, psychiatrists and other visitors regularly visit prisons and it could be anyone. There are many opportunities for the import of drugs into prisons and big money is involved.

The second part of the Liberal program is the introduction of random urine testing on a rolling basis involving up to 10 per cent of the prison population each week. The third part of the program is the removal of contact visits from those prisoners who offend. The fourth part of the program is increasing surveillance during contact visits and the prosecution and banning of visitors who introduce drugs. That issue is partly addressed in the Bill.

The fifth part of the program involves controls over prisoner bank accounts, which are often used to distribute drug proceeds. That matter was addressed by Frank Costigan in his Royal Commission report, which dealt with a number of issues. Mr Costigan made it clear that prisoner bank accounts, which are operated by prison authorities, were used to launder drug money.

The sixth part of the program is the reinforcement of the power of prison officers to strip search prisoners suspected of carrying drugs in or about their bodies. If highly trained sniffer dogs are introduced the need to strip search prisoners should be reduced. There is a package of measures that should be introduced to control the availability of drugs in the prison system.

One element of the Bill is, of course, the provision for home detention whereby part of the prisoner's term, up to a maximum of six months, may be served within the confines of his or her home. That proposal has been strongly criticised by the legal centres as being likely to place increased stress on the family concerned and having the potential to lead to a greater incidence of family violence.

The other way of tackling the issue is the way that is currently under investigation in the United States of America, electronic incarceration. I had the opportunity of studying that system two years ago in Washington and in Virginia. The system involves the use of electronic devices to monitor the movement of offenders who are sentenced to house arrest, people on trial or on probation. It is limited to people involved in non-violent offences.

It is a very flexible system because it allows a computer program to be written for an individual prisoner. Let us assume a prisoner is on bail for a particular offence—it has to be a non-violent offence—and the court feels there is a need to restrict his movements. It would be possible, under this system, to have a program whereby that prisoner could still go to his job, but in non-working hours he would be confined to his home.

There are two methods by which they do that. One is called an active electronic system and the other is a passive electronic system. The active electronic system involves a transmitting device that constantly emits radio signals and is attached to or worn by the prisoner. The radio signals operate only within a short distance of the prisoner's home. If the connection is broken at a time when the prisoner should be home, he can be picked up for a breach of his probation.

The passive electronic system involves random telephone calls to the prisoner at his home. The prisoner must wear a bracelet and that bracelet is connected to a device on the telephone. There is a voice check that ensures the prisoner—not his brother or someone else—is wearing the bracelet. It is a cheap way of confining him to a particular location.

The advantage of that system is that it is paid for by the offender. The home detention system will require the appointment of a considerable number of officers to the Department of Corrections to ensure that the home detention orders are properly supervised.

In examining this issue and in discussing the procedures with the Department of Justice in the United States of America, I felt there was some prospect of the system being introduced in Australia. The field trials are still going on in the United States and I should like to think that the government has an open mind on these issues, because the Opposition certainly has.

In conclusion, the Opposition supports the Bill reluctantly. As I said earlier, it is a fraudulent Bill because it does not deliver the goods. During the Committee stage the Opposition will attempt to eliminate those elements of the Bill that are contrary to the recommendations of Sir John Starke and his committee.

On the motion of the Hon. W. R. BAXTER (North Eastern Province), the debate was adjourned.

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

EGG INDUSTRY BILL

The debate (adjourned from the previous day) on the motion of the Hon. E. H. Walker (Minister for the Arts) for the second reading of this Bill was resumed.

The Hon. R. I. KNOWLES (Ballarat Province)—The Egg Industry Bill is an important Bill in a number of ways. It is significant because for the first time the government has recognised that the egg industry cannot be regulated if it is expected to survive.

In many ways the Bill follows on from the inquiry and report of the Public Bodies Review Committee into egg marketing in Victoria. As with every other inquiry into the egg industry, the committee recommended that the industry ought to be deregulated. Quite apart from the economic arguments about that issue, pressure is developing within the industry itself for that to occur. Primarily that pressure comes about because of the threat to the Victorian egg industry from the New South Wales egg industry.

The New South Wales government has announced that it is moving to deregulate the industry in that State. It depends on whom one speaks to in the New South Wales government, but no-one in the government denies that the industry will be deregulated. The argument is about the pace at which that will occur. Many people in the industry recognise that the Victorian egg industry has to position itself better to cope with that eventuality.

The Public Bodies Review Committee was critical of the existing structure of the industry, its domination by the Victorian Egg Marketing Board, the concentration of power in the board and the inefficiency of the way the board has operated.

The Public Bodies Review Committee made an extensive list of recommendations to improve the egg industry. The Bill reflects a good deal of discussion and, in a sense, compromise on those recommendations in order to obtain an interim arrangement. All honourable members recognise that the Bill is a transitional stage. Further changes will be made to the egg industry, but the lessening of controls will allow time for the industry to adjust better for that final deregulatory step.

In many ways the provisions remove some of the restrictions that were introduced by this government. On coming to power the Labor government moved to restrict the limit of the hen quotas of individual companies. That was an absolute economic nonsense. The Opposition warned the government at the time, but the government persisted. That measure has not saved the small egg producer; it has reduced the capacity of the egg industry. As a result little investment in the industry has occurred. The government has perpetuated many inefficiencies that will crush the industry if New South Wales decides to use section 92 of the Australian Constitution to meet the consumer demand for eggs in Victoria. It would be a totally reverse situation to that existing in the dairy industry. New South Wales is petrified of the Victorian dairy industry because Victoria is more efficient and effective and could engage in fierce competition within the New South Wales market.

The sad truth is that the reverse position could apply in the egg industry. The Bill seeks to position the industry better for such changes. The Opposition is not happy with some aspects of the Bill and will propose a number of amendments in the Committee stage. Some provisions are totally unacceptable, specifically the proposal that the code of practice set out in the Prevention of Cruelty to Animals Act will be put into regulation by this Bill. That reflects a total misunderstanding on the part of the government of what a code of practice is.

The code of practice was developed by the Liberal government as a mechanism for establishing some guidelines for persons properly keeping animals to avoid prosecution. By its very nature it is not precise. The offence of cruelty is provided for in the Prevention of Cruelty to Animals Act. The code of practice provides a guideline to producers and farmers on how they can manage their animals and avoid prosecution. If they manage their animals according to the code of practice and are charged, they can use the code as a defence. I repeat: the purpose of the code of practice was to ensure some balance so that farmers were not vulnerable to zealous inspectors under the Prevention of Cruelty to Animals Act.

To put the code of practice into a regulation-making power would give it a status that it does not have at law. It would create greater uncertainty within the industry. A good egg producer would find himself vulnerable if that power remained. The Opposition does not suggest that egg producers have any right to be cruel to the poultry they keep. Indeed, good farm management dictates that they are not cruel to the birds. If egg producers commit an offence they ought to be charged under the Prevention of Cruelty to Animals Act and not face a double penalty by also being in breach of a regulation provided by the Bill.

The Opposition also seeks to amend other provisions in the Bill. The Bill allows for an expansion of the membership of the Victorian Egg Marketing Board from six to eight, but it provides for producer representatives to be effectively nominated by the Minister. He can choose whomever he wants. The Bill requires him only to consider a list of names. There is no obligation on the Minister to select people from that list. He has only to consider the list and then appoint whom he wants.

The Opposition strongly supports the concept that the peak organisation or organisations representing producers should be able to submit a list of names for appointments to any marketing board. If there are three members to be selected, as in this case, the Minister should ask them for a list of five or six names. The organisations should then determine who would best represent the industry. The Minister should then be under an obligation to appoint three people from that list of names. The Opposition will propose amendments to tackle that issue.

The government proposes that if the Egg Industry Licensing Committee, which will be established by the Bill, sees the need to review production, it should give 90 days

notice. In an industry such as the egg industry, that is an unrealistic period. It is proposed that it would be preferable to amend that to 21 days.

The Opposition supports some central features of the Bill, including the breaking down of certain powers and the allowance of producer agents, provided they are of good character, to develop marketing strategies and opportunities.

The Bill proposes to establish the Egg Prices Review Panel under the chairmanship of the Prices Commissioner with two other members, which panel will have a power of veto on the price of eggs, supported by the egg board. Not all members of the Liberal Party believe that is the way to go. The Liberal Party's decision is to support the government's proposal, although it is important that one member of the panel be a person who understands and can represent Victorian egg producers.

It is refreshing that the government after seven years in office has suddenly realised that increasing regulation in the egg industry will work to the detriment of that industry. The government is embarking on a course which will provide increased opportunities for the Victorian egg industry and work to the advantage of those involved in the industry and the consumers of this State. The Liberal Party supports the Bill.

The Hon. R. A. BEST (North Western Province)—The Egg Industry Bill is the result of the Public Bodies Review Committee report on the Victorian egg industry. That report was released in November 1987 as part of a review of agricultural marketing boards. The committee's recommendations were not unanimous; a minority report produced by the Honourable David Evans and the honourable member for Swan Hill in another place expressed the views of the National Party.

The majority report recommended deregulation of the industry whereas the minority report focused on the attitudes of the National Party to the egg industry. The National Party has always supported orderly marketing. The egg industry is efficient and well administered and provides a quality product at a realistic price to the Victorian consumer. The minority report states:

> The majority report of the Public Bodies Review Committee reflects the current thrust for deregulation which is now becoming a fashionable solution to perceived problems in the marketing of primary products.
>
> The committee received no evidence or complaints from consumer organisations, retailers or any other person other than egg producers and grading floor operators.
>
> In our view the key problem areas can be simply identified as follows:

The report then lists shell eggs, the upper farm size limit and the concern about egg prices being kept artificially high. The report continues:

> For these insubstantial reasons the majority report proposes a total restructure of the industry which will progressively destroy orderly marketing, lead to increasing cartelisation, particularly by major retail associated groups and destroy all protection for the family farm.

Why is total deregulation recommended? The National Party believes change must take place and foreshadows amendments in the Committee stage of the Bill. The National Party has some concern about the Minister's understanding of the egg industry. The industry does not always give one the opportunity of knowing exactly how to go about serving the best interest of the industry.

In his second-reading speech, the Minister alluded to two aspects and said that New South Wales was in a mess. The reason is that a Mr Galea had sold his quota and received a substantial price for it but decided to start again. Mr Galea was a rogue in the industry and traded illegally. Not only the present Liberal government in New South Wales but also the former Labor government had substantial problems with him, and eventually he was sold up. The matter went through the court process; it was

an ugly scene. The situation has been rectified and during its spring sessional period the Parliament of New South Wales will introduce reform to the egg industry.

The Minister also mentioned the records relating to the current issued quota. However, the Minister would agree that the statement in the Public Bodies Review Committee's report proved to be inaccurate because a government adviser did not do his sums. In a 1988 Ministerial statement, the then Minister for Agriculture and Rural Affairs, now the Minister for the Arts, said that the Victorian Egg Marketing Board was correct and that a mistake had been made by the Public Bodies Review Committee.

The Minister for Agriculture and Rural Affairs says that he wants to be "Premier of country Victoria". That is an excellent ambition if he believes agriculture is as vital to Victoria as we in the National Party believe it to be. It is commendable that the Minister wishes to become popular among sections of the industry, but he must listen to what the industry is telling him and take the appropriate action in the best interests of the industry.

Yesterday in the debate on the Bill in another place the Minister expressed clearly and eloquently the benefits of agriculture to the State. He said that producers operated under conditions that were not always favourable, particularly as to weather, and that producers were not subsidised by the government. If the Minister appreciates the contribution of agriculture to the economy of Victoria, he should appreciate that 52·8 per cent of egg producers have fewer than 2000 hens and produce only 3·88 per cent of the State's eggs. Those farmers are important, not only as producers but also in the role they play in the community, the effect they have on the local economy and the jobs they create. The small town of Murrayville has an egg grading floor. The town needs to retain that egg grading floor because it retains jobs in the area; if producers are lost to the industry it will create ramifications throughout country Victoria.

The minority report of the Public Bodies Review Committee pointed out the impact that employment and small industry have in rural Victoria. Since 1979 the number of egg producers in Victoria has decreased from 2300 to 444. The majority report of the Public Bodies Review Committee proposed deregulation at any cost. This would spell disaster for many producers throughout regional Victoria, particularly the small producers. Most eggs are sold through the supermarkets but we have not heard any criticisms from, as I said, consumer groups or major retailers expressing their concern at the price of eggs.

This brings me to the role of Professor Fels. The National Party does not believe the Prices Commissioner should set the price of eggs; the board should set the price. It is, I suppose, an historical fact that farmers have not been the best marketers around and that expertise is needed in the marketing of products, but if one produces a product, a majority control board—and that control being producers—should be established so that the producers control their own destiny and control the production. If they get it wrong and do not set prices that are acceptable to the public they will have overproduction and it then falls back on the board as to what it will do with the overproduction. It is really up to the board to get the sums right.

The government has presided over a number of initiatives that have hurt the egg producers. Nowhere has that been more evident than in pricing. The government is consumer-orientated. Professor Fels's academic assessment lacks all credibility with producers. It was based on unacceptable models, but it was still implemented. The Prices Commissioner claims in his models that producers with 5000 hens or less were not commercial yet, as I have just explained, the majority of producers throughout the State operate with fewer than 2000 hens. Professor Fels used a 20 000 hen shed as a model and did not take into account the servicing of debt and the capital investment. His producer returns were inflated beyond real situations.

The government's move in the Bill is to give him and the Egg Prices Review Panel total real power in price setting. This is unacceptable to producers and to their organisations. Professor Fels has shown little regard for the producers, and it is clear that if he had his way egg prices would be even lower, thus many producers would be forced out of the market.

Prices should be fixed by the board and all reference to the Egg Prices Review Panel should be deleted from the Bill. The Victorian government, together with the Victorian Egg Marketing Board, has also hurt decentralised producers by phasing out transport equalisation measures. The phasing out of hen quotas also will not induce investment in the industry.

In consultation with representative groups the Victorian Farmers Federation has expressed the view that under no circumstances will it accept the sunset clause because such an acceptance would discourage long-term investment and would increase the concern about risk by impending financial lenders and clearly would be a backward move by the government.

The National Party foreshadows some amendments in the Committee stage and some of the amendments concern the fact that the 2000 hen exemption from quota levels should remain, and also that ownership of exempt hens should not be increased from 20 hens to 50 hens. Twenty hens produce eight dozen eggs a week, and the production of those eight dozen eggs is more than enough to cater for the needs of——

The Hon. E. H. Walker—You are a sensible man. Do you really believe that?

The Hon. R. A. BEST—I cannot see the point in changing a number for the sake of changing a number.

The Hon. E. H. Walker—Then let us make the figure 500 and change it to another number.

The Hon. R. A. BEST—That would allow eggs to come in on the black market. When there is a seasonal overproduction in eggs, we propose to reduce the time within which notice in writing has to be supplied from 90 days to 21 days.

The National Party does not support the proposal that produce agents should be permitted to handle other producers' eggs. At present they can grade, package and market their own eggs, and this is the way it should remain. The extension of the role of producer agents, if adopted, is a major step towards deregulation. As more and more producer agents are appointed, the throughput of the Keysborough floor and other grading floors will decline, making unit costs higher for the producers that want to use those services, and eventually the grading and packing floors will either have to close or be forced to take eggs to grading floors in other areas. The National Party will move in the Committee stage to limit producer agents to the handling of their own eggs.

The most important of the other amendments concerns the aspect that producers must control their own destiny. During the Public Bodies Review Committee hearings producers were critical of the board. They felt it had not remained in close enough contact with producers. Producer representatives are appointed by the Minister for Agriculture and Rural Affairs and are accountable to the Minister and not to the egg producers, which should be the case.

Egg producers fund the board yet they do not even have the right to elect their own representatives. The Bill provides for three producers on that board of eight, appointed by the Minister, after consideration of panels of names submitted by the various bodies. Clearly, producer representatives should be eligible to vote.

The National Party believes in maintaining and strengthening the board and making it more accountable to the producers it serves. Some other aspects of the Bill have been mentioned by Mr Knowles, such as the code of practice for animal welfare, which is an area on which the National Party will support the Liberal Party.

I foreshadow amendments in the Committee stage and conclude by stating that, although the Bill is acceptable, substantial amendments will be made to it.

The Hon. G. R. CRAIGE (Central Highlands Province)—I support my good friend and colleague Mr Knowles in the points he raised about our concerns with the Bill. I welcome any change in an industry such as the egg industry where a degree of competition will be introduced.

The government's intention of freeing up the industry is good. In fact, in the second-reading speech on 20 April the Minister for Planning and Environment, on behalf of the Minister for Agriculture and Rural Affairs, made some relevant points and talked about more competition in egg marketing.

He referred to the freeing up of the egg industry, and said that that would be done by expanding the role of producer agents. The strength of the Bill in those places is that there is an intent to free it up so that, when New South Wales deregulates, our industry can at least compete in that environment.

The report of the Public Bodies Review Committee of November 1987 highlighted these areas of competition. The report referred to the numerous studies and reports on the egg industry. The first one occurred in 1950–51, and further reports were made in 1972, 1981, two in 1982 and one in 1983. It is interesting that all those inquiries reached the one conclusion—that market freedom and the force of competition produce a healthy environment for industry. At page 170 the report states:

> All these reviews reached the conclusion that the legislative and regulatory arrangements for the marketing of eggs in Victoria had led to higher prices for consumers and increased costs for producers than otherwise would have applied. Recommendations from those studies have ranged from abolishing quotas and removing pricing powers from the VEMB to lowering administered egg prices.

The committee concluded that it was no longer in the public interest for the Victorian Egg Marketing Board to the set the prices of eggs while supplies continued to be controlled through quotas.

I agree with the committee; I have no problem with that view. I should be happy for the Bill to be passed as it is instead of it being watered down. Someone is looking after his or her own eggs.

The Hon. E. H. Walker—Your chickens are coming home to roost!

The Hon. G. R. CRAIGE—No, I will not chicken out on this! There were strengths in the Bill; we have done an egg flip. If the members of the government had stood up and been counted I would have been the first person to applaud them. The government has not done that; someone is looking after his or her cosy little nest. Pressure has been applied because these people want to keep their jobs. They have consolidated their positions to ensure that the board remains in place to manipulate the industry.

The Hon. W. A. Landeryou—Are you trying to unscramble it?

The Hon. G. R. CRAIGE—If the Opposition could unscramble it, it would do so. There are too many eggs in the basket; it is a tragedy. Everyone has his or her hand in the basket. The provisions could have been made strong.

I support Mr Best's doubts about the Prices Commissioner, Professor Fels. I have always had doubts about him because I do not believe he understands the industry at all. He makes decisions on an economic basis, which at times I do not believe he

understands himself. I would never place an important industry in the hands of Professor Fels. If such a matter is kept out of his hands the situation will be better.

Given the opposition to it and the amendments foreshadowed by the National Party, I cannot understand why the Bill is not being thrown out.

The Hon. R. A. Best—It is a good Bill.

The Hon. G. R. CRAIGE—If all the foreshadowed amendments are accepted there will be no changes made to the Act at all. It is an interesting concept. The Bill has much strength and it is good. Parliament was headed down the right track in support of efficient egg producers and the removal of the inefficient egg board—but that intent has been destroyed, and I am sad about that.

The motion was agreed to.

The Bill was read a second time and committed.

The sitting was suspended at 12.56 *p.m. until* 2.3 *a.m.*

Clause 1 was agreed to.

Clause 2

The Hon. R. A. BEST (North Western Province)—I move:

1. Clause 2, line 9, omit "Subject to section 63,".

This relates to the sunset clause and the phasing out of quotas. We believe this does not give any incentive to upgrade facilities. The industry needs investment. This has been recognised by all sections of the House, but to phase out quotas will not give people the incentives that they need to invest in the future of the industry and give long-term assurances of a return on that investment.

An amount of $100 000 does not go a long way these days but with the interest rates that apply now the clause, unless amended, will not remove any pain. We believe this clause is vital. It gives the industry a long-term assurance that it will continue along the path we would like to see it continue. It gives people the opportunity to invest in the industry.

The Hon. R. I. KNOWLES (Ballarat Province)—Mr Best indicated during the second-reading debate that the National Party supports the continuation of quotas indefinitely. The Liberal Party takes the view there is an inevitability of quotas being phased out and the clause attempts to put a time frame on it. As I indicated in the second-reading debate, I think the time frame outlined will be overtaken and Parliament will be abolishing quotas well before the time specified in the Bill. The Opposition opposes the amendment.

The Hon. E. H. WALKER (Minister for the Arts)—The government does not support Mr Best's amendment, either.

The Hon. D. M. EVANS (North Eastern Province)—I support my colleague, Mr Best, in this matter, and I particularly underline the very clear commitment the National Party has, and has always had, to getting something that resembles a level playing field in negotiations between the smaller producers in the State and the major conglomerates that are currently and increasingly drawing into themselves most of the marketing power in the retail sector, particularly in the grocery industry.

I was a member of the Public Bodies Review Committee when the report and recommendations came forward from that committee. It was very clear to members of the committee from the evidence given to the committee that there was serious concern among many growers, the egg board and the Victorian Farmers Federation,

that without some control or some orderly marketing system the small egg producers in the State would rapidly disappear. We would have a situation similar to that which currently obtains in the broiler chicken industry, where one or two major organisations control the entire industry.

Those who could be said to be sharefarmers—they are not farmers any more—buy their chickens from the major conglomerates, the highly sophisticated breeding stock and specialised stock. They buy their feed and sell their chickens back at an agreed price. They have no control over their own industry and they are no more than agents. They are almost paid contractors, paid employees of the major conglomerates. The National Party seeks to deal with that situation.

It is not an inevitable matter, as Mr Knowles states. It is a matter of whether the Parliament of this State and the Liberal Party, the National Party and the Labor Party are prepared to support and strengthen the small operator. Exactly the same would happen if the labour market were deregulated and the ordinary worker in the State had no protection at all, particularly in times of unemployment. It is a major fundamental principle.

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

Clause 3

The Hon. R. A. BEST (North Western Province)—I move:

2. Clause 3, page 2, lines 29 and 30, omit the definition of **"Panel"**.

Our concern is that the Egg Prices Review Panel should not set prices. This is evident when one considers the stand that Professor Fels took during the proceedings of the Public Bodies Review Committee and the modules under which he has tried to establish the retail price for eggs.

Traditionally, as I said in the second-reading debate, producers are poor marketers. We accept that, but we believe the board should set the prices, not the panel. If the board cannot get its sums right, if it cannot market the eggs at a realistic price, overproduction will occur. If there is an overproduction, obviously something will have to be done about reducing the price of the product to ensure its sale. However, it is ludicrous to put somebody, particularly somebody like Professor Fels, in charge of prices.

The Hon. R. I. KNOWLES (Ballarat Province)—Although the Opposition understands the motives for the National Party and Mr Best proposing this amendment, it will not support it.

The proposed Egg Prices Review Panel will, in fact, comprise more than just the Prices Commissioner. The Opposition agrees with Mr Best's comments about the approach adopted by Professor Fels in his capacity as the Prices Commissioner. It believes Professor Fels has adopted a very theoretical and, in many ways, unrealistic approach in his report.

The government is now proposing a panel of three members and, since the government is insisting that the Prices Commissioner ought to be the chairman of that panel, I suppose the Opposition can reluctantly accept that that is the position, but it believes the other two people appointed to the panel will have a very important role to play. The Liberal Party has adopted the stance that one of those people ought to be someone with a clear knowledge of the industry and the cost structures involved. It also seeks from the government an undertaking that the third person appointed to the panel will be someone with very clear, practical experience who will also be able to bring skills to it.

The whole concept of establishing an Egg Prices Review Panel is to break down some of the central control that currently resides with the Victorian Egg Marketing Board. Unless we are prepared to adopt some of the mechanisms that the government has proposed for establishing a separate Egg Industry Licensing Committee and some additional party to overview the prices set by the board, and for breaking down some of the control of the board over the actual marketing, we will never enable this industry to adjust.

Therefore, although the Opposition accepts many of the criticisms that Mr Best made of the Prices Commissioner, it does not support his amendment. It urges the Committee to reject the amendment but, further down the line, to accept the amendment that I shall propose to achieve a better balance on the Egg Prices Review Panel.

The Hon. E. H. WALKER (Minister for the Arts)—The government does not support Mr Best's amendment. I support Mr Knowles's comments, but I point out that I am an admirer of the Prices Commissioner; he is a professional. I know he has been somewhat controversial. I accept and support Mr Knowles's notion of the third person having commercial experience.

The Committee divided on Mr Best's amendment (the Hon. K. I. M. Wright in the chair).

Ayes	5
Noes	30
Majority against the amendment	25

AYES	NOES
Mr Baxter	Mr Ashman
Mr Best	Mr Birrell
Mr Evans	Mr Chamberlain
Tellers:	Mr Cox
Mr Hall	Mr Davidson
Mr Hallam	Mr de Fegely
	Mr Henshaw
	Mrs Hogg
	Mr Ives
	Mr Kennedy
	Mr Knowles
	Mr Landeryou
	Mr Lawson
	Mrs Lyster
	Mrs McLean
	Mr Macey
	Mr Mier
	Mr Miles
	Mr Pullen
	Mr Sgro
	Mr Skeggs
	Mr Smith
	Mr Storey
	Mrs Tehan
	Mr Theophanous
	Mrs Varty
	Mr Walker
	Mr White
	Tellers:
	Mr Craige
	Mr Crawford

The clause was agreed to, as were clauses 4 to 10.

Clause 11

The Hon. R. A. BEST (North Western Province)—I move:

3. Clause 11, line 32, omit "At least one appointee must be a member" and insert "All appointees must be members".

The National Party suggests there should be a grower control licence and growers should be the ones who can trade those licences. The producers can best appreciate who can market eggs and who can hold or have anything to do with the holding of a licence. Basically it should be placed in the hands of the growers and the producers. It is not fair that a Spring Street specialist should say, "This is what is best for the growers". That will not help the industry, which should be left to handle its own affairs and to make decisions because it best appreciates who should hold the licences.

The Hon. R. I. KNOWLES (Ballarat Province)—The Opposition does not support the amendment. If accepted by the Committee it would lead to a subsequent amendment to return the licensing responsibility to the board. The Public Bodies Review Committee was particularly clear in recommending that it was wrong to have the licensing powers of the egg industry vested in the same body that markets eggs. There was a need to split that concentration of power and, as I said in my contribution to the second-reading debate, that is one of the advantages the Liberal Party seeks from the proposed legislation. The Liberal Party opposes the amendment.

The Hon. E. H. WALKER (Minister for the Arts)—The government does not support the amendment.

The amendment was negatived.

The CHAIRMAN (the Hon. K. I. M. Wright)—Order! Mr Best will therefore not be proceeding with his proposed amendments Nos 4 and 5.

The clause was agreed to, as were clauses 12 to 25.

Clause 26

The Hon. E. H. WALKER (Minister for the Arts)—I move:

1. Clause 26, after line 30 insert—

"(*c*) to promote the efficient and effective marketing of eggs; and".

The intended change to clause 26 deals with the board's function, and the amendment would insert the words "to promote the efficient and effective marketing of eggs". The purpose of the change is to improve the functions of the board, and its significance is in its application as a result of the amendment to clause 87.

The Hon. R. I. KNOWLES (Ballarat Province)—The Liberal Party opposes the amendment. It would lead to one of the significant backdowns by the government in that it would enable subsequent amendments to be moved to give the board control over the licensing of producer agencies. As currently drafted, the Bill will enable any producer, provided he is a fit and proper person to become a member of the board. This amendment would lead to further amendments that would give that very important power; and, although it is expressed as a discretionary power, the board until now has clearly indicated that it will use that power very tightly to keep a strict control on the number of people who are able to market eggs.

I understand the amendment is to be supported by the National Party, and therefore it will pass; however, the Liberal Party is opposed to the amendment.

The Hon. R. A. BEST (North Western Province)—The National Party supports the amendment because it is similar to the amendment put by my party in that the board has control over the marketing of the licences and ensures that eggs are marketed effectively and efficiently at an acceptable standard.

Eggs are a very high quality product and the producer has a reasonable pride in the quality. The National Party supports the amendment.

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

Clause 28

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

1. 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".

As I explained in my speech during the second-reading debate, the Liberal Party believes it is important that, if producer representatives are on the board, the government ought to select those representatives from a panel of names submitted by the organisations that represent producers.

My amendment would give effect to that proposition. If accepted by the Committee, it would remove the Ministerial discretion in the Bill. The Bill requires the Minister only to consider names submitted to him. The Bill ought to be more precise, and what the government states to be its intent ought to be given effect to in legislation.

The Hon. E. H. WALKER (Minister for the Arts)—The government is willing to support the amendment proposed by Mr Knowles. There is a mixture of practice in terms of the agriculture portfolio and in terms of various bodies. This is not an uncommon practice. I preferred a little more latitude for the Minister, as was the case with certain other bodies, and as is the intent of the Bill. However, the amendment does not upset the government, and it is happy to support it.

The amendment was agreed to.

The Hon. R. A. BEST (North Western Province)—I move:

7. Clause 28, after line 28 insert—

"(2) Each person nominated under sub-section (1) (*a*) must have been elected by licensees in a poll conducted in accordance with the following provisions and the regulations:

(*a*) Each licensee is entitled to one vote in each poll;

(*b*) Voting shall be preferential;

(*c*) A poll shall be for the election of—

(i) five persons—where three persons are to be nominated;

(ii) four persons—where two persons are to be nominated;

(iii) three persons—where one person is to be nominated.".

The National Party maintains that the egg board should be producer controlled. It is quite strange that the Federal Liberal Party is prepared to support that principle in the structure of the wheat board, but the State Liberal Party will not support it for the egg board. I suppose it is something that must be accepted, but whether it is digested is another matter. If producers do not control marketing boards, they are not in control of their destiny and do not have the opportunity of getting it right.

I do not want to repeat what I said, but I remind honourable members that, traditionally, problems have arisen when people without expertise have been appointed in some particular areas. Egg farmers are egg producers but they are not marketers. They are not able to make the decisions about marketing properly so that the industry is successful. If producers were in control and had access to expertise to complement their knowledge, they would have the opportunity of determining the destiny of their industry. After all, it is their industry and not the government's industry. The producers pay for the egg board; the government does not. If there is a surplus of eggs, the

growers pay. I invite honourable members to consider what would happen if there were a surplus in the labour market.

The Hon. R. I. KNOWLES (Ballarat Province)—The Opposition opposes the amendment. It is not concerned with producer control of the egg board but seeks to change the way that producer representatives will be appointed to the board. The Bill provides for the board to comprise eight people, with three producer representatives. As I understand Mr Best's amendment, it will ensure that those three producer representatives are elected by producers by way of a poll.

Mr Best expressed some concern that the State Liberal Party has taken a different stance from that of the Federal Liberal–National Party coalition. The Liberal Party in Victoria—both in government and in opposition—has always strongly supported the concept that the marketing of primary products should be conducted by people who have a capacity to market. The Liberal Party has always maintained that a good producer is not necessarily an effective marketer. Mr Best made exactly the same point earlier in the debate when he indicated that good producers are not necessarily marketers. If Mr Best's amendment were carried, the effect might be that the three excellent producers appointed to the board might be absolutely hopeless in marketing.

The Opposition maintains that the better mechanism is that proposed in the Bill, with the Opposition amendment incorporated in it. The practice will be identical to that adopted by the previous Liberal government: the producer organisation submits a list of names and the Minister of the day makes the appropriate appointments.

The Hon. R. J. LONG (Gippsland Province)—I strongly support the view expressed by Mr Knowles. While it is true that the Liberal Party supports the principle that representatives of producers should be appointed to the egg board, I emphasise that the people appointed should be the people that the producers want. The Minister should choose the members of the board from the list of names submitted by the producers.

When the Victorian Dairy Industry Authority was established, exactly the same propositions were put. People said that producers can produce and are experts in that area but they cannot necessarily sell their product. The best sales expertise was applied to the working of the VDIA and it was very successful. Would honourable members not like to see the same thing happen with the egg board? If they would, experts who are able to produce and sell must be appointed to the board.

The Hon. D. M. EVANS (North Eastern Province)—I support the amendment. From the National Party's point of view it is important that producers have control of the board dealing with their products.

I understand the point made by Mr Long. It has been made many times and it is that if the organisation is to be good at selling it must have expertise in that area. However, the members of the board need not have selling expertise. As has been said many times, the expertise must be on tap and need not necessarily be on top. I suppose Mr Long was referring to Mr Cooper when he spoke of the Victorian Dairy Industry Authority. Mr Cooper was the architect of the "Big M" campaign, which was not a bad con job. It did not raise the total sales of milk very much but it was an excellent marketing exercise which was well accepted by the public and is well known now. Mr Cooper could have done just as good a job if he had been on tap rather than on top.

It is a fundamental right that people determine their own future and run their own business. The National Party holds that principle of democracy very dear. The democratic principle that people should elect their representatives and have control of their own destinies should be accepted as fundamental. Honourable members should try to imagine what would happen if the leadership of a large union—or even

of the Australian Council of Trade Unions—were appointed by the responsible Minister. The unions have enormous power in the community, with which no-one would quarrel, but I am sure the union would want to elect its own leaders—and so it should.

The egg industry has an organised marketing procedure to give protection to small producers against the big people. The government is not prepared to allow egg producers to control their own future. Democracy goes out the door unless the government supports the National Party's amendment.

The Hon. E. H. WALKER (Minister for the Arts)—By the look of it, I am about to go out the door. Mr Best's amendments Nos 7, 8, 9 and 10 are related. They address the provisions relating to the composition of the egg board.

There is an essential philosophical difference between us. The government does not support the amendment. I reinforce the comments made by Mr Knowles and Mr Long. While producers may be excellent in their field, the board cannot be producer dominated because marketing requires expertise in that area and in the area of finance. As I said, it is a philosophical difference and my comments relate to amendments Nos 7, 8, 9 and 10.

The Hon. W. R. BAXTER (North Eastern Province)—I place on record again the fundamental tenet and philosophy of the National Party that primary producer boards should be controlled by the people who produce the products. They are paying for the operation of the board and they should be administering it. I see no justice in the situation being otherwise.

Mr Long said that producers should be allowed to appoint the persons they want on the egg board. That is precisely the intent of the amendment. Mr Long seems to be of the view that the people the producers want on the board will be selected from the list of names submitted. There is no precise mechanism to ensure that the names submitted to the Minister will be those that the producers want.

Mr Knowles's amendment has provided some mechanism but it only covers the point to some extent and is very much a poor relation to providing direct selection procedures. I support the amendment.

The Committee divided on Mr Best's amendment (the Hon. K. I. M. Wright in the chair).

Ayes	5
Noes	31
Majority against the amendment	26

AYES	NOES
Mr Baxter	Mr Ashman
Mr Hall	Mr Cox
Mr Hallam	Mr Craige
	Mr Crawford
Tellers:	Mr de Fegely
Mr Best	Mr Guest
Mr Evans	Mr Henshaw
	Mrs Hogg
	Mr Ives
	Mr Kennedy
	Mr Knowles
	Mr Landeryou
	Mr Lawson
	Mr Long
	Mrs Lyster

AYES	NOES
	Mrs McLean Mr Macey Mr Mier Mr Miles Mr Pullen Mr Sgro Mr Skeggs Mr Smith Mrs Tehan Mr Theophanous Mr Van Buren Mrs Varty Mr Walker Mr White *Tellers*: Mr Chamberlain Mr Davidson

The CHAIRMAN—Order! I take it that Mr Best will not proceed with amendments Nos 8, 9 and 10 standing in his name because they are consequential on his amendment No. 7 being agreed to.

The Hon. R. A. BEST (North Western Province)—I shall not proceed with them.

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

2. Clause 28, line 30, omit "(*a*) or".

It is consequential on my first amendment.

The amendment was agreed to.

The Hon. E. H. WALKER (Minister for the Arts)—I move:

2. Clause 28, line 30, after "in" insert "the".

This will improve the drafting of clause 28.

The amendment was agreed to.

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

3. 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*),".

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 29 to 50.

Clause 51

The Hon. R. A. BEST (North Western Province)—I move:

11. 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".

I believe this is similar to amendment No. 3 standing in the name of the Minister for the Arts. The amendment will set the limit of a quota at 2000 hens. There are many small hen farmers throughout North Western Province, particularly in and around the Bendigo area. Of those farmers, 52·8 per cent have fewer than 2000 hens on their farms, and they contribute only 3·88 per cent of the total egg production in Victoria. It hardly affects the industry and it would be an injustice if the provision were removed.

The Hon. E. H. WALKER (Minister for the Arts)—Mr Best will be delighted to know that I shall accept this amendment. It is similar to an amendment I had intended to propose but with which I shall not proceed.

The Hon. R. I. KNOWLES (Ballarat Province)—I have no enthusiasm for the amendment. I understand precisely what Mr Best has said and the reasons why he has moved this way. The Liberal Party has been subject to an enormous amount of lobbying from the honourable member for Bendigo East in the other place, Mr Michael John, who is an enthusiastic supporter of the amendment. As the Minister has said, the government will support the amendment and will reintroduce into the Bill the concept that, when there is a cut in quota, it will not apply to those producers with a quota of fewer than 2000 birds.

Honourable members must be careful that we do not send the wrong signals to the industry. I am worried that, in attempting to do the right thing, we may be doing a disservice to the industry in the long term.

The amendment was agreed to.

The Hon. R. A. BEST (North Western Province)—I move:

12. Clause 51, line 7, after "holding" insert "such".

This amendment is consequential on amendment No. 11.

The amendment was agreed to, and the clause, as amended, was adopted, as was clause 52.

Clause 53

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

4. Clause 53, line 22, omit "80 000", and insert "100 000".

The amendment increases the limit on quota from 80 000, as is currently contained in the Bill, to 100 000. It will bring the Victorian egg industry into line with the quota limit in New South Wales. The amendment is supported by the Victorian Farmers Federation. I understand there are some sectors within the government that strongly support the amendment, and I trust that the views of those sectors will prevail.

The Hon. R. A. BEST (North Western Province)—The amendment sends a message to producers, and it is important that it be understood that change is necessary. In the majority report of the Public Bodies Review Committee and in the minority report, it was acknowledged that change needs to occur for the betterment of the industry. It is important that the message be given to people that they have an opportunity of investing in the egg industry.

The Victorian Farmers Federation supports the increase of the quota limit to 100 000, which brings the limit into line with that set in New South Wales. The National Party accepts the amendment.

The Hon. E. H. WALKER (Minister for the Arts)—It happens that I am one of the sectors of the government that supports the increase in quota from 80 000 to 100 000. It is an important move. A previous Minister of Agriculture, the Honourable Eric Kent, introduced the 40 000 quota limit with certain conditions on that. That was done for reasons the government believed were entirely proper, but it is important to learn from what occurs.

To be competitive, particularly with New South Wales, to allow economies of scale and to take up some spare shedding, the quota limit should be increased. However, honourable members should remember that the increase will affect people at the lower end of the scale. I am interested to learn that Mr Best supports the amendment because he comes from an area where there may be some reflection on him because of that support. I hope he can withstand the pressure. The government supports the amendment.

The Hon. D. M. EVANS (North Eastern Province)—I was a member of the Public Bodies Review Committee that brought down the report on the egg industry and I was a signatory to the minority report. At the time the committee examined the egg industry, the quota was 10 000 birds a person with a maximum of 40 000 birds for each farm. The committee was concerned to raise the limit to a higher level, and the figure of 80 000 was a compromise figure. As one of the signatories to the minority report of the Public Bodies Review Committee, I am happy that the quota limit will be increased to 100 000. That brings it into line with the current situation in New South Wales, and it is certainly a better arrangement than a limit of 10 000 for an individual and 40 000 for a farm.

The amendment was agreed to, and the clause, as amended, was adopted, as was clause 54.

Clause 55

The Hon. E. H. WALKER (Minister for the Arts)—I move:

4. Clause 55, line 18, omit "90" and insert "21".

This further change to clause 55 reduces from 90 to 21 days the minimum period from which a reduction can take effect after notices have been given to producers. The minimum 21-day period will ensure that the industry responds quickly to match seasonal increases in production with demand.

The Hon. R. A. BEST (North Western Province)—The amendment is similar to an amendment I proposed to move, and the National Party supports the government's intention.

The Hon. R. I. KNOWLES (Ballarat Province)—The Opposition supports the amendment.

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 56 and 57.

Clause 58

The Hon. R. A. BEST (North Western Province)—I indicate to the Committee that I shall not proceed with amendments Nos 14 to 19 standing in my name.

The clause was agreed to, as were clauses 59 to 62.

Clause 63

The Hon. E. H. WALKER (Minister for the Arts)—I move:

5. Clause 63, line 11, omit "61" and insert "60".

Again it is a drafting improvement. It simply corrects a reference to a section.

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

Clause 64

The Hon. R. A. BEST (North Western Province)—I move:

20. Clause 64, line 17, omit "50" and insert "20".

Clause 64 provides for an increase in the number of hens that a person may own or keep from 20 to 50. It appears to be a number that has been plucked out of the air. When one considers that 20 hens produce eight dozen eggs a week, the National Party cannot see, if in a domestic situation a person is running 20 hens and producing eight dozen eggs a week, what benefit there is in lifting the number to 50 hens. It will mean only that there is an opportunity for more eggs not to be taken through the correct procedures and grading floors when making their way on to the market.

The Hon. E. H. WALKER (Minister for the Arts)—The government does not support the amendment. It is interesting that a committee on which Mr Evans sat suggested 500 as a figure. When I was Minister for Agriculture and Rural Affairs I thought 500 was a rather large number. However, this is an increase from 20 to 50, hardly a major increase on the margins. At least we have increased that number and I do not think it will in any way affect the viability of realistic egg producers. I hope that one day we can lift it even further.

The Hon. R. I. KNOWLES (Ballarat Province)—The Opposition does not accept the amendment. Many country people run a few free-range hens and most have more than 20 hens. If the amendment passes, it will mean that those people are in breach of the law and that would be a nonsense. The Opposition supports the provision in the Bill and not the amendment.

The amendment was negatived, and the clause was agreed to, as was clause 65.

Clause 66

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

5. Clause 66, line 24, omit "80 000" and insert "100 000".

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 67 to 79.

Clause 80

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

6. Clause 80, page 24, lines 6 and 7, omit "80 000" and insert "100 000".

The amendment was agreed to, and the clause, as amended, was adopted, as was clause 81.

Clause 82

The Hon. E. H. WALKER (Minister for the Arts)—I move:

6. 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".

7. Clause 82, page 26, line 2, omit "preceding 31 December" and insert "end of that financial year".

These changes are to clause 82 (10) (*b*), which deals with the preparation of the accounts of a limited company in which the board has a controlling interest, for audit by the Auditor-General. The changes will ensure that the accounts to be audited relate to the same period as the accounts of the board.

The amendments were agreed to.

The Hon. E. H. WALKER (Minister for the Arts)—I move:

8. Clause 82, page 26, line 10, omit "Auditor-General" and insert "limited company".

9. Clause 82, page 26, line 11, after "Treasurer" insert "and the Minister".

These changes to clause 82 (10) (*d*), which requires copies of the audited accounts to be provided to the Treasurer, require the copies to be forwarded by the limited company rather than by the Auditor-General, and copies are also to be provided to the Minister.

The amendments were agreed to, and the clause, as amended, was adopted, as were clauses 83 to 86.

Clause 87

The Hon. E. H. WALKER (Minister for the Arts)—I move:

10. 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".

This change to clause 87, which deals with the appointment of producer agents, inserts new criteria for appointing a person as a producer agent and gives greater control to the board over the appointment of producer agents.

The Hon. R. I. Knowles—Do you support it?

The Hon. E. H. WALKER—Yes. The amended clause will provide that the board may make an appointment only if the application is correctly lodged, it considers the applicant is a fit and proper person to be a producer agent and it considers the appointment necessary or expedient to give effect to the board's functions under section 26. The amended clause 26 will now include the function of promoting the efficient and effective marketing of eggs.

While the change will not detract from the substantial deregulatory thrust of the Bill, it will allow competition to be phased in in a more balanced manner. It will enable the board to ensure that the appointment of producer agents promotes the effective and efficient marketing of eggs and ensures a satisfactory supply of eggs.

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

Clause 88

The Hon. D. M. EVANS (North Eastern Province)—The intention of the foreshadowed amendment is to control the use of a producer agent licence so that other people can sell other producers' eggs. It brings some degree of control back to the board.

The Hon. R. A. BEST (North Western Province)—I move:

25. Clause 88, line 30, omit "whether produced by the agent or by another producer" and insert "produced by the agent".

26. Clause 88, after line 30 insert—

"(2) With the approval of the Board a producer agent may market eggs and egg products produced by another producer.".

This basically ensures that, with the producer agent licence, the correct people do market and sell eggs, and control should be passed back to the board. Producer agents must receive approval from the board to market eggs.

The Hon. E. H. WALKER (Minister for the Arts)—The government does not agree with the amendments.

The amendments were negatived, and the clause was agreed to, as were clauses 89 to 92.

Clause 93

The Hon. R. A. BEST (North Western Province)—I do not propose to proceed with amendments Nos 28 to 35.

The clause was agreed to, as were clauses 94 to 102.

Clause 103

The Hon. R. A. BEST (North Western Province)—I move:

36. Clause 103, page 33, at the end of line 8 insert—

"; and

(*c*) amounts of not more than two per cent of the annual value of shell egg products.".

This is basically to ensure that the 2 per cent overproduction is included. When one considers that 1 million dozen eggs are sold each week and about 6500 eggs are overproduced, it proves that an excellent job is being done by the board. This ensures a constant and reasonable supply of sizes and grades of fresh eggs. The 2 per cent reduction provision should be included in the Bill.

The Hon. R. I. KNOWLES (Ballarat Province)—I understand the reasons for Mr Best's amendment and certainly there is a lot of support for the amendment within the industry. The Public Bodies Review Committee recommended that it ought to be a 4 per cent level, although it was tied in with the committee's recommendation for total devesting.

The government, in introducing the Bill, as I understand it, has rejected this provision of cross-subsidisation. One of the concerns that some in the industry have is that it will inevitably lead to 2 per cent overproduction and that that overproduction will go into less than profitable lines. As I understand it, the recommendation of the Victorian Farmers Federation was that any overproduction should go only into profitable lines, although I notice that is not covered in Mr Best's amendment.

As I said, there is some support for the concept because the industry will have difficulty in striking a balance between production and sale, although a similar situation exists in all other industries and the market rectifies that situation. For those reasons, the Liberal Party came to the overall decision not to support the amendment.

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

Clause 104

The Hon. R. A. BEST (North Western Province)—I do not propose to proceed with consequential amendments Nos 37 to 39.

The clause was agreed to, as were clauses 105 to 108.

Clause 109

The Hon. R. A. BEST (North Western Province)—I shall not proceed with amendments Nos 40 to 50.

The clause was agreed to, as was clause 110.

Clause 111

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

7. 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.".

8. Clause 111, line 35, after "(*b*)" insert "or (*c*)".

9. 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.".

The amendments pick up what I put to the Committee earlier about trying to get balance on the Egg Prices Review Panel and, apart from the Prices Commissioner as chairman, there should be one representative looking after producer interests and a further representative with commercial expertise selected by the Minister. The Minister previously gave a commitment that that would be the case.

The Hon. E. H. WALKER (Minister for the Arts)—I accept that.

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

Clause 112

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

10. Clause 112, line 3, after "(*b*)" insert "or (*c*)".

This is a consequential amendment.

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 113 to 121.

Clause 122

The Hon. R. A. BEST (North Western Province)—I move:

51. Clause 122, line 4, omit "may" and insert "and the Board may jointly".

This basically allows the committee of the board to appoint one set of inspectors instead of the board having an inspector and the committee having an inspector.

The Hon. R. I. Knowles—Isn't this amendment consequential on removing the licensing committee and having only board inspectors?

The Hon. E. H. WALKER (Minister for the Arts)—I think it is. In any case, as it is worded, the government opposes it.

The Hon. R. I. KNOWLES (Ballarat Province)—I understand what the National Party is proposing: that, even though the Committee has previously decided to keep the licensing committee separate from the board, there is some value in having only one inspectorate to handle breaches or inspectors' duties for both the board and the licensing committee.

I must admit that the Liberal Party has not considered that issue and, therefore, opposes the amendment.

The amendment was negatived.

The Hon. R. A. BEST (North Western Province)—That being the case, I shall not proceed with my amendments Nos 52 to 55.

The clause was agreed to, as were clauses 123 to 130.

Clause 131

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

11. Clause 131, line 27, omit "80 000" and insert "100 000".

This is a consequential amendment.

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 132 to 136.

Clause 137

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

12. Clause 137, lines 32 and 33, omit the words and expressions on these lines.

This amendment is absolutely critical. It was canvassed during the second-reading debate. It will delete the power for the code of practice under the Prevention of Cruelty to Animals Act to be placed in a regulation. That would be a gross misuse of a code of practice and would lead to codes of practice being used for a purpose that was never envisaged. The Opposition is hopeful that this amendment will be carried by the Committee.

The Hon. R. A. BEST (North Western Province)—The National Party is aware of the amendment and it is supported because it is important to all industries.

The Hon. E. H. WALKER (Minister for the Arts)—The government supports the amendment.

The amendment was agreed to.

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

13. 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.".

This is the standard disallowance clause that will allow any regulation made under this Bill to be disallowed by either House.

The Hon. E. H. WALKER (Minister for the Arts)—Today is not one of those days on which the government should take issue. The government does not accept or agree with this approach but will not call for a diversion on the matter.

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 138 to 142.

Clause 143

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

14. Clause 143, line 43, omit "80 000" and insert "100 000".

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

Clause 55, as amended, was recommitted.

The Hon. E. H. WALKER (Minister for the Arts)—I am advised that a problem has been caused with my having agreed earlier not to proceed with my amendment

No. 3. I agreed to a National Party amendment in the belief that it was the same as my amendment No. 3. It is similar but there is a significant difference and I request leave of the Committee to move amendment No. 3 and I shall comment upon it if that is agreeable.

The CHAIRMAN—Order! Leave is granted.

The Hon. E. H. WALKER—I move:

3. 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.".

The National Party's amendment No. 11 amended clause 51, which deals with variations in issue quota to ensure a cut-off of 2000 hens. The government was agreeable to that. The government's amendment No. 3 amends clause 55, which deals with seasonal restrictions. I mistakenly did not proceed with my amendment thinking that the National Party's amendment covered the issue. It does not do so exactly and my amendment No. 3 is important because it has been strongly requested by the industry. In fact, the National Party thought that this had been put in place, in any case.

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

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

CHILDREN AND YOUNG PERSONS BILL

This Bill was received from the Assembly and, on the motion of the Hon. E. H. Walker (Minister for the Arts), for the Hon. C. J. HOGG (Minister for Health), was read a first time.

MAGISTRATES' COURT BILL

This Bill was received from the Assembly and, on the motion of the Hon. E. H. WALKER (Minister for the Arts), was read a first time.

The Hon. E. H. WALKER (Minister for the Arts)—The second-reading speech relates to the Bill before the House and another related Bill that will be introduced shortly. I therefore suggest that I read the second-reading speech in relation to both Bills. I move:

That these Bills be now read a second time.

These Bills replace the measures that were introduced in October 1987 and subsequently in March 1988, the Bills having lapsed upon the election being called.

The government is committed to reform of the Victorian legal system. The Bills are the culmination of much work and consultation by the government to address the deficiencies that currently exist with legislation governing Magistrates Courts.

Since coming to office, the government has made substantial changes both in substance and in form to the Magistrates Courts. The status of magistrates was upgraded by the appointment of legally qualified and experienced men and women and the creation of a magistracy independent of the Public Service Board. A call-over system was introduced into the criminal jurisdiction of the court, which has resulted in great savings for my department and for the Victoria Police. We also introduced the PERIN system to utilise computer technology to remove the inefficiency of routine proceedings

for minor infringements. Arbitration procedures and pre-hearing conferences were established to facilitate the settlement of civil proceedings.

The government's main purpose in reforming the Magistrates Courts is to achieve greater access for all Victorians to the court system. Two years ago we introduced a system of arbitration into the courts. We agreed at the time that it would be reviewed after two years. This review has been done by my department and it indicates to me that the system of arbitration has not been as effective in achieving our objective of low-cost access to the courts as we would have liked. In response to this review, the government has decided to amend the provisions relating to arbitration in the court to be in line with the Small Claims Tribunal. In future all civil matters under $5000 must go to arbitration and the courts will be prevented from granting costs unless there are exceptional circumstances. Although this legislation will relate to all civil matters, it particularly addresses the handling of motor vehicle accidents.

Motor vehicle property damage forms a large part of the court systems civil list. They relate almost exclusively to car accidents where one or both of the parties are not insured, as the insurance industry has had an agreement for many years that insurers will not litigate where both parties are insured for property damage. Although the percentage of people who are not insured is small, approximately 15 per cent, the cost of their litigation is very high. Short of introducing compulsory property damage insurance, the government believes the new system will give better access for court consumers and substantial savings for the courts. The model we are proposing is based on the South Australian and Tasmanian systems of arbitration, both of which have been very successful. The decision to introduce low-cost arbitration for car accident cases was required by the insurance industry and the Federation of Community Legal Centres.

Although the government has some concern about eliminating legal representation, we believe people can represent themselves in these matters as they usually relate to questions of fact rather than to law. A magistrate acting as a referee is, in our view, better at assessing who caused an accident and is far less intimidating than a legal representative who cross-examines witnesses. Visual aids such as whiteboards and model cars will be introduced to assist the parties in presenting their cases.

FEATURES OF THE BILLS

The Bills are drafted in plain English and wherever possible administrative matters in civil proceedings have been transferred to the magistrates for consideration in rules. The efficiencies, savings and structural changes have been outlined in detail in the second-reading speeches accompanying the earlier Bills.

CRIMINAL PROCEEDINGS

Changes in terminology have been made to reflect current practice in the Magistrates Courts. An "information" for an offence is known as a "charge" and "preliminary examinations" are known as "committal proceedings".

A number of new provisions affecting criminal proceedings were outlined when the original Bills were introduced. These include procedures for the issue of "on-the-spot summonses" for certain summary offences, reforms to the law on warrants used in the Magistrates Courts, an increase in the number of offences that may be determined summarily if both the court and the defendant consent, and the acknowledgment of the right of defendants charged with serious criminal offences to obtain legal advice and the assistance of competent interpreters.

The provision that increases the number of offences that are triable summarily is supported by the police. The current court practice in indictable matters triable

summarily is that the prosecution requests that the matter be heard summarily. If this request is not made the court normally determines that the matter should go to trial. It would be very rare for a court to allow a matter to be heard summarily if the police were to request that it go to trial. We do not therefore deem it necessary to give the prosecution the power to prevent a matter from being heard summarily. It is the defendant's right and the courts' judgment we are conserving in the legislation. The Police Force accepts this.

The PERIN system was outlined in the previous second-reading speeches. The expiry date for the alternative procedures was then set at January to July 1989. This will now be extended to one year from the date of assent to the Bills to allow extra time for prosecution agencies that currently operate under this system.

There have been some adjustments and changes to the redrafted Bill.

AMENDMENTS TO REDRAFTED BILL

In criminal proceedings the major changes made since the Magistrates' Court (Consequential Amendments) Bill was introduced relate to the following matters:

1. After-hours issue of arrest, search warrants, and fingerprinting may now be obtained by facsimile machine. This is to ensure that warrants can be obtained in remote areas where a magistrate is not available.

2. The list of indictable offences triable summarily to include section 61 (3) Road Safety Act 1986. This offence is akin to certain Crimes Act offences in the nature of causing serious injury, which are already included in the list of indictable offences.

CIVIL PROCEEDINGS

The civil jurisdiction of the court in matters other than personal injury claims has been increased from $20 000 to $40 000. This policy remains unchanged in the redrafted Bill. The initiatives in the original Bill remained unchanged except for the arbitration provisions which have been previously mentioned.

The Council of Magistrates has made new civil procedure rules which reflect the provisions of the Magistrates' Court Bill as it now stands. While these rules have been made by the magistrates under the powers conferred on them by the Bill, I must make it clear that the policies expressed in the Bill have been formulated by the government.

The rules have not been circulated with the Bill. However, copies have been placed in the Papers Room and honourable members who wish to do so may inspect them there.

I now turn to a change in policy made in the Bill affecting the role of justices of the peace.

JUSTICES OF THE PEACE

The Bill as introduced effected a number of changes in the role of justices of the peace in the legal system. The creation of the Office of Bail Justice is retained since the Bill was last introduced. This policy emphasises the need for trained officers to make judicial decisions about a person's liberty. Anybody who becomes a bail justice will be required to undertake a training course, designed by the Attorney-General's Department, to be paid for by the department.

The government's view on the need to change the role of the justice of the peace remains the same since the Magistrates' Court Bill was last tabled in Parliament. It is an initiative that promotes efficient and effective courts management and brings the

Magistrates Courts administration up to date with recent changes which have occurred since the removal of justices of the peace from the bench. It will clearly be of great benefit to the Police Force because most documents that are now required to be signed by a justice of the peace can be signed by the informant.

WITNESSING STATUTORY DECLARATIONS AND ATTESTATION OF AFFIDAVITS

While clause 144 of the Magistrates' Court Bill abolishes the office of commissioner for taking affidavits, it makes provision to preserve and widen the categories of persons who will be authorised to witness statutory declarations and attest affidavits. Honourable members will note that the list of persons to be authorised to attest affidavits is more restricted than that to witness statutory declarations. This is because affidavits most commonly used are in court-related proceedings. The government believes these documents should be dealt with by a more experienced and restricted group. Statutory declarations, on the other hand, are used for numerous purposes. The expanded list of persons authorised to witness them will ensure that members of the community will have ready access to an authorised person.

The abolition of the office of commissioner for taking affidavits removes the need to maintain a register of commissioners and renewal of their registrations, which will achieve an estimated cost saving of $60 000 a year.

TECHNICAL ADJUSTMENTS

There have been numerous technical adjustments to clarify the Bill. An example of this is to include within Schedule 5 an amendment to ensure that a magistrate cautions an accused person as to alibi evidence as is required by section 399A of the Crimes Act.

CONCLUSION

The reform of the legislation affecting Magistrates Courts is long overdue. As was said in the previous second-reading speech, the Bills provide the structure for the modernisation of the Magistrates Courts and cast aside notions of justice which were based on a judicial system where courts were constituted by people without legal training. It heralds the beginning of a new era of professionalism while extending the benefits of the accessibility of the summary jurisdiction.

I commend the Bills to the House.

On the motion of the Hon. R. I. Knowles, for the Hon. HADDON STOREY (East Yarra Province), the debates were adjourned.

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

MAGISTRATES' COURT (CONSEQUENTIAL AMENDMENTS) BILL

This Bill was received from the Assembly and, on the motion of the Hon. E. H. WALKER (Minister for the Arts), was read a first time.

The Hon. E. H. WALKER (Minister for the Arts)—I move:

That the Bill be printed and that the second reading be deemed to have just occurred.

The motion was agreed to.

On the motion of the Hon. R. I. Knowles, for the Hon. HADDON STOREY (East Yarra Province), the debate was adjourned.

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

COGNATE DEBATE ON BILLS

The Hon. E. H. WALKER (Minister for the Arts)—By leave, I move:

That this House authorises and requires the Honourable the President to permit the second-reading debates on the Magistrates' Court Bill and the Magistrates' Court (Consequential Amendments) Bill to be taken concurrently.

The motion was agreed to.

PUBLIC SERVICE (AMENDMENT) BILL

This Bill was received from the Assembly and, on the motion of the Hon. D. R. White (Minister for Industry, Technology and Resources), for the Hon. E. H. WALKER (Minister for the Arts), was read a first time.

For the **Hon. E. H. WALKER** (Minister for the Arts), the Hon. D. R. White (Minister for Industry, Technology and Resources)—I move:

That this Bill be now read a second time.

The Bill provides a chief administrator with power to direct an officer to perform other duties temporarily or to take leave of absence with pay pending investigation and formulation of a possible charge. Suspicion alone is not a sufficient ground to charge an officer with a disciplinary offence. It is often necessary to conduct an investigation to ascertain whether there is sufficient evidence to form the basis of a charge. The power to direct an officer to perform other duties or to take leave of absence with pay in such circumstances is necessary to provide for cases in which this might remove potential danger to clients or other staff of an agency or an impediment to an investigation.

To meet concerns that the officer concerned should not be relieved of normal duties for longer than absolutely necessary, the Bill requires a chief administrator to decide within a reasonable time whether to proceed to the next step in the process, that is, giving the officer an opportunity to make an explanation before charging the officer with what appears to be an offence. The Bill also requires that a chief administrator must reach a decision within a reasonable time on whether charges should be laid. The use of this provision and guidance on what is reasonable will be dealt with in guidelines to be issued by the Public Service Board following consultation with the approved staff associations.

As honourable members will be aware, this matter arises from a recent case within Community Services Victoria and needs to be dealt with in this sessional period. The government believes natural justice is not being denied by this process. Indeed, this method will enhance the capacity of the employer to deal in a just fashion with the rights of the employee while considering a case where there is prima facie evidence of misconduct.

By this process, the government believes that the interests and career paths of officers are best protected so that an officer is not seen to be continuing to perform duties in an area where he or she may have been guilty of an offence.

I commend the Bill to the House.

On the motion of the Hon. R. I. KNOWLES (Ballarat Province), the debate was adjourned.

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

FIRE AUTHORITIES BILL

The debate (adjourned from the previous day) on the motion of the Hon. D. R. White (Minister for Industry, Technology and Resources) for the second reading of this Bill was resumed.

The Hon. B. A. CHAMBERLAIN (Western Province)—The Bill makes miscellaneous amendments to the Country Fire Authority Act, the Emergency Management Act, the Metropolitan Fire Brigades Act, the Summary Offences Act, the Transport Accident Act and the Victoria State Emergency Services Act. It deals with a number of technical amendments, and I do not propose to canvass all the issues because they have been well canvassed in another place.

Clause 3 of the Bill amends the definition in the Country Fire Authority Act of a "volunteer officer or member". A problem has arisen because of the work that is being carried out by urban fire brigades on the servicing of private fire appliances. In the City of Hamilton no commercial operation services fire appliances, fire extinguishers and so on; that service is carried out by the local fire brigade on a fee-for-service basis. I am unsure what happens with that fee in that case. In some areas the revenue goes to the fire brigade; in other areas there is an informal arrangement for the splitting of the fee between the officers who carry out the work and the brigade itself. That servicing often involves a lot of work by fire officers at weekends or during the evenings, and it is beyond the scope of the normal work of a volunteer to be recharging fire extinguishers and so on. Naturally, they want some recompense for the work that is beyond the normal voluntary work requirement.

Some concern has been expressed that by accepting money they become no longer volunteers, and that has a number of implications as some brigade officers have other occupations. The Bill inserts in the definition the following words:

> . . . other than any remuneration for services provided in the course of his or her trade, profession or calling unless that trade, profession or calling is the suppression or prevention of fires or the provision of assistance at an accident or emergency not involving a fire.

The Liberal Party will vote against the amendment because the question of payment to volunteers cannot be ignored. The government should examine what is happening and introduce legislation which caters for that situation. However, those changes should be arrived at after full consultation between the volunteers and the other bodies concerned. The Liberal Party has been instructed by the Victorian Urban Fire Brigades Association that that has not happened. Consequently, because there has been no consultation, the Liberal Party will vote against that provision.

Other aspects of the Bill are important, particularly in regard to who should pay for road accident services rendered by the Metropolitan Fire Brigade, the Country Fire Authority and the State Emergency Service, and the Bill provides for those services to be paid by the Transport Accident Commission.

Of concern to the Victorian Rural Fire Brigades Association is the constitution of the Country Fire Authority and the increase in size from twelve to thirteen members. The association is concerned because last September the Minister advised the association that there would be no change in the structure of the authority, yet the Bill proposes such a change. Because of that change of heart by the government without consultation, the Liberal Party will oppose that provision. The Bill is an omnibus measure that has been canvassed adequately in another place.

The Hon. R. M. HALLAM (Western Province)—Over recent years Parliament has debated a range of amendments which have affected the operation, administration and the funding of Victorian fire and emergency services, and that includes the Metropolitan Fire Brigade, the Country Fire Authority and the Victoria State Emergency Service. The Bill is simply another chapter in a process which is designed to achieve greater operational efficiency and managerial competence, and a greater degree of equity in the funding base. The National Party is happy to support the Bill with a number of minor exceptions to which I shall refer.

I have a personal interest in the Bill in that I have been a registered volunteer fireman for many years and, most recently, with the Grange Rural Fire Brigade situated in western Victoria. That brigade is unique in that it is a rural brigade located within the boundaries of the provincial City of Hamilton. The brigade has no dedicated territory; it does not even have a fire shed, but it does have an up-to-the-minute fire tanker, a very capable officer structure and dedicated firemen. Because it has no territory it is treated as a spare, a first line of defence. The Grange Rural Fire Brigade has a high call-out rate, something of which we are proud and are keen to maintain.

We suspect that, if it were not for that call-out rate, the brigade would face the chop by the Country Fire Authority; that would be a shame. Some months ago, in the company of Mr Chamberlain, I was able to hand over the latest fire truck worth approximately $60 000 to the Grange brigade.

To give credit where it is due, the Cain government has been supportive of the rural brigades in terms of capital equipment. I have had the pleasure over recent times of handing over several of those vehicles to brigades in the area I represent. On the other hand, in terms of volunteerism the government has a great deal to learn. It has, in many cases, shown quite clearly that it does not appreciate the true worth or the true nature of volunteerism. In that respect it is pertinent to note that we have approximately 80 000 volunteer firemen throughout Victoria, and they are absolutely crucial to the efficiency of our firefighting services and, indeed, to our entire emergency services.

When the present government came to office it nailed its intent clearly to the mast because it set about achieving an amalgamation of the two arms of our fire services—in other words, an amalgamation between the Metropolitan Fire Brigades Board and the Country Fire Authority. It meant the marriage of the professional service and the volunteer service.

At the time the National Party was sceptical and critical of the move because it saw the inevitable outcome as being the demise of the volunteer services as we know them. Since then, any moves by the government have been met, quite understandably, with some cynicism, and that is a real pity because it has put the government behind scratch in its quest for greater efficiency of the firefighting services. It has also put the government behind scratch in one other area—namely, that of the quest for a nore equitable funding base for those emergency services.

It is quite clear that the existing basis of funding for our emergency services is flawed badly in one respect, and that is that it relies heavily on our insurance premiums. That may seem to be a fair method on the surface, but the fact remains that those emergency services are providing protection to those who do not insure and those who underinsure. That is a fundamental flaw and the government should set about finding an alternative.

The alternative in vogue at one stage was to tack on funding based on municipal rates. Although that was heavily promoted as the alternative and although it did address the problem existing in the current system, it was also flawed because it did not take into account the difference in the extent to which various areas in the State could be fire prone. Those residing in, say, western Victoria where the dry grass cover

is heavy were prepared to accept the charge, but their equivalents throughout the Wimmera and Mallee saw it as unfair because, while the crops would burn in the last cycle of the cropping season, at the height of the fire season most of those crops would have been stripped and would therefore be a lesser risk.

On top of that, up to a third of those areas would be in the form of fallow—probably the best firebreak available. So that is the sort of background on which authorities sought a change in the funding base, and I became involved in that, as did Dr Alan Griffin, who happens to be in the Chamber today.

The Bill has several important but separate effects, and I should like to go through them briefly: the first one was mentioned by Mr Chamberlain and it concerns the definition of a volunteer as it applies to an officer or member of a fire brigade.

The amendment allows for officers or members to be paid for any work which is quite distinct from their usual role with a brigade, and clarifies and overcomes any technical breach of their volunteer status which that payment would otherwise cause. I see several instances where the expansion of the definition would be important.

One of my best friends happens to be the captain of the brigade to which I belong and he also happens to be a builder. He has spent some time building fire sheds throughout the region, and if we are fortunate enough in that brigade to acquire a fire shed—and I hope Dr Griffin takes the need for that shed on board—I am sure that the captain of our brigade will be heavily involved in the erection of the shed. Therefore, in a tactical sense the Bill is saying that we will overcome any technical problem in that respect.

However, the Victorian Urban Fire Brigades Association is sensitive about any change in respect of volunteerism and the government could well take note. The association states that there is the possibility, at least, of something much more sinister in a change to the definition of "volunteer". In the circumstances outlined by Mr Chamberlain, where in some instances a brigade quite properly offers a payment of some sort to volunteers undertaking quite private fire appliance work, where they become by its very nature semi-professional, I see grave dangers and I understand why the government has been lobbied to push for this definition because the United Firefighters Union is jealous of its position in the industry, and I understand why it would be keen to avoid having that role eroded in any way.

I understand that point, but what we are really talking about is part-time jobs—seasonal jobs where members of the brigade undertake private work in the service of appliances, and in most cases, and certainly the ones with which I am most familiar, there is no alternative service available commercially. In addition, I would want to make it clear—and it is an important point—that that work brings in a substantial proportion of the funds derived by the brigade.

Some brigades rely heavily on the funds so generated. In other words, there will be a contract, say, to service the private facilities within a district, and the person undertaking that on behalf of the brigade may earn a small percentage of the fees charged, with the rest going to the brigade. That is used by the brigade to fund a whole range of things, and if that work were not available those funds would be required from somewhere else, so we understand why the Victorian Urban Fire Brigades Association is sensitive about what it sees as an attack on the concept of volunteerism.

It saddens me in this debate that the whole issue reverts to the lack of consultation. I find that quite incredible because, after all, I go back to the central issue and that is that the volunteer firefighter is the absolute backbone of our service and yet the Minister simply ignores those who are providing that valuable service. It is an absolute insult that the Minister did not talk to the volunteer sector to find out what their view

was on the change in the definition of "volunteer". It is on those grounds that the National Party will support the Liberal Party in seeking to defeat the change in definition.

One of the other important aspects of the Bill is the extent to which it goes to the proclamation of fire restriction periods. For many years Victoria has introduced fire restrictions over the peak fire season. That is a three-tiered system. It has an underlying base of requirements of conditions under which fires may be lit, the extent to which the area must be cleared and so on. They are standing restrictions. Over and above that there is a permit system where an individual can apply to the authorities for relief from those restrictions. The top tier relates to proclaimed fire danger days.

The community understands only too well that variations in fire risk can determine much of the day-to-day activities of those who are at the forefront dealing with that risk. One can see the local fire truck, still parked within the fire station but with its doors open and its petrol tanks full; everything is ready to go. Farmers have their respective private units headed in the right direction and they work in proximity to them on days of critical fire danger.

In recent years variations have been made across the State which take account of the differences in seasonal and weather factors that apply to individual areas. Restrictions are determined and introduced as they apply to a particular geographic region. Those restrictions are determined by the Minister for Police and Emergency Services in consultation with the Minister for Conservation, Forests and Lands. That has been the system for some time, and, in some instances it has led to administrative delays. Delay is critical at the end of the fire season. It might cause enormous implications particularly for those involved in burning off processes and cropping cycles because the loss of one or two days may see a change in season.

The Bill shifts the administration and the notification of those proclamations one step down the tier. The Bill provides for the Chairman of the Country Fire Authority in consultation with the Director-General of the Department of Conservation, Forests and Lands to be responsible for that administration. It is hoped that that will speed up the decision-making process and its announcement.

An associated issue is the matter of the announcement of the decision. Currently the decision is published in the *Government Gazette,* but that has caused some problems because the gazette is not published over the Christmas and Easter breaks and is not readily available to the persons interested in the announcement. The Bill does not take up the matter put by the CFA that an announcement should also be published in a locally circulating newspaper. I suggest the *Sun* would be an appropriate newspaper for the publishing of the announcement. I hope the Minister will take that matter on board. The communication of the decision is important.

The Bill provides for an amendment to the structure of the CFA to expand its membership from twelve to thirteen members specifically to include a member elected by the officers and employees of the authority. The National Party has no objection to the general concept of staff being involved in the administration and management process. It concedes that in general terms that provides a conduit by which employees' concerns can be channelled to management. The National Party concedes the provision brings a different and fundamental perspective to the decision-making process, but in this instance it is not prepared to support the shift. I shall explain why my party has come to that decision.

Last September the Minister for Police and Emergency Services gave an undertaking to the Victorian Rural Fire Brigades Association in which he said:

> The government has no plans to change the structure of the Country Fire Authority.

Significantly, that undertaking was given immediately preceding the last State election, and now—not many months later—the Bill is seeking changes to the Country Fire Authority. In response to the Minister, Mr Baxter, president of the association, said:

> In view of the exceedingly short notice given for this provision in the Bill, and its highly contentious nature, I would respectfully request that it be withdrawn.

Mr Baxter considered that the integrity of the Minister was in tatters. The association feels strongly about the situation, in that not only has that clear undertaking been breached and the association not been consulted about a fundamental change but also because of a much broader fundamental concern: the CFA was established initially as a support mechanism for volunteer firefighters in this State. That is why it was established and that is what its role should remain. Yet at almost every turn the voices of volunteer firefighters are being diluted. Volunteer firefighters believe they are losing ground. They are being overrun by the professional firefighters.

The volunteers have a membership of two on the authority when the authority is in fact constituted by a membership of twelve. They have already a minority voice and in this instance that voice will be smothered even further. On those grounds the volunteers are irate. They are disappointed that the Minister has gone back on his word to promote an expansion of the authority. The National Party will oppose the clause on that basis.

The explanatory memorandum says that the Bill resolves uncertainties in respect of the control of firefighting operations. That facet of the Bill does not rate a mention in the Minister's second-reading speech but it is of vital importance. Where there are two authorities involved with responsibility for fire control, it is crucial that the relationship between them and the distinction in responsibility is beyond doubt. In circumstances where minutes count in the effectiveness of response, particularly on a day like Ash Wednesday, the last thing that should occur is vacillation, indecision or lack of clarity, or any dispute over authority. That could be catastrophic. Those problems have occurred in some locations in the outer metropolitan area, but at long last that matter has been addressed by the Bill. I fervently hope that what is outlined in the Bill will minimise the duplication and confusion and any interorganisational rivalry which has blighted some aspects of the service in the past.

In 1988 the Country Fire Authority (Amendment) Bill empowered the authority to manufacture and sell a range of firefighting equipment. The change on that occasion was primarily to protect a contract which the authority had to supply major appliances to a South Australian firefighting authority. The National Party has no problems with that concept of the authority selling some of its specialist equipment, which has an enviable reputation for its design and construction. However, several of my colleagues were concerned about giving the authority carte blanche to compete with other suppliers in private enterprise of such things as fire extinguishers. The Bill amends that provision and it provides that any sale should be restricted to the brigades within the authority's own structure or to articles which are not otherwise commercially available.

I understand why the government would want to shift back to that situation but I suggest that to restrict it by saying that it could relate only to articles which are not otherwise commercially available is too restrictive, because, in the first place, I am not sure that anybody could define what constitutes "commercially available". Does that mean we search the world to find out whether those articles are available overseas? The question arises as to who establishes whether they are commercially available. The alternative I put forward is one which has been framed by the Victorian Rural Fire Brigades Association which adds the tag "with Ministerial consent". In other words, we would allow the authority to continue with the supply of such equipment notwithstanding that it may be available from an alternative source if the Minister

were prepared, in the light of the circumstances prevailing at the time, to give his consent to that commercial activity. That is a very practical suggestion and represents a reasonable safety net. I would urge the Minister to take it on board and perhaps give me a response.

The Bill should remove any doubts about the entitlement of emergency service workers to compensation in the wide range of operational activities. That is one of the matters that has been of some concern over a long period and I draw attention to that aspect of the Bill.

Mr Chamberlain pointed out that the Bill also outlines the situation arising in respect of the cost of road accidents. These will now be recoverable from the Transport Accident Commission and not from the motorists whereas other emergency services will remain free of charge.

One other aspect that has not been mentioned is the fact that we are extending the borrowing limit available under the Melbourne Fire Brigades Act. The limit currently is $20 million. This Bill proposes to double that to $40 million, which is a substantial increase. I have taken on board the explanation for that increase and indicate that the National Party is happy to support it.

The emergency services is this State provide a very valuable protection to our community. It is on those grounds that the National Party is happy to support a Bill that expands the roles of those services.

The Hon. R. A. MACKENZIE (Geelong Province)—I speak in support of the Bill for the purposes outlined in the second-reading speech. I listened with great interest to what Mr Hallam said and I agree with him that there are anomalies in funding. It was always hoped by the government, when it was in opposition, that it would be able to alter even more drastically the funding arrangements for emergency services so they could be funded directly from consolidated revenue rather than from the insurance levy, which creates an impost on insurers. Also, it is inequitable that people who are not insured still receive benefits in emergency situations in the same way as those who are insured. The government must come to grips with that but it still has not found the magic formula. However, there must be a better way of funding.

Although I agree with Mr Hallam in that regard, I disagree with him in another matter. He was perpetuating the old furphy about the amalgamation proposed in the early 1980s by the present government as being a means to bring about the demise somehow of the Country Fire Authority. I was part and parcel of that decision and it was always my understanding at the time that it was simply an administrative matter whereby the amalgamation of the administrative centres of the CFA and the MFB could have brought about considerable savings and more efficiency.

Unfortunately, some officers of the authority felt threatened and went around the State putting forward the idea that it would spell the demise of the Country Fire Authority volunteers. This was picked up by some of Mr Hallam's colleagues and by both the opposition parties, and it spread like wildfire through the countryside, so much so that it was impossible for the government to reason its way out of it, so it never occurred, and I am sorry that it did not because it would have provided a stronger service.

Apart from that, I think everyone in this House and most Victorians have a great respect for the Country Fire Authority, the emergency services and the volunteers. We have a system in Victoria which is the envy not only of the other States but also certainly of other countries. It is amazing when one realises that in country areas we rely entirely on unpaid volunteers to do the great bulk of the emergency work. I do not think they receive sufficient recognition for the contribution they make.

I refer to the State Emergency Service. In some ways the service is the cinderella of the emergency services. The service is starting to increase its role in the community and I can speak of the three units in my electorate, which have a total manpower of 367. Last year they were involved in something like 219 emergency situations involving approximately 4300 man-hours. One can imagine what that would have cost the government if translated into dollars. That is just the monetary side of it. The excellent work done with the jaws-of-life machine in road accidents has resulted in many people being alive today whereas they may otherwise have perished.

It is a tragedy, therefore, that volunteers who do such important work are not provided with even the basics, in some cases, of what is required. For instance, in Geelong there is a serious deficiency of protective clothing. The 300-odd volunteers need 160 pairs of protective boots and there is a need for foul-weather jackets, trousers, goggles, gloves—all the basic essentials which are not provided. We seem to be getting emergency services on the cheap. I ask the Minister to take that issue on board.

There is a need for more support and for more recognition of the volunteers in all the services. Anyone who has had the privilege of working with them, as I did in the Ash Wednesday situation where the officers and staff of the Department of Conservation, Forests and Lands worked very closely with the Country Fire Authority and throughout that awful summer, knows that the cooperation between those two bodies is something that has to be seen to be believed.

Friction occurs from time to time, and that is natural. But, by the same token, the extent of the operations that were carried out on Ash Wednesday and the work that those services did during that period—of course, professionals from the Police Force, the Army and other units were also involved—has to be seen to be believed.

It should also be remembered that many of those Country Fire Authority volunteers left their farms and homes and, in many instances, travelled quite long distances across the State only to find while fighting those fires that their own homes were under threat. Often these people were hundreds of miles from home and it must have been a great strain on them to hear reports that their own homes were threatened. The pressure on those people during the fire season is incredible. There is also a terrible strain on the spouses and families of the firefighters, especially at times like the Ash Wednesday bushfire. When the husbands answer the call and go to the fire station and the truck disappears, many wives do not know whether they will ever see their husbands again. Of course, on Ash Wednesday, quite a few families of firefighters never saw them again.

Debate on a Bill about emergency services always offers an opportunity of raising these matters. I do not believe the emergency services are given sufficient recognition. We take them for granted, both as individuals and as a Parliament. I hope the government will take on board some of the points I have raised about the necessity to provide for just the barest essentials in equipment and that it will consider a more equitable way of funding the volunteer services.

I shall listen with interest to the proposals put in the Committee stage. I support the Bill.

The Hon. G. B. ASHMAN (Boronia Province)—My comments on the Bill will be very brief because Bills amending fire and emergency services legislation are generally housekeeping measures.

It is interesting to note that so far the debate has focused significantly on the Country Fire Authority. That is not surprising given that the authority is probably the greatest voluntary organisation that the State has ever seen. I am sure none of us would expect the authority not to continue as one of the great community groups in this State.

Several concerns have been raised with me by officers of my local Country Fire Authority units. The provision that worries them most at this stage is clause 3, particularly as it relates to the definition of a volunteer officer or member. Mr Chamberlain covered the situation in Hamilton and the way in which the volunteer members service appliances in that area.

There are a number of urban brigades in the Knox area. The area has changed over the past twenty years, and it now has a very substantial industrial area. Therefore, the servicing of appliances is one of the brigades' major activities. That activity is increasingly being taken over by paid staff; in other words, the brigades are actually employing people to carry out the servicing of those appliances.

The revenue that is raised from such servicing is quite important to the functioning of the brigades. They are able to purchase trucks, the jaws-of-life equipment, radios, additional pumps and a whole range of equipment with those funds. Therefore, it is extremely important that the local brigades retain the right and the ability to service the appliances and that all the funds they generate from that activity are ploughed back into the local brigades so they can service their own communities.

I refer now to the manufacture and sale of firefighting equipment. That has already been covered in this debate, but it is worth noting the industry within Victoria that services the needs of industry and commerce with such equipment. It would not seem appropriate for the Country Fire Authority or any other government authority to engage in the manufacture of such equipment and compete with the private sector in the marketplace when organisations already exist that are able to service those needs.

I suggest the entrepreneurial activities of the various authorities covered in this Bill should be curtailed and restricted to the provision of services directly related to their activity. Certainly the State Emergency Service could use an injection of funds. The local SES group in my province is substantially supported by the local council. Very little government funding goes towards that organisation. Therefore, any amount that the organisation can raise is a bonus, and that money also goes back into the purchase of equipment that is used to service the local community.

I have already covered the concern about the definition of a volunteer officer or member. I understand some amendments will be proposed in Committee to cover that matter.

The Hon. R. S. de FEGELY (Ballarat Province)—This is an area in which I have had considerable interest over many years. Having been associated with the Country Fire Authority since about 1945, it is obvious that I have had much involvement with it.

Generally speaking, I believe the Bill picks up a number of areas, provision for some of which is long overdue. As other honourable members have pointed out, the Opposition has some concerns about portions of the Bill and, in particular, the provision dealing with volunteerism, which is threatened if written into legislation in the form in which it appears in clause 3 (2). I do not wish to elaborate on that because Mr Hallam and other honourable members have already touched on the subject.

However, I have received representations from particularly the urban fire brigades in my province, which have been very active in looking after equipment, especially fire extinguishers, in various towns and cities. The people from Ballarat and Sebastopol approached me with their concern that the money-raising that had been occurring for many years in their area may no longer be available to them.

The Country Fire Authority believes it is imperative that volunteerism continue. It is something on which the fire service in Victoria has been based. It is unique in the

world as a fire service, and under no circumstances should we allow that to be threatened.

I am particularly pleased that the system of declaration of fire danger periods and the lifting of those proclaimed periods has been changed. Lifting of the declaration has caused much concern to people in the country; it has inconvenienced Victorians for many years. I think Mr Hallam referred to this aspect, but circumstances in Victoria arise during the summer when thunderstorms may occur, thereby producing an early autumn growth and making it very difficult for the farmers to clear the paddocks to allow them to put in crop the following year. In the past they have had to wait to have the proclaimed fire danger period lifted, and it has been a cumbersome process.

The situation is improved through the provisions of the Bill because it is to be the responsibility of the Chairman of the Country Fire Authority and the Director-General of the Department of Conservation, Forests and Lands to make that decision. That should certainly accelerate the process, and I am sure the change will be well received in all areas.

Changes have been made to allow the Country Fire Authority and the Metropolitan Fire Brigades Board to provide rescue services. This suggestion may not be met with favour by members of the State Emergency Service who may consider it to be an intrusion into their area; they may well feel threatened by that move. However, problems have occurred in recent times because a number of CFA brigades provide similar services.

A serious problem occurred recently in the Shire of Melton, which is just outside my province but is within the jurisdiction of State Emergency Service personnel from Ballarat. The Minister had a problem in endeavouring to clarify the situation. There was much disappointment among the SES personnel because the Minister came down on the side of the CFA and allowed that organisation to continue its service.

Sadly, there has been antagonism between the two units. I live in an area where three SES units work in complete harmony with the CFA, at Stawell, Ballarat and Ararat. They provide a magnificent service. I should hate to think that at any time in the future those activities could be threatened.

I was pleased to note that the problem of compensation has been addressed in the Bill. Some speakers have mentioned the arrangements made for funding fire and emergency services. In past years there was almost total funding through insurance cover and the insurance companies. A landmark decision was made after the Streatham fires in the 1960s, declaring that if a person's property was destroyed in a disaster or by a fire that was declared a State disaster, that person would be assisted by the government. Many people in the farming community took that decision on board and a number took the risk of not insuring their properties. Consequently, insufficient funds were obtained from insurance companies to cover the costs of the emergency services.

Those who did not insure were abrogating their responsibilities in respect of being burnt out in a future disaster. Should a similar situation occur, I can envisage people who have been affected having problems obtaining compensation. At Woodend a recent incident led to the local water board facing a significant payout to people whose properties were destroyed in a fire in that region. Many were not insured. There needs to be a return to the situation where people accept their responsibilities; the best method is to ensure that people cover themselves against such disasters.

The Liberal Party intends to move an amendment during the Committee stage in connection with volunteerism. It does not oppose the Bill because many of its provisions are long overdue.

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 and 2 were agreed to.

Clause 3

The Hon. R. S. de FEGELY (Ballarat Province)—On behalf of Mr Chamberlain, I move:

1. Clause 3, line 2, omit "(1)".

The amendment is consequential on the Liberal Party's second amendment.

The CHAIRMAN (the Hon. K. I. M. Wright) —Order! Mr de Fegely may canvass his argument on the second amendment.

The Hon. R. S. de FEGELY—The second amendment relates to section 3 (2) of the Act to which I referred earlier with regard to volunteer officers or members. The provision is a threat to volunteerism, which is the lifeblood of rural fire brigade service. It appears to be a threat to the opportunity for members of the those brigades to earn money through services provided to the community by members in their own time. The funds in the past have been useful in enabling rural and urban fire brigades to function.

The amendment provides a means of saving either the local or State government providing the additional funds which would be required to run those fire brigades. It relates to a matter of self-help and the Liberal Party would hate to see that come under any threat.

I foreshadow amendment No. 2 standing in my name, which would omit subclause 3 (2). If the Committee votes against the adoption of that subclause, this amendment will have to be accepted.

The Hon. D. R. WHITE (Minister for Industry, Technology and Resources)—I respect the fact that Mr de Fegely has been associated with the Country Fire Authority since 1945 and obviously has had a longstanding commitment to the authority.

The more substantial argument has been advanced in Mr Ashman's contribution. He said that in his electorate people were employed on a full-time basis by the CFA, which is a contravention of the current legislation. The proposal is designed to meet that very point. If the Committee were to omit clause 3 (2), as proposed by the foreshadowed amendment, the impact would be that the activities to which Mr Ashman has referred as legitimate activities conducted in his electorate by the CFA for the purposes of employing people on a full-time basis on some industrial estates would remain illegal.

Instead of inviting the Committee to vote against the subclause, the Opposition should have given consideration to inserting into the Bill a replacement subclause which would deal with the matters to which Mr de Fegely's foreshadowed amendment relates and about which Mr Ashman has spoken.

The Opposition's foreshadowed amendment will not overcome the problem which Mr Ashman has referred to correctly, but will perpetuate it. Mr Ashman has introduced and identified the issue and the government is trying to meet the needs of the problem.

The government's proposals may not be appropriate in the eyes of the Opposition, but Mr Ashman's matter will not be addressed through the foreshadowed amendment.

The Hon. R. M. HALLAM (Western Province)—The Minister's comments underscore the dilemma that I face. While I see that the expansion of the definitions in clause 3 would capture some of the instances about which the National Party was concerned, it is apparent that the clause might open the door to the reverse in other instances. The problem I have is how to react to the proposal of the Liberal Party.

I consulted as widely as I could, given the time honourable members had for consultation. I repeat the comment I made during my contribution to the second-reading debate: the pity of this is that there has simply been no consultation. If honourable members had been given time, I am sure that what Mr de Fegely seeks to achieve in his foreshadowed amendment would have been captured; the issues to which the Minister has referred could have been addressed. The problem is that in the time available to honourable members such a process was not possible.

I lay the blame for that squarely at the feet of the Minister for Police and Emergency Services. If he had been responsible and recognised the value of the volunteer firefighters, he would have gone and spoken to the organisations representing those volunteers. They are the people raising the concerns expressed by Mr de Fegely.

The pity of it is that honourable members are skirting the issue when it could have been so simply resolved with good manners. As I said, the Minister for Police and Emergency Services should have gone to the people directly involved. It is sad that the National Party has to go in to bat on something which is a half-baked compromise.

The amendment was agreed to.

The Hon. R. S. de FEGELY (Ballarat Province)—I move:

2. Clause 3, lines 18 to 24, omit sub-clause (2).

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 4 to 8.

Clause 9

The Hon. R. M. HALLAM (Western Province)—I invite the Committee to vote against this clause. Clause 9 relates to the matter I raised during my contribution to the second-reading debate, the constitution of the Country Fire Authority. I shall not canvass all the arguments I put on that occasion. For the reasons I outlined then, the National Party is adamantly opposed to expansion of the authority. Such expansion will result in a further dilution of the influence of volunteers.

I repeat the view of the National Party: volunteers represent the backbone of our emergency services. If they feel they are threatened by an expansion of the authority, the Minister for Police and Emergency Services owes them the courtesy of at least consulting with them beforehand. It is also the Minister's responsibility to address the issues raised by the volunteers. They were clearly expressed, and indicated that the volunteers did not want an expansion of the authority if it resulted in a further dilution of their input into the decisions made by the authority. On those grounds, the National Party will vote against the adoption of clause 9.

The Hon. D. R. WHITE (Minister for Industry, Technology and Resources)—During the second-reading debate and while the Bill has been in Committee, two arguments have been made in opposition to clause 9. After the National Party indicated a willingness to support the notion of employee representation on the Country Fire Authority and said that it viewed the concept as a good one and that it ought to be applied to the authority, it rejected the clause on two grounds.

Mr Hallam invites the Committee to vote against the adoption of clause 9 because of an alleged commitment not to make any major legislative change to the principal Act. The spirit in which that commitment was made was the notion that a major structural change might be made to the authority, which the clause does not make. Clause 9 is simply a reflection of what the government has done with success in a number of other major authorities. The argument now being put is a further argument, that the provisions of the clause do not meet the expectations Mr Hallam believes are held by volunteers.

The government maintains that this important concept has worked well in other authorities. The arguments presented by Mr Hallam are a rationalisation; they are not substantial arguments on the spirit of the clause or the principle on which it is based. Sufficient argument has not been led for the government to acknowledge the points made by the National Party. Therefore, the Committee should adopt clause 9.

The Hon R. S. de FEGELY (Ballarat Province)—In September last year honourable members were given assurances by the Minister for Conservation, Forests and Lands that no changes would be made to the structure of the Country Fire Authority. Members of the Liberal Party can see no good reason, in spite of what the Minister for Industry, Technology and Resources has said, to amend the principal Act. Therefore, the Liberal Party will support the National Party.

The clause was negatived.

The remaining clauses were agreed to.

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

WHEAT MARKETING BILL

This Bill was received from the Assembly and, on the motion of the Hon. E. H. WALKER (Minister for the Arts), was read a first time.

CREDIT (AMENDMENT) BILL

This Bill was received from the Assembly and, on the motion of the Hon. E. H. Walker (Minister for the Arts), for the Hon. M. A. LYSTER (Minister for Local Government), was read a first time.

The Hon. E. H. WALKER (Minister for the Arts)—I move:

That the Bill be printed and, by leave, the second reading be made an Order of the Day for later this day.

The Hon. R. A. MACKENZIE (Geelong Province)—Leave is refused. In explanation to the House and to the Leader of the House: earlier today I received several telephone calls from officers of some of the credit unions in my province, who informed me that they were very concerned about the Bill and asked me to speak against it. They said they did not want the Bill to be passed during this sessional period, but to lie over until at least the spring sessional period. That is why I have refused leave.

After discussing the matter with the Minister for the Arts, I withdraw my refusal.

The motion was agreed to.

CONSTITUTION (SUPREME COURT) BILL

The Hon. E. H. WALKER (Minister for the Arts)—I move:

That this Bill be now read a second time.

The Constitution (Supreme Court) Bill clarifies the occasions on which legislation must be passed by an absolute majority of both Houses of Parliament.

Section 85 of the Constitution Act 1975 confers jurisdiction on the Supreme Court in all cases whatsoever and makes it the superior court of Victoria with unlimited jurisdiction. The Constitution Act 1975 section 18 (2) (*b*) requires a Bill that alters or varies section 85 of the Constitution Act to be passed on second and third readings in both Houses by an absolute majority of the whole number of members.

Since December 1975 a considerable number of Bills have been passed which contain provisions which confer judicial jurisdiction, power and/or authority on various statutory boards and tribunals. Pursuant to Standing Orders of Parliament, some of these Bills have been endorsed as having been passed by an absolute majority and some have not been so endorsed. Without the endorsement, it is difficult to establish beyond doubt that a Bill was passed by an absolute majority. The presence or absence of the endorsement is of course a matter of procedure rather than substance.

However, the issue which is apparently causing some confusion and argument is whether a provision which confers jurisdiction, power or authority on a board or tribunal thereby repeals, alters or varies the jurisdiction of the Supreme Court. Since 1975 governments have assumed as a matter of interpretation that it does not. Consequently Bills containing such provisions have not necessarily been passed by an absolute majority.

In recent weeks, doubts have been cast on that assumption as a result of applications for injunctions based on attacks on the constitutional validity of particular Acts.

In order to remove any ambiguity or confusion in regard to the extent to which the jurisdiction of the Supreme Court is affected by provisions conferring jurisdiction on statutory bodies, both retrospectively and prospectively, the government proposes that the Constitution be amended in the following way:

> Bills which have any provision which expressly excludes the jurisdiction of the Supreme Court, which expressly refer to section 85 of the Constitution Act and which are passed by an absolute majority of both Houses of Parliament will exclude the jurisdiction of the Supreme Court to the extent stated in the provision; and
>
> Bills which have any provision which expressly or by implication excludes the jurisdiction of the Supreme Court but which either do not expressly refer to section 85 of the Constitution Act or are not passed by an absolute majority will not affect the jurisdiction of the Supreme Court.

In these instances the provisions will have the effect of conferring jurisdiction on the statutory body which is additional to the continuing jurisdiction of the Supreme Court. Consequently any Bill containing such provisions will not be rendered void because it was not passed by an absolute majority.

I commend the Bill to the House.

The Hon. HADDON STOREY (East Yarra Province)—The Leader of the House has explained the reasons for the Bill. It is clear that a Bill is needed to overcome the problems that have been outlined. However, it is one thing to say that a Bill is

required; it is another to determine what should be included in that Bill. The Opposition has grave reservations about the drafting of the Bill and believes it should be redrafted.

Over the past couple of weeks since the Bill was introduced, there have been numerous meetings between representatives of the three parties and representatives of the people involved in the cases that brought the problem to light. Two nights ago Mr Baxter and I had a meeting where at least three Queen's Counsel expressed views on the drafting of the Bill.

I am aware that the Minister for the Arts will move certain amendments during the Committee stage. Rather than canvass the details of the Bill now, I shall reserve my comments on clauses until the Minister proposes his amendments.

The Opposition certainly agrees that a problem exists and that it should be corrected, but it has distinct reservations about the Bill as it is drafted, and it will probably still have reservations even after the amendments are moved. The Opposition believes it is the government's responsibility to deal with the problem. It is not satisfied that the Bill is satisfactory, but the Opposition will not delay it.

The Hon. W. R. BAXTER (North Eastern Province)—This is a serious matter, there is no doubt about that. It goes to the Constitution of Victoria, the pinnacle of our democracy and the principal statute from which the structure and authority of government in this State derive. It should not be taken lightly, and I am not suggesting that the Minister for the Arts and Mr Storey are taking the matter lightly. However, I am not certain that can be said of all our colleagues, especially judging by some of their earlier remarks, although they may now have changed their minds.

In some of his early public statements on the matter, the Minister for Planning and Environment in the other place took a light view of the importance of the Constitution of this State. He said that there had been some apparent oversight by Parliament in not passing legislation by an absolute majority and that the breach of the Constitution was a mere technicality.

I am unable to subscribe to that view. Any action, deliberate or otherwise, that breaches the Constitution is a serious matter and should not be taken lightly. Any measure to overcome that deficiency should be well considered. I am certainly not opposed to overcoming the deficiency and I shall press hard for it to be overcome during this sessional period.

Despite all the negotiations in an endeavour to reach a form of words to overcome the deficiency, the matter has still not been resolved. The amendments to be put by the Minister during the Committee stage represent a compromise and are certainly not final; more work will need to be done. For the Parliament not to have taken some action this sessional period and for the Bill to have been held over to the spring sessional period would have left uncertainty in the community and could have exposed various parties to action in the Supreme Court, which would have done no-one any good.

I first became aware of this matter on 13 April when an attendant brought to me the customary card honourable members receive when someone comes to Parliament to visit them. This card was from Mr Michael Hutchison, a citizen of Glen Iris, of whom I had not heard before. On the back of the card he wrote:

> Dear Mr Baxter, I wish to speak to you as soon as possible in regard to imminent retrospective legislation re: Planning and Environment Act. This matter is of great urgency and if it would be possible to speak to you I would appreciate it.

Mr Hutchison provided me with his telephone number and other details. Working on the basis that, at least briefly, I see everyone who comes to see me in order to ascertain

the validity of their complaints, I met Mr Hutchison and was alarmed at the scenario he painted.

I had not taken much notice of an article about the matter that appeared in a newspaper on 12 April. When Mr Hutchison put the case that he had proceedings before the Supreme Court that went to the matter of the validity of the Planning and Environment Act and it appeared as if the action would be overtaken by urgent legislation forced through Parliament in one or two days, I did not take fright at that prospect because I knew there was some facility to prevent actions taking place so quickly. I was certainly not going to be party to any retrospective legislation being forced through Parliament before there was adequate time for proper consultation and consideration of the provisions.

I consoled myself on the ground that it has been customary in Parliament when passing retrospective legislation—which must be done on some occasions, although it is regrettable—that a saving provision is inserted to protect any proceedings currently before a court. I took the view that, if it were necessary to legislate retrospectively, a saving provision could be inserted.

There are many precedents for that, including the Marketing of Primary Products Act in the 1930s under the Dunstan Country Party government, through to examples under the Liberal government in the 1950s and 1960s and, more recently, under this government with local government legislation and legislation dealing with the Victorian Arts Centre and BASS Victoria.

I asked Parliamentary Counsel to draw up a saving provision that I would move as an amendment if agreement could not be reached. The proposed amendment would have exempted the two cases of Torcasio and Milner currently before the Supreme Court from the provisions of the validating legislation. I shall not proceed on that course because other arrangements have been made to circumvent the need for the proposed amendment. It has taken more than a month to arrive at that situation.

Mr Storey has already alluded to the various Queen's Counsel and highly qualified people who, for several weeks, have been haunting Parliament House. Some have been here at the behest of the government and some have been here to represent their clients who have cases before the Supreme Court, and full marks to them. They have materially assisted in reaching a formula to overcome this impasse. They had every right to be here, especially those who were representing their clients.

The Minister for Planning and Environment in another place was one of the parties in a case before the Supreme Court. On being advised by his legal representatives that he was likely to lose the case, the Minister naturally rushed to this place—which is the next highest court in the land—where he happens to have some influence. He was endeavouring to win the case by using retrospective legislation. Naturally, there was every reason for the the legal representatives of the opposing parties in the case to come to Parliament House to put their arguments.

I shall set the scene to explain why the Bill is necessary. It should be outlined for the benefit of honourable members. Some of us, including the Attorney-General, have for days done nothing other than consider this matter, but some honourable members are not so familiar with it. Section 39 (3) of the Planning and Environment Act 1987 has

the effect of altering or varying the jurisdiction of the Supreme Court. Section 39 (3) states:

> Any action in respect of a failure to comply with Division 1 or 2 of this Division must be taken before and determined by the Administrative Appeals Tribunal.

That is all right so far as it goes and seems quite simple, but section 85 (1) of the Constitution Act 1975 gives unlimited jurisdiction to the Supreme Court of Victoria and says:

> Subject to this Act the court shall have jurisdiction in or in relation to Victoria its dependencies and the areas adjacent thereto in all cases whatsoever and shall be the superior Court of Victoria with unlimited jurisdiction.

That is in Part III of the Constitution Act, but the complication comes in section 18 (2) of the Constitution Act, which states:

> It shall not be lawful to present to the Governor for Her Majesty's assent any Bill—
>
> (*a*) by which an alteration in the constitution of the Parliament, the Council or the Assembly may be made; or
>
> (*b*) by which this section, Part I, Part IIA, Part III, or Division 2 of Part V, or any provision substituted for any provisions therein contained may be repealed altered or varied—
>
> unless the second and third readings of such Bill shall have been passed with the concurrence of an absolute majority of the whole number of the members of the Council and of the Assembly respectively.

It goes on to say that if it is not so passed it shall be void, and so forth.

It is common practice that any Act of Parliament is presumed to be valid and that is known as presumption of regularity. Clearly the people who went to the Supreme Court wanted to rebut that assumption because they believed they had evidence to the contrary; that the Planning and Environment Act had not been passed in accordance with section 18 (2) of the Constitution Act, and they put that evidence before the Supreme Court. That evidence included the *Minutes of Proceedings* and the *Votes and Proceedings* of this Parliament, which did not record it as having been passed with an absolute majority of the whole number of the members of the Legislative Council and the Legislative Assembly.

It seemed fairly clear that the complainants would win the case in the Supreme Court. Naturally enough, they had every right to be alarmed when they heard that the government would introduce retrospective legislation to pull the mat from under them at the Supreme Court. Therefore, I took up the case advanced by Mr Hutchison because I believed he had justice and right on his side. He is not a constituent of mine but that is not the point. As a member of this Parliament I had a responsibility to see that justice was done for and to him.

As a result of my discussions and negotiations with various authorities I became aware of a second case before the Supreme Court which could be assumed to fall into the same category, the Milner case, which concerns whether a quarry should be established at Kilmore. I am not interested in whether there should be a quarry at Kilmore; that is not a matter for my decision; that is a matter of judgment for the Kilmore and Broadford municipal councils to determine and, if the applicant is aggrieved by their determination, he can have that matter appealed to the Administrative Appeals Tribunal. That is what is happening and that process will take its course.

I am not getting involved in any argument as to the validity of a quarry in Kilmore but I am interested in protecting the rights of parties before the Administrative Appeals Tribunal who took action open to them under the law of this State to go to the Supreme Court to test a matter. That is what was happening in the Milner case, so I am interested in protecting their interest as well.

I express concern with some of the activities of the Minister for Planning and Environment in regard to that. It came to pass at one of the hearings that the counsel for the applicant believed the Minister had sent off a letter to the Chairman of the AAT indicating that the government proposed to legislate retrospectively to overcome this objection. I express a deal of disquiet that a Minister of the Crown should write letters to what I assumed was an independent tribunal that would not be open to suborning by a Minister of the Crown. One of the great tenets of freedom and protection for freedom in this State is the right to go to the Supreme Court where judges are appointed for life and are not open to pressure by the government of the day to rule in a certain way because their jobs are on the line.

That is one of my concerns about the proliferation of tribunals under this government; that there is opportunity for pressure to be put on members of a tribunal to rule in a way that might suit the government of the day or some interested party.

I read through the transcript of the proceedings of that day and it is interesting to note what transpired. Some dispute occurred after it was raised by counsel for the applicant that he believed the Minister had sent that letter, because the chairman of the tribunal knew nothing about it. There was an adjournment while the QC produced a copy of the letter from his pocket, and this alarmed the chairman—that one of the QCs representing a party before the board had what appeared to be a private letter from the government addressed to the chairman of the tribunal.

It was checked and found that a letter had been sent to the chairman of the tribunal. It was still in the mail and had not been opened, but nevertheless a QC representing one of the parties had a copy. I express my concern. If a Minister intends to write to a tribunal, surely it would be just to make sure that all parties to that hearing receive a copy of the correspondence so that everyone is on the same basis and one party is not at an advantage by being privileged, in this case, with a copy of a letter from a Minister to the chairman.

I express that disquiet because I do not believe it is a development that should receive any encouragement from members of this House. I have a copy of the letter but I shall not quote from it because I have set out the circumstances. That matter generated a great deal of publicity and certain other people got in on the act. A letter was sent to the government from a committee of the Law Institute of Victoria which impressed upon and implored the government to pass this amending legislation without delay because the committee believed it was in the interests of the people of Victoria that it be so passed. This letter purported to be with the endorsement of the council of the Law Institute of Victoria, and the Attorney-General in another place in good faith quoted from the letter as if it had been sent with the endorsement of the council of the Law Institute of Victoria.

It turns out that not only was the letter sent without the endorsement of the council of the Law Institute but the council has since sent a letter to the Attorney-General, with copies to other people, making it perfectly clear that it was sent without the endorsement of the council of the Law Institute. One of the members sitting on the committee which decided to send the letter to the government imploring the government to get on with the job and pass the retrospective legislation quickly was Mark Dwyer, a solicitor in the Victorian Government Solicitor's office, and a solicitor acting for the government in this case. He was sitting on a committee that was instrumental in organising a letter to the government imploring it to pass retrospective legislation.

I think that is a total disgrace. I commend the council of the Law Institute of Victoria for putting the matter right when it was directed to its attention. I suggest

conflict of interest with its members sitting on committees needs to be reviewed in the near future.

Having reviewed the situation in the lead-up to this sorry state of affairs and having pointed out the strong case I believe Mr Hutchison and his company Torcasio Developments Pty Ltd had, I point out that I am entirely unhappy with the second-reading speech just made by the Minister and, before I vote on the second-reading motion, I should like placed on the record the arrangements and agreements that I believe have been negotiated today.

Since this matter first came before Parliament—that is, I think, now some three weeks ago; I have already said that Mr Hutchison came to see me on 13 April—there have been countless meetings between representatives of the government and Mr John Phillips, QC, whom the government, at the behest of the honourable member for Shepparton and the honourable member for Kew in another place, engaged on their behalf to examine the wording of the proposed legislation.

Mr Phillips has done valuable work. There have been meetings, to which Mr Storey referred, which included numerous other Queen's Counsel and highly qualified legal people. Much negotiation has been carried on with the solicitors for the parties in the two cases before the court, Madgwicks and Maule James.

In the light of difficulty in arriving at a form of words in this amending Bill which does not get us into more trouble than we were in before, I have agreed today in discussions that we pass an amending measure that validates the Planning and Environment Act, the Residential Tenancies Act and any other Acts that might be called into question that have been passed between 1975 and the present time which did not secure an absolute majority of both Houses, but perhaps should have.

We are, no matter in how minor a way, amending the Constitution of Victoria. The Bill should be amended today to validate those Acts retrospectively, but I ask that the matter be referred to the Legal and Constitutional Committee for report as to how amendments might be made so that Parliament does not find itself in this absurd and difficult situation again in the near future. I also ask that the matter of costs of parties appearing before the Supreme Court be adequately dealt with.

Unless I have those assurances, I am not prepared to vote for retrospective legislation. I have grave misgivings in voting for retrospective legislation whenever we are asked to do it.

The Hon. C. F. Van Buren—You are compromising.

The Hon. W. R. BAXTER—I am not compromising at all. I want to be assured about the rights of the people who have cases before the Supreme Court and the expense that they have been put to without having the opportunity of seeing if they can enjoy the fruits of their action. We are cutting them off at the socks and, provided we recompense them sufficiently so they are put back in the situation they would have been in if an error or whatever had not been made by Parliament in the first place, I will vote for the proposed legislation; because, if we do not amend the Bill today—the last day of the autumn sessional period—we are leaving a big question mark over many of the laws in this State, which could lead to ramifications which no-one would want to see develop.

I am looking for an indication that there will be a referral of the matter to the Legal and Constitutional Committee and that the cost of parties to court actions will be properly attended to. I also want to make a point that is tangential to this point and it is important in the case of Torcasio Developments Pty Ltd which has been hard done by in its attempts to get approval for a development in Williamstown. The company

has on a couple of occasions made to the Ministry for Planning and Environment a perfectly reasonable offer that it will withdraw its action in return for approval of the plans that have been virtually agreed to by Ministry officers and Torcasio executives. That matter should be dealt with expeditiously by the Minister and he should not delay the matter any more than absolutely necessary.

To show its good faith Torcasio Developments Pty Ltd has already withdrawn the proposal it had before the City of Williamstown and is preparing—at great cost to itself—an alternative plan which, I understand, meets the requirements of the City of Williamstown and, largely, has been approved by the officers of the Ministry.

I believe Torcasio Developments Pty Ltd has acted with the utmost good faith. It has bent over backwards to negotiate, as have officers of the Ministry, who have also acted in good faith. However, the Minister himself and some of his personal staff, from evidence put before me, have been less than accommodating.

We are getting the Minister off the hook by going down a path that members of the Opposition also believe to be a less than satisfactory course. However, they are prepared to go along with it to get the government off the hook. I am asking the Minister for Planning and Environment to deal with the Torcasio Development Pty Ltd application sympathetically and expeditiously.

Having made those remarks, I am prepared to vote for the second-reading motion on the basis of the undertaking I seek from the Minister.

The Hon. E. H. WALKER (Minister for the Arts) (*By leave*)—I respond directly to the Leader of the National Party since he has asked for some specific assurances in regard to costs and because he has made it very clear that he does not wish to proceed to the Committee stage unless such an assurance is offered. I give the following assurance:

The government agrees to pay the reasonable costs on a solicitor/client basis incurred by each party in the following Supreme Court proceedings:

1. *Bruce Maxwell Milner* v. *The Honourable Thomas William Roper, Walter Webb, Alan Kinder and Prima Construction and Development Pty Ltd* being proceeding No. 1131 of 1989;

2. *Torcasio Developments Pty Ltd* v. *The Honourable Thomas William Roper and the Mayor, Councillors and Citizens of the City of Williamstown* being proceeding No. 1047 of 1989;

together with reasonable costs incurred in relation to all aspects of the Constitution (Supreme Court) Act 1989, including its introduction, passage, advices from counsel thereon and attendances at Parliament House up to a maximum amount of $6200 in the Torcasio Developments case and $4000 in the Milner case.

If agreement cannot be reached as to the reasonable costs, they will be determined by an independent costs consultant nominated by the President of the Law Institute of Victoria.

Having heard Mr Baxter's comments, I believe these are the assurances that he asks for if we are to expect him to support the motion for the second reading of the Bill and to proceed to the Committee stage of the Bill.

The Hon. W. R. Baxter—And a reference to the Legal and Constitutional Committee!

The Hon. E. H. WALKER—The government agrees to provide a reference to the Legal and Constitutional Committee.

The Hon. J. V. C. GUEST (Monash Province)—I want to address just one aspect of the Bill and that is the question of retrospectivity. The opprobrium in which retrospective legislation is held is a product of the evolving wisdom of the common law and its traditions. It is therefore appropriate to point out that the blanket objection to retrospectivity, which I think Mr Baxter was making, goes too far because almost the whole of the equity jurisdiction of the courts was founded on retrospectivity.

That said, I want to explain why I, as a lawyer and somebody who has expressed views against retrospectivity and who might be presumed to take objection to the retrospective effect on the rights of the litigants in the two cases affected by this proposed legislation, nonetheless support the Bill and its retrospectivity.

The point I rely on is the distinction between procedural and substantive rights. It is a substantive right, I suppose, that the litigants in these cases are claiming when they seek to show that the whole Act is invalid and that in consequence in Milner's case there can be no valid claims to a planning permit. But the distinction between procedural and substantive rights is based on a commonsense distinction between the ends, that is, the substantive rights, and the means, that is, the procedural rights, of how one actually enforces what should sensibly be regarded as the substantive rights, in the sense that they are the end or purpose of the whole legislative and judicial process.

In these cases the attempts to show that the Planning and Environment Act is invalid are in reality procedural measures when looked at in a commonsense way. They are simply attempts to show that the wrong methods have been employed to achieve ends that are clearly valid ends in the contemplation of the community in its concern with planning and of this Parliament. Therefore, as a matter of both morality and commonsense, this Bill is about a means to ends which are clearly desirable: the validity of the Act, the existence of a planning process and, of course, in the Milner case, the progress of an enterprise—an enterprise about which I should say I am very conscious, because I have been lobbied on behalf of both parties to the case.

I am aware that an enterprise of considerable benefit to the State would be held up if this Bill were not passed. That is another matter of substance to which we should give weight.

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

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2

The Hon. E. H. WALKER (Minister for the Arts)—I do not believe any comments from me in response are necessary. I have responded, by leave, to the key issues raised by Mr Baxter. I move:

1. Clause 2, lines 7 and 8, omit sub-clause (1).
2. Clause 2, line 9, omit "(2) The rest of".

The amendments simply remove the commencement provision for clause 4 because clause 4 is removed—or I hope it will be removed—by my amendment No. 3.

The Hon. HADDON STOREY (East Yarra Province)—Perhaps this is the appropriate time for me to say that it is the view of the Opposition that clause 4, in some form or another but probably not in the form in which it is in the Bill, should be part of the Bill. The Opposition will not oppose the amendment, as I explained in the

second-reading debate, because the government has decided that what it is doing will cure the problem and we do not want to stand in the way of the problem being cured.

However, I place on record our concern that the removal of clause 4 may not allow the problem to be solved and, indeed, that the validation that will occur with the passing of clause 5 may not cure all the problems that exist without some retrospective operation of the sort contemplated in clause 2.

It could be that if clause 4 is deleted, clause 5 will be operating on Acts that do not exist because they were not validly passed at the time they existed. It is our view that something along the lines of clause 4 should be passed but I hasten to add that we are not satisfied with clause 4 as it stands. Indeed, in the meeting attended recently by the three Queen's Counsel, I detected a view that it is necessary to have a measure that does something along the lines of clause 4 to give a satisfactory solution for the future.

If clause 4 is deleted, as is to be proposed by the Minister, there will be absolutely no provision dealing with the future. Should Parliament in its wisdom pass a Bill without deferring to the need for an absolute majority, the same problem will arise again. I understand that the general problem will be referred to the Legal and Constitutional Committee, which may be able to come up with a solution in due course. However, that may not solve the problem that will arise with existing legislation.

It is pointless for me to go into all the possible permutations of the legislative points involved. The fact that it has taken some very skilled and able lawyers so much time to actually reach this agreement on this whole issue shows the difficulty involved. However, I want to record our concern about the deletion of clause 4 rather than a substituted clause 4.

For the reasons I gave before, the Opposition will not oppose these amendments. I thank the Minister for the undertaking he gave on costs that the Opposition would have sought under clause 5 of the Bill. The Minister has already given that undertaking in response to Mr Baxter, and I am pleased that he did so.

The Hon. W. R. BAXTER (North Eastern Province)—Frankly, I share Mr Storey's reservations. That is why I was so keen for a referral to the Legal and Constitutional Committee. The matter needs to be clarified and I do not envy the committee's task. Over the past three weeks or so some eminent legal minds in this State have turned their attention at considerable length to this difficult problem, as a result of which we have been able to achieve a unanimous view on the correct way to go.

As I said earlier, the Bill and the amendments proposed by the Minister are very much a stopgap measure in my view, but it is a measure about which the Parliament has no option on the last day of the autumn sitting. It would not have been in anyone's interests—not the government, the Parliament, or the people of Victoria—for the hiatus to have remained.

The amendment at least clarifies the situation for the time being on the immediate problem, but it may not be the ultimate and long-term solution, and that is why, clearly, the Legal and Constitutional Committee should examine the matter and do that fairly quickly.

An early draft amendment was circulated which did not meet my approval but which would have attempted to make a basic amendment to the provision of the Constitution requiring an absolute majority. I am not prepared to go down that path at all. The requirement of an absolute majority in certain circumstances is a valuable entrenching provision in the Constitution and I do not want to weaken that at all. Therefore, I was not happy to accept that proposal when it was put forward in the course of discussion and negotiations that transpired.

I share the concern of the Opposition, but I do not believe there is any way out at present. I thank the Minister for the Arts for the undertaking that he gave earlier at my request and I put on the record that I have discussed with an officer of the Attorney-General's Department, approximately an hour ago, the interpretation of "the costs incurred by each party in the Supreme Court proceedings", and I am told it includes the costs that were incurred by those parties in an aborted Administrative Appeals Tribunal hearing last week, which would have proceeded had Parliament made up its mind when it was first thought the provision was possible, but that was not the case. That hearing has been postponed sine die in case Parliament does not finalise the matter today, and the costs undertaking includes reimbursement of the costs at that tribunal hearing. The Minister for the Arts nods his assent to that.

The amendments were agreed to, and the clause, as amended, was adopted, as was clause 3.

Clause 4

The Hon. E. H. WALKER (Minister for the Arts)—Notwithstanding the erudite comments of Mr Storey, I invite honourable members to vote against this clause.

I have listened to Mr Storey and Mr Baxter, who have had a good deal of consultation and advice on this issue. It is a tricky and difficult decision and I take the warning offered by Mr Baxter. The clause had the effect of reinterpreting legislation that had not been passed in accordance with section 18 of the Constitution Act to save it from total invalidity. This approach is now regarded as undesirable because it creates grave uncertainty concerning the meaning of an indeterminate number of Acts.

I take on board the warning that further work must be done, and I hope the Legal and Constitutional Committee does investigate this issue, but to avert a dramatic matter that would occur if the Committee did not take this action, I believe the best course is to omit the clause.

The clause was negatived.

Clause 5

The Hon. E. H. WALKER (Minister for the Arts)—I move:

4. Clause 5, lines 18 and 19, omit "the commencement of this section" and insert "1 July 1989".

Amendment No. 4 is necessary to validate any Act that may have inadvertently been passed this sessional period without the required absolute majority, for example, the Credit (Amendment) Act.

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

The Bill was reported to the House with amendments, and the amendments were adopted.

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

TRUSTEE (AMENDMENT) BILL

The debate (adjourned from the previous day) on the motion of the Hon. E. H. Walker (Minister for the Arts) for the second reading of this Bill was resumed.

The Hon. ROSEMARY VARTY (Nunawading Province)—The objective of the Bill is to preserve the trustee status of Telecom Australia's debt security following its

corporatisation. Telecom is being corporatised, which, among other things, involves the removal of the Commonwealth government guarantee on Telecom Australia's fundraising. The Bill preserves the trustee status of those Telecom securities.

The proposed legislation is dependent upon the Commonwealth Parliament passing legislation that will come into force on 1 July this year. Telecom Australia's head office and treasury/finance operations are in Melbourne and it issues most of its domestic debt securities from these offices. Approximately 40 per cent of the holders of these securities are Victorian residents, so it is important for the State that the trustee status is preserved.

The Bill is supported by the industry—the superannuation funds, the life offices and the finance industry. A number of the organisations that we spoke to look forward to a full review of the Trustee Act, which has been referred to the Legal and Constitutional Committee.

The Opposition supports the Bill.

The Hon. W. R. BAXTER (North Eastern Province)—The National Party has no objection to the proposed legislation, and gives it its full support.

The motion was agreed to.

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

EDUCATION (WORK EXPERIENCE) BILL

This Bill was received from the Assembly and, on the motion of the Hon. E. H. WALKER (Minister for the Arts), was read a first time.

The Hon. E. H. WALKER (Minister for the Arts)—I move:

That this Bill be now read a second time.

Young people need to be assisted to recognise that the work force is changing, indeed changing rapidly, and that their own chances of participating in it to their satisfaction and for the benefit of the community are increased by their staying at school longer.

Accordingly, the government is committed to increasing both the retention of students in schooling to the end of year 12 and the participation rates of young people in further education and training. However, increased retention needs to be accompanied by positive and realistic attitudes to the world of work. The government believes the incorporation of work education as an integral part of school curriculum will foster these attitudes, and that work experience for students in years 10, 11 and 12 is an important component of work education.

In consequence, this Bill aims to:

1. increase the opportunities for students in secondary schools to participate in work experience and thus improve their knowledge of changes in the workplace, and

2. simplify the means of setting the minimum rate of payment for work experience students.

These amendments are the result of a thorough Ministerial review of the work experience program, chaired by the Honourable Barry Rowe, now the Minister for Agriculture and Rural Affairs.

INCREASED OPPORTUNITIES FOR WORK EXPERIENCE PLACEMENTS

The Bill provides for the extension of insurance cover to students undertaking work experience in Commonwealth departments and instrumentalities. At the same time it exempts the Commonwealth from the requirement to pay students who undertake such placements in Commonwealth eastablishments.

The Commonwealth has offered work observation placements under its own conditions for several years. These conditions are that the students will not be paid, will not be classified as workers and the Commonwealth will not cover them for insurance purposes in the event of the students suffering any injury resulting from the placement. These conditions apply to Commonwealth work observation placements in all States and Territories. Repeated representations from the Victorian government have failed to persuade the Commonwealth to vary these conditions to suit the Victorian legislative arrangements.

The government considers that students being placed on Commonwealth work sites for work experience should be provided with insurance coverage on the same basis as other students. This proposed legislation will enable students to work in Commonwealth establishments under the conditions applied by the Commonwealth and at the same time be fully covered by the Victorian WorkCare system. The Bill will open up approximately 3000 Commonwealth placement opportunities for Victorian students, includings places in country towns with Telecom Australia and Australia Post, and in specialist areas such as airports, the Australian Broadcasting Corporation, and the defence forces.

SETTING THE MINIMUM RATE OF PAYMENT FOR STUDENTS ON WORK EXPERIENCE

Since 1974, the minimum rate of payment has been set by regulation, in accordance with the Act. In line with the recommendations of the review committee, the amendments made by the Bill will change this to have the minimum rate of payment set by Order in Council. This will enable the minimum rate of payment to be readily revised from time to time to keep up with changes in the incidental costs of work experience, such as fares. It was a unanimous recommendation of the review that the method of setting the rate of payment should be changed as proposed.

Many employers are currently paying students at more than the minimum daily rate. Following wide consultation with the community, the review committee suggested that a rate of $5 a day would be more realistic than the present $3. Employer organisations represented on the review endorsed this view.

Parents have also requested that the payment should be increased to offset the costs to families of work experience students. The government agrees that the benefits of work experience should not be restricted to students whose parents can afford to pay the additional costs involved. Accordingly, when the amendments have been made, the Minister for Education will consider a modest increase in the minimum rate of payment, possibly in line with the figure recommended by the review committee.

The Bill also contains a number of minor statute law revision amendments to the Education Act 1958 and the Education Acts (Amendment) Act 1987, which were suggested by Parliamentary Counsel.

The work experience program is a successful way for students to learn about the world of work. The program has the strong support of students, parents, employers and the trade union movement. These amendments will make the program more responsive by opening up additional opportunities for all students.

I commend the Bill to the House.

The Hon. R. I. KNOWLES (Ballarat Province)—The Opposition fully supports the Bill.

The Hon. P. R. HALL (Gippsland Province)—I shall comment briefly on the work experience program because before my election to Parliament last October I was extensively involved as a teacher in work experience programs in schools.

I recall that work experience was introduced at Traralgon High School in 1978. I am aware of how successful the program has been over the years and how important it is in enabling students to have a feeling about the workplace before they have to choose their area of employment when they leave school.

Today I wish to stress why work experience has been successful. I believe it is due to the efforts of careers teachers in schools and their teacher colleagues who have attempted to ensure that the system works. Careers teachers have a big job to do in extensively canvassing the local population seeking placements for their students. They are involved in personally visiting workplaces and making arrangements for employers to take their students for specific periods.

I know the system has been successful in the school that I taught at—and I am sure most other schools are happy with the work experience program—because the careers teacher or another teacher had personally visited the students at their work experience placements. That created a good relationship between the schools and employers. If those visits had not taken place the program would not have been as successful. Every employer that I visited in the time I was involved in work experience programs appreciated the interest of teachers in visiting the workplace to ascertain how a student was enjoying the job and how the student was performing.

One aspect that I regard as important is not included in the Bill. I refer to the absolute necessity to require preplacement and during placement visits to be enshrined in the legislation. At present it is not a legal requirement. The careers teachers who make these preplacement visits and visits while the students are on the program are not reimbursed for their travelling expenses. I point out to the House that it is an integral part of their job to visit students at the workplace. The Minister for Education does not agree with that sentiment. She wrote a letter to the President of the Monash High School council which was published in the VSTA journal of 24 May 1989. In that letter the Minister states:

> While work experience for students is encouraged, schools are not required to include work experience in their programs.

That is another point that I disagree with. Work experience should be a necessary requirement of a school's program. The Minister for Education goes on to say:

> The documents which you enclosed are from the booklet "Work Experience: A Guide" and as such are suggestive, not prescriptive. Unfortunately, one of those documents is misleading in that it includes reference to a preplacement visit and a visit during placement under the heading "Checklist of Legal Requirements". These visits are in fact, not required by law.

The Ministry of Education says that it has no moral obligation to reimburse travelling expenses for careers teachers, and that is wrong. Careers teachers are upset and growing unrest has continued for some time. If this matter is not addressed work experience will be in jeopardy. That is not what the National Party wants, nor do I believe that is what the government wants.

The most important aim of the Bill is to increase the opportunities for students in secondary schools to participate in work experience. That is what we all want. Unless that situation is addressed that opportunity may well not be available.

The National Party welcomes the Bill that will enable students to gain work experience in Commonwealth government agencies, such as Telecom and Australia Post. I am critical that the Federal government has not recognised a need to pay students who attend work experience programs, yet the State government does. I congratulate the State government for that step. The Federal government still refuses to pay the minimum $15 a week to students undertaking work experience in its premises. That is a disgrace!

The Bill will provide some advantages in country areas where students find it difficult to gain work experience placements. Most country areas have a post office and many have a Telecom branch, and those organisations can help students to gain work experience.

The system of payment for work experience students is changed in the Bill in that the rate will be set by regulation rather than by legislation. The National Party supports that move. Charges for employers who employed work experience students in the past were more than reasonable.

Other than the matter to which I referred earlier that should be rectified, the National Party supports the Bill. Work experience is a valuable and important part of any student's education.

The motion was agreed to.

The Bill was read a second time.

The Hon. E. H. WALKER (Minister for the Arts)—By leave, I move:

That this Bill be now read a third time.

Mr Hall raised an issue that was brought forward in another place for discussion with regard to reimbursement of careers teachers involved in the program, and the response I have is that school councils may reimburse the travelling expenses of a careers teacher or any other teacher who visits employers while students are on work experience. That is a matter for individual school councils to decide. The government does not intend to compel schools to provide reimbursement. I understand a similar answer was given in another place.

The motion was agreed to, and the Bill was read a third time.

EDUCATION ACTS (OVERSEAS STUDENTS) BILL

This Bill was received from the Assembly and, on the motion of the Hon. E. H. WALKER (Minister responsible for Post-Secondary Education), was read a first time.

The Hon. E. H. WALKER (Minister responsibe for Post-Secondary Education)—I move:

That this Bill be now read a second time.

Victoria's educational system enjoys a reputation overseas for quality and integrity. Overseas students who come to Victoria to study are generally young and often have no family networks in Australia. Many are of school age and most of those who come to study English have little or no English initially. All are required to pay substantial tuition fees in advance. Recently instances of exploitation of overseas students in Victoria have attracted great media interest in our target markets, such as South-East Asia, harming the reputation of the industry as a whole.

Following adverse publicity overseas of unscrupulous practices in a number of States, the Australian Education Council—AEC—in June 1988 agreed to measures to

protect the reputation of Australian educational services offered to overseas students. It was agreed that State governments would introduce procedures for approving institutions and courses offered to overseas students, and that from 1 July 1989 the Commonwealth would issue overseas student visas only for courses or institutions approved by the States.

Accordingly, this Bill applies to non-government schools and to courses offered to overseas students by government and non-government education institutions. In relation to such schools and courses, the Bill will provide a statutory basis for: a voluntary system of assessment and approval; the charging of fees by institutions for assessments, and the provision of advice about the outcomes of assessments to the Commonwealth government, for purposes of visa issue.

The Bill will not compel institutions to seek assessment and approval, nor will it prohibit institutions not granted approval from offering or providing services to overseas students. However, consistent with the AEC resolution, the Victorian system of approval will be an obvious and relevant consideration for Commonwealth officials charged with responsibility for issuing visas to prospective overseas students. The Victorian system will also enable prospective overseas students, when dealing with overseas agents of Victorian institutions, to establish whether the institution is approved by the Victorian government, before they pay their deposit.

These new powers under the Education Act 1958 will be exercised by Ministerially authorised officers. Honourable members will be aware that consultation is currently taking place on reform of the legislation covering the State training system. Pending a decision on reform of the legislation, the new powers under the Post-Secondary Education Act will be conferred on the Minister and will be delegated to the State Training Board and the Victorian Post-Secondary Education Commission.

Institutions which are not granted approval or whose approval is suspended or withdrawn will have a right of appeal to the Administrative Appeals Tribunal. Fair, relevant and cost-effective guidelines and procedures for assessing and approving services will be developed for each education sector in conjunction with educational institutions and their associations.

The guidelines will be published and widely distributed and will be reviewed and revised from time to time, with the participation of educational institutions and their associations, to ensure that they are operating efficiently.

The guidelines will cover such areas as financial planning, marketing and promotional materials, use of agents, student selection, numbers of students, class sizes and contact hours, premises and resources, curriculum and course planning, course nomenclature, qualifications and experience of staff, fee collection and refund processes and the institution's contract with the student or parents, student grievance procedures, welfare services, and arrival and attendance monitoring.

It is expected that the Bill will provide the basis for a system of minimum cost which avoids disruption to institutions while safeguarding Victoria's reputation for quality education and the welfare of overseas students. It will provide the foundation for further rapid growth in the export of Victorian educational services, and for the benefits of further employment generation and foreign exchange earnings.

I commend the Bill to the House.

On the motion of the Hon. R. I. Knowles, for the Hon. HADDON STOREY (East Yarra Province), the debate was adjourned.

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

CREDIT (AMENDMENT) BILL

The Hon. M. A. LYSTER (Minister for Local Government)—I move:

That this Bill be now read a second time.

This is a relatively small Bill but it makes a number of quite significant amendments to the credit legislation. Credit unions are currently exempt from the licensing provisions of the Credit (Administration) Act and their lending practices do not have to comply with the Credit Act.

To have the benefit of these exemptions a credit union must either be created and registered under the Co-operation Act in Victoria or registered under the Co-operation Act as a foreign society. The penalty for unlicensed trading is the loss of principal and interest on the loans.

It has come to the government's attention that a number of interstate credit unions have been operating in Victoria without registering as foreign societies. At the same time it is apparent that some Victorian unions have been operating illegally in other States. In States such as New South Wales where the credit legislation is uniform with Victorian legislation, these Victorian credit unions face the same penalties as those interstate credit unions operating illegally in Victoria. The credit unions have suggested that up to $100 million of loans may be lost Australia-wide.

After careful consideration of the impact the imposition of the penalty provisions may have, and after consulting with consumer affairs Ministers in other States, it has been decided to legislate to validate the affected loans. Similar legislation is proposed in New South Wales and other States. If credit unions had been required to comply with the credit legislation, it is likely that this problem would not have arisen. Consequently, the government has decided that credit unions should not continue to have the benefit of the exemption, and the Bill provides that as from 1 July 1990 credit unions operating in Victoria will not only have to comply with the Credit Act, but will also have to be licensed.

The Bill will also eliminate a major problem which has arisen out of a decision of the Supreme Court in 1987, commonly known as the Anderson case. Prior to the decision in that case, finance companies had incorrectly interpreted the formula that the Credit Act provides for calculating the rebate of interest given when a consumer pays out a fixed term loan prematurely. Since the decision, finance companies have been refunding the amounts overcharged to consumers.

However, a special problem has emerged from the decision. Where a loan was paid out early but was being refinanced by the same lender, the net balance due under the first loan was overstated simply because the rebate of interest on the first loan was wrongly calculated. This automatically caused a corresponding overstatement of the total amount financed under the second loan.

As a consequence the Credit Act technically deprives the lender of the right to any interest under the second loan but allows the lender to apply to the credit division of the Small Claims Tribunal to become re-entitled to the interest on the second loan. The problem compounds if the second loan is in turn refinanced into a third loan. There are known to be more than 37 000 refinancing loans affected by this problem, which the government accepts has arisen from an innocent but erroneous interpretation of the rebating formula.

As I have said, most finance companies have already refunded to the affected consumers the additional amount of interest rebate which was due to them. In those circumstances it makes very little sense to have the Small Claims Tribunal inundated with applications to rectify the unintended consequences of innocent errors. The Bill

therefore has the effect of declaring that the right to receive interest on re-financed contracts is not lost.

I commend the Bill to the House.

On the motion of the Hon. R. I. Knowles, for the Hon. HADDON STOREY (East Yarra Province), the debate was adjourned.

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

CHILDREN AND YOUNG PERSONS BILL

The Hon. C. J. HOGG (Minister for Health)—I move:

That this Bill be now read a second time.

By arrangement between all parties, I seek leave to have the second-reading notes incorporated in *Hansard.*

The PRESIDENT—Order! What is being adopted in this instance is an unusual procedure, which has sometimes been adopted on the last day of the sessional period. However, in those circumstances it would be preferable if copies of the second-reading speech were in the hands of the spokesmen for the two other parties, the Clerk and myself, a reasonable time beforehand so that we can quickly peruse the speech to see whether there is any objection to the process.

In this circumstance, as all parties are agreeable, this course is permitted. However, I make those points for future reference.

Leave was granted, and the notes were as follows:

The Children and Young Persons Bill, which I am introducing today, represents a major initiative in legislating for reform of child welfare practice and services and of the juvenile justice system in Victoria. It also represents a significant step in the government's strategy to ensure an effective and efficient child protection system in Victoria, and complements the child protection and non-government sector packages introduced earlier this year by the government.

The Bill, along with the Community Services Act 1987, represents a further response to the Child Welfare Practice and Legislation Review, chaired by Dr Terry Carney of Monash University, which was set up to address the long history of neglect of child and family welfare in Victoria. The Bill will consolidate, in one Act, the Children's Court Act 1973, the Children's Court Amendment Act 1986, the Community Services Bill 1986 and most provisions of the Community Welfare Services Act 1970. For the first time, all legislative provisions governing children and young people in need of protection or who have committed offences are brought together in one Act. As the House will be aware, the Bill is the product of extensive consultation and careful finetuning since the introduction of the initial Bill in November 1987 and the introduction and debate on an amended Bill earlier this year.

The provisions of the Bill provide for the legislative framework for the changes in service design and program direction which has been taking place in the department's Child Protection Program. Further, the reforms introduced by the Bill mirror and support the major changes taking place in Community Services Victoria's service system as part of the State-wide redevelopment of services program, whereby the department's services for children in need of protection and care are clearly delineated from services for children and young people who have offended. As part of the redevelopment of services, children and young people will be moved out of the large central institutions, which are being phased down, into appropriate community-based facilities located in the regions close to the families of the children involved.

OBJECTIVES OF THE LEGISLATION

Consistent with the recommendations of the Child Welfare Practice and Legislation Review, the Bill has a number of objectives:

> to provide a comprehensive and high quality child protection service, which strengthens the capacity of the community to protect children and young people who have been maltreated or who are at risk of harm, and which responds appropriately to the needs of the children and families involved;

to strengthen the role of the Children's Court of Victoria as a specialist court responsible for dealing with matters affecting children and young people;

to maintain and strengthen the distinction between the Family Division and the Criminal Division of the Children's Court so as to ensure that their procedures, standards of proof and dispositions reflect the fundamental difference in the nature of child protection and juvenile justice proceedings;

to provide an adequate and constructive response to children and young people who have been charged with and found guilty of committing offences;

to enhance the rights of children, young people and their families in their relationships with the court system, Community Services Victoria and other service providers, in accordance with justice principles;

to provide for an extended and more flexible range of dispositions in each of the divisions of the court, which seek to enable children to remain at home wherever practicable and appropriate; and

to ensure that service providers are accountable for the performance of their responsibilities.

CHILDREN'S COURT

Separate divisions of the court

The Attorney-General's speech introducing the Children's Court (Amendment) Act of 1986 provided the rationale for the division of the Children's Court:

> "The Bill establishes two separate divisions in the Children's Court: a Family Division and a Criminal Division. This step recognises various claims in the Carney report that "adjudication in offender matters is based on a philosophy focusing on the individual responsibility of the young offender whereas in protection matters responsibility for the acts of omission by adults should not be attributed to the child (p.238).
>
> The jurisdiction is set out in . . . the Act. In both family and criminal matters the many substantive, procedural and disposition differences require that the cases be treated separately".

Priority to child protection

The government recognises that, in some situations, there may be both protective and criminal matters in respect of the one child. Where this occurs, the court must, as a general rule, deal with the protective concerns first in the Family Division. In addition, where the Criminal Division believes there are protective issues, the court may defer sentencing and refer the matter to the Director-General of the Department of Community Services for investigation and report. This ensures that protective issues are dealt with in the Family Division and do not obscure issues of criminal responsibility which are the proper concern of the Criminal Division. The offence, however, must still be dealt within the Criminal Division once the court is satisfied that the protective issues have been appropriately dealt with. This ensures that children and young people recognise that there are consequences for breaking the law.

Consistency with Magistrates Court reforms

The Children and Young Persons Bill seeks to ensure that procedures operating in the specialist Children's Court are consistent with those prescribed in the Magistrates' Court Bill last before Parliament in the spring sessional period, 1988, unless specific provisions to the contrary are contained in Children's Court legislation.

Senior magistrate

The Bill provides for the appointment of a senior magistrate of the Children's Court in order to raise the status and recognise the specialist nature of the Children's Court.

Rights of children appearing before the court

The rights of children and young people who come before the court are clearly established in the legislation. The Bill provides that proceedings and decisions of the court must be comprehensible to children and their families, respect cultural identity and minimise stigma. It provides a right of access to information concerning such proceedings and decisions of the Children's Court, including written copies and details of orders made by the court. Furthermore, copies of all reports tendered to the court in both divisions must be forwarded to children and their legal representatives prior to the hearing, except where there is material prejudicial to the physical or mental health of the child, or of the parent in Family Division proceedings.

Legal representation and interpreters

Consistent with rights which have been established in the adult jurisdiction and are equally important in the Children's Court, the Bill establishes the right of the child to legal representation in certain classes of matters; and to the presence of an interpreter, both in court proceedings and in case planning meetings, where the parties to the proceedings have language difficulties.

Appeals

A general right of appeal, including on questions of law, is provided in the Bill, in accordance with procedures which apply in the Magistrates Courts.

Principles to guide decision-making

Of particular importance in the children's jurisdiction is the setting out of certain basic principles to guide the decision-making of each division of the court. These principles draw on those in the Carney report, and emphasise amongst other things the need to stengthen and preserve the relationship between the child and the child's family.

PROTECTION OF CHILDREN AND YOUNG PEOPLE

Ministerial responsibility for child protection

The Bill spells out the responsibilities of the Minister for Community Services for the establishment and maintenance of child protection services in Victoria, including the provision of a consultation and advice service to professionals working with children, the promotion of protocols, and the issuing of guidelines for protective interveners and the conduct of their investigations.

Revised grounds for protection applications

The Bill introduces revised grounds for protection applications, similar to those proposed by the Carney report, but expanded to include the probability that a child will be harmed, so that protective action can be initiated, where appropriate, before a child has actually been harmed. The ability to withhold the identity of those persons providing information regarding suspected child maltreatment has been strengthened.

Procedures relating to the investigation of allegations of child maltreatment, the taking of children into safe custody and the provision of interim accommodation are set out, along with the responsibilities of Community Services Victoria and police as protective interveners.

Central register

The Bill enables the Minister to issue directions concerning the establishment and maintenance of a central register for recording information arising from investigation of notifications of child abuse. Provision is made for the review of decisions to record information in the central register, including a right of appeal to the Administrative Appeals Tribunal and persons directly affected by the recording of information in the register must be informed of these review procedures. It is intended that the intitial review procedures will be carried by a panel chaired by the Public Advocate as the Attorney-General's nominee. The Public Advocate also has a supervising and audit role with respect to the central register.

Protection reports

The Bill provides for the department to prepare protection reports when requested by the court to assist it in making a finding in complex cases of abuse. The matters which may be addressed in protection reports will be legislatively limited to material which addresses one or more of the statutory grounds for protection. Similar reports are to be provided by the department to the police if requested.

Disposition reports

To ensure the provision of quality advice and assistance to the court in its decision-making role with respect to the placement or supervision of children, following a finding that a child is in need of protection, the department will be required to provide disposition reports. These reports will ensure that the court has available to it all the relevant information which can be provided to ensure the child's future well-being and safety.

Protection orders in the Family Division

The Family Division has been provided with a broader range of protection orders for use when children are found to be in need of protection. This expanded range of orders will allow the court to determine a disposition which will best meet the needs of the individual child and family.

The new hierarchy of orders is designed to ensure:

(1) that the dispositional powers of the Family Division range from minimum to maximum intervention in the life of the child, with principles to assist the court in choosing the least interventionist option appropriate; and

(2) Flexibility in the range of orders available to the Family Division including the capacity to add conditions to these orders so that the court can "tailor" the order it chooses to the needs of the particular child and family.

Permanent care orders

The Children and Young Persons Bill provides for the Family Division of the court to make a permanent care order in respect of certain children, such orders vesting guardianship and custody of a child in a new set of caregivers or "parents". These provisions have been included as a means of providing children with another family when their own family is unable to provide for their long-term care—while enabling children to maintain maximum contact and involvement with members of their natural family. Permanent care orders also provide a means of dealing with "welfare drift". This problem, which arises when a child is temporarily taken into care by the State, is a problem which has troubled child welfare authorities the world over. Child welfare systems do not generally make good "parents". As a result, some children drift on and become "lost" in the system, in some cases losing contact with their family altogether. Permanent care orders will enable these children to be cared for within a "permanent" family.

Long-term child-care agreements

The Bill provides that parents may, in certain circumstances, enter into long-term child care agreements while retaining full parental rights and responsibilities. The aim of these agreements is to provide for the long-term care of children, especially those who are intellectually disabled, outside of their own family.

Irreconcilable difference applications

Considerable public attention has been focused in recent years on a legislative provision of the various State child welfare systems whereby a court can make a finding that "a substantial and presently irreconcilable difference" exists between a young person and his or her parents. Where such differences arise, the government believes greater emphasis must be placed on seeking to conciliate or mediate between family members with the aim of assisting parents and young people to reach agreement without recourse to the court, and adversary proceedings.

The Bill therefore provides for a mandatory "cooling-off" period of 21 days. During this period, the young person and his or her parents will be required to participate in a conciliation counselling process before the matter can proceed to a court hearing. In this way it is hoped that many of these difficult family disputes can be resolved without the expense and bitterness of a court hearing.

Case planning and administrative review

The Bill outlines a set of principles to govern case planning, that is, the decision-making process used by the department when a court order vests responsibility in the director-general for the supervision, custody or guardianship of a child or young person. Such principles seek to ensure the optimum involvement of the child and family in the case-planning process, and to ensure maximum accountability of decision-makers. It also provides for the Aboriginal child placement principle to apply when an Aboriginal child or young person is involved, with the object of reducing the inappropriate placement of Aboriginal children and young people as has occurred too frequently in the past.

Provision is also made for review of case-planning decisions, both internally through departmental procedures, and externally by providing for appeals to the Administrative Appeals Tribunal.

Services for children

The Bill incorporates and updates major sections of the Community Welfare Services Act 1970 and provides for a range of community services, including foster care and a variety of residential units which can meet the needs of particular children and young people. The Bill also sets out the obligations and rights of the director-general when he or she assumes guardianship or custody of a child or young person.

Children and the criminal law

The Bill sets out the rights of young people charged with or found guilty of an offence to be treated strictly in accordance with justice principles by: revising the procedures and criteria for bail to ensure that young people are not denied bail on the grounds of a lack of accommodation; stipulating requirements relating to the content of pre-sentence reports, the right of access to these reports by young people and their legal representatives; and the right to challenge information in the reports; setting out the matters to be taken into account by the court when it decides which sentencing order to impose; and clearly setting out the procedures and penalties for breaches of sentencing orders.

Age of criminal responsibility

The government has accepted the recommendation of the Carney report regarding the age of criminal responsibility, and the Bill provides that the age is raised from eight to ten years. Consistent with the separation of non-criminal and criminal matters into the family and criminal divisions, children and young people ten years of age and older who offend will be dealt with in the Criminal Division, and an appropriate sentencing order selected for those found guilty of an offence.

Consistent with the philosophy of the Bill, a "guardianship to the director-general" order—formerly known as wardship—will no longer be available as a sentencing option in the Criminal Division.

Pre-sentence reports

The Bill provides that the court, following a finding of guilt, may require the provision of a pre-sentence report. These reports, which will be provided by the Director-General of Community Services Victoria or the Chief General Manager of Health Department Victoria, provide information to the court which will assist it in determining the most appropriate sentencing order for that particular child or young person.

New sentencing orders in the Criminal Division

The Bill establishes a new and broader hierarchy of sentencing orders in the Criminal Division, which will provide the court with greater flexibility in sentencing. Consistent with changes in the adult jurisdiction, additional non-custodial options have been created while, in addition to any other order, the court may order the young person to pay restitution or compensation. Recognising that the offences of some young people will warrant custodial sentences, and that guardianship will no longer be available as a criminal disposition, special provision has been made for the younger or more vulnerable offender by means of a youth residential centre order.

A youth training centre order will remain as a custodial option for offenders over the age of fourteen years.

Services for children and young persons found guilty of committing an offence

The Bill, along with the expanded range of sentencing orders, provides for the establishment or maintenance of corrective services for children and young people, with a particular emphasis on an expanded range of community-based corrections programs. These services were foreshadowed in the January 1987 *Draft Strategy Plan for the Redevelopment of CSV Protective and Correctional Services for Children and Young People,* prepared by Community Services Victoria.

The range of correctional services to be provided by Community Services Victoria will include community-based probation, supervision and youth attendance programs, and institutional care for the small group of offenders requiring a custodial order. In recognition of the special requirements and vulnerability of children and young people between ten and fourteen years of age whose offence warrants a custodial sentence, Community Services Victoria is establishing youth residential centres which will provide special direction, support, educational opportunities and supervision for these young people.

APPEALS

The Bill provides a right of appeal by the Director of Public Prosecutions against any sentencing order of the Criminal Division of the Children's Court—this is consistent with provisions in the adult courts.

PAROLE BOARDS

A Youth Residential Board, whose role will mirror that of the Youth Parole Board, will be established to determine questions of parole and related matters for young persons in youth residential centres.

The government believes, along with many in the community, that it is no longer appropriate that young people would be transferred from youth training centres to prison, or from prison to youth training

centres, by administrative fiat. As a consequence, the Bill provides that such transfers in future should be authorised only by the Youth Parole Board, or Adult Parole Board, which is presided over by a judge, and that the procedures for transfer are subject to stricter criteria. This will assist in protecting the rights of young people facing transfer, while still permitting transfer where appropriate.

CONCLUSION

In concluding, I want to draw attention to two other major initiatives of the government in this area.

Victorian Family and Children's Services Council

Firstly, the Bill amends the Community Services Act to provide for the establishment of the Victorian Family and Children's Services Council, which will advise the government on matters relating to child and family welfare and the provision and future development of community services. We are fortunate in having Justice Fogarty of the Family Court as the inaugural chairperson of this new body.

New Children's Court

Secondly, to reflect the importance that the government places on reforms to Victoria's child welfare system, premises have been found for a new central Children's Court. New and upgraded facilities are currently being developed within this new court complex which reflect the spirit and intent of the Children and Young Persons Bill.

This Bill represents a major contribution to the government's social justice strategy and to the major changes to the protective and juvenile correction systems currently being undertaken.

The Children and Young Persons Bill is the culmination of a long process of consultation with all those concerned with the welfare of Victoria's children and young people and is the product of cooperation between the government and the non-government sectors. It will be welcomed by all those in the community who are concerned to ensure that the needs of vulnerable children are effectively and fairly addressed.

The Children and Young Persons Act will be jointly administered by the Minister for Community Services and the Attorney-General, with the exception of those parts governing the provision of protective and corrective services, which will continue to be administered by the Minister for Community Services.

The Children and Young Persons Bill has been drafted to ensure that its provisions reflect the provisions of the new Magistrates' Court Bill which was initiated in the last Parliament.

I believe the Bill will make a significant contribution to establishing a child welfare system of which all Victorians can be rightly proud.

The Hon. C. J. HOGG—I commend the Bill to the House.

On the motion of the Hon. R. I. Knowles, for the Hon. G. B. ASHMAN (Boronia Province), the debate was adjourned.

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

PUBLIC SERVICE (AMENDMENT) BILL

The debate (adjourned from earlier this day) on the motion of the Hon. E. H. WALKER (Minister for the Arts) for the second reading of this Bill was resumed.

The Hon. R. I. KNOWLES (Ballarat Province)—The Opposition supports the Bill.

The Hon. K. I. M. WRIGHT (North Western Province)—The National Party does not oppose the Bill.

The motion was agreed to.

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

The sitting was suspended at 6.30 *p.m. until* 8.3 *p.m.*

SMALL CLAIMS TRIBUNALS (AMENDMENT) BILL

The debate (adjourned from May 10) on the motion of the Hon. M. A. Lyster (Minister for Local Government) for the second reading of this Bill was resumed.

The Hon. G. B. ASHMAN (Boronia Province)—The Small Claims Tribunals (Amendment) Bill is not opposed by the Opposition. The original Bill was passed in 1973 and for the period through to June 1988 there have been 3461 claims; 41 per cent of those claims were withdrawn, struck out or dismissed; 6 per cent generated non-monetary orders; 10 per cent warranted refunds to the consumer from the Small Claims Tribunal trust account; and 43 per cent were satisfied by the traders. It is that group that I shall address briefly.

The claims that come before the tribunal generally are the result of retail transactions. Unfortunately there is a feeling within the business community, particularly with small business traders, that to go to the tribunal is to be hung and that the possibility of the action being dismissed is slim.

Whether that is a correct assumption I am not certain but I do know when a small business person is called before the tribunal it costs that business money. Not only does it cost it money to appear before the tribunal, but also there is the matter of the cost of replacement staff time. That is frequently used in the negotiating stage, prior to the matter going before the tribunal, to encourage the small business person to concede on the matter.

The Bill increases the jurisdiction from $3000 to $5000, which is the first increase since 1983. The tribunal handles claims from the consumers against the retailers but there is no mechanism for the retailer to initiate a claim against a consumer. I have difficulty with that and I suggest it is an area that needs to be addressed because it is not always the retailer or supplier who is at fault.

I refer also to the area of trader disputes. In many instances the trader is in fact the consumer. They are the endusers of a product. For example, if a business purchased a typewriter, that is the type of transaction that should come within the jurisdiction of the Small Claims Tribunal. It should be possible to take that claim to the tribunal.

Currently such a case is ruled out because it is considered to be a trader-to-trader dispute. Recently a farmer who had had a vehicle repaired and who was unhappy about that repair sought to take the matter to the Small Claims Tribunal, but because the vehicle was registered as a commercial vehicle belonging to a primary producer, the farmer was deemed to be a trader and therefore the matter was a trader-to-trader dispute. That matter could not then be arbitrated by the tribunal.

The Hon. R. M. Hallam—I would challenge that.

The Hon. G. B. ASHMAN—It has been challenged but the tribunal refused to take up the issue. That area needs to be addressed and rather than calling a consumer a person who purchases at a retail store for private use, the definition of "a consumer" should be the end user of a product.

The consumer should be the person who does not intend to sell the product; that would alleviate a lot of problems and would remove some cases from the Magistrates Court, because at this stage all trader-to-trader disputes must go before the Magistrates Court. There is no other way of resolving such a dispute.

As I said, some concern has been expressed by the business community that when a small business appears before the tribunal that business will be hung! I believe it would be useful for the Minister to allay the fears of some of the retailers by some form of education program. The Bill also addresses the problem of electronic fund

transfers and the disputes that result from the use of magnetically encoded cards with the various financial institutions.

To date, in the case of these disputes, it has been necessary for bank deposits to have been lodged. All honourable members have read stories about thousands of dollars being transferred without the knowledge of the owners. The Opposition welcomes the amendment to that provision. It is a positive step. Many honourable members have had experience with the electronic fund transfer machines. When I get my bank statement I certainly check all transactions.

The Opposition is happy to support the Bill.

The Hon. R. M. HALLAM (Western Province)—The National Party has been very supportive of the concept of the Small Claims Tribunal since it was introduced in the early 1970s as a mechanism to provide a readily accessible, informal and inexpensive mode for resolving claims brought by consumers against traders. If a consumer feels aggrieved by some action or perhaps some omission of a trader, or has a complaint about an article purchased or work undertaken, he or she can lodge a claim with the Small Claims Tribunal. Upon payment of what is a nominal fee and lodgment of the amount in dispute, the case is heard and adjudicated by the tribunal.

Mr Ashman pointed out that the tribunal is currently hearing cases at the rate of about 3000 a year. Although the National Party is very supportive of the role of the Small Claims Tribunal, we believe, as does Mr Ashman, obviously, that that role could be strengthened in two ways. The first way relates to the power of enforcement. The fact is that the tribunal has no power of enforcement at all. We in the National Party have been almost continually getting complaints from consumers who have taken an action against a trader, have taken the trouble to go to the tribunal and have won the case, only to find that nothing happens.

I know the same situation can apply through the formal courts of the land and that a judgment in any case may not necessarily lead to a recovery of compensation. However, where a particular trader is consistently mentioned in respect of successful actions by consumers, the Small Claims Tribunal should be given at least some teeth. There will always be some sharp traders in the market, otherwise we would not need the tribunal.

It seems to members of the National Party that where those practices are indicated by the same name cropping up in actions before the Small Claims Tribunal, the tribunal should at least have an opportunity of initiating an investigation of the trader.

If that action leads to the exposure of the actions of that trader, that would be a step in the right direction. The trader may be convinced to desist as a result, or clean up his operation. That would be an even better result. I suspect that in some cases the best result would be to force the trader out of the market. So there is a glaring hole in the role of the Small Claims Tribunal in that the tribunal lacks any power to follow up a decision and to have it enforced.

The second area in which we believe the role of the tribunal could be expanded is the restriction on actions to consumers, an issue which was touched on by Mr Ashman. We complained because the tribunal specifically excludes actions by traders, both against other traders and against consumers. But we take heart from the fact that we are led to believe that farmers in this instance are treated as consumers. That was why I raised an eyebrow when Mr Ashman suggested in a particular case a farmer was denied access to the Small Claims Tribunal; that has not been our experience.

The example I use is where a trader buys another motor vehicle from another trader and intends to use that vehicle for his personal use. Should some dispute arise, he has

clear access to the tribunal, but if in fact he intends to use that vehicle in his business, even though that may be only a small part of its use, he is specifically excluded from an action before the tribunal.

The Hon. G. B. Ashman—A definition is on the way.

The Hon. R. M. HALLAM—That may well be but if it is revealed that the vehicle is used even remotely for the trader's business, the tribunal takes the view that that precludes an action by him.

The Bill provides for two changes to the current Act, both of which are supported by the National Party. The first is the expansion of jurisdiction. The Small Claims Tribunal currently is unable to hear any claim exceeding $3000 in value. Under this Bill that jurisdictional ceiling is lifted to $5000. The last time the ceiling was lifted was in 1983 when it was set at its current level. Since then inflation has eroded the effective level of that ceiling. It is clear that today consumers could be disadvantaged to the extent that they are denied access to the tribunal simply through the erosion of our currency as a result of inflation. It seems to make very good sense indeed that the ceiling should be reviewed. The National Party certainly supports the extension provided by the Bill.

The second amendment relates to the lodgment procedures. As I mentioned earlier, a consumer taking action before the Small Claims Tribunal is required to pay a nominal fee and also to lodge the value of the dispute with the tribunal. It is not long ago that the House agreed to an exception of that principle in respect of credit contracts where it was shown to be simply impractical and unfair to require the lodgment of the amount in dispute.

The facts are that similar circumstances have arisen in respect of automated teller machines. If funds are fraudulently withdrawn from an account through an automated teller machine, the customer whose card is used to perpetrate that fraud would normally be required to lodge the total of the amount in dispute before the case could be heard by the tribunal. It may be that the amount involved is very substantial. It could be several times the specified limit. It would be most unfair if that consumer were denied access to the Small Claims Tribunal as a result of an action over which he had no control. Members of the National Party believe the circumstances relating to automated teller machine fraud are much more akin to the concerns arising in respect of credit contracts. Therefore, the exemption provided under section 20A of the principal Act in respect of credit contracts should also be extended to apply to the circumstances I have outlined. This amendment will provide that same extension to customers in those circumstances. It is on those grounds that the National Party is happy indeed to support the Bill.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1

The Hon. M. A. LYSTER (Minister for Local Government)—I move:

Clause 1, line 4, omit "(*a*)" (where secondly occurring).

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.

EDUCATION ACTS (OVERSEAS STUDENTS) BILL

The debate (adjourned from earlier this day) on the motion of the Hon. E. H. Walker (Minister responsible for Post-Secondary Education) for the second reading of this Bill was resumed.

The Hon. R. I. KNOWLES (Ballarat Province)—The Opposition does not oppose the Bill. I am advised that it is a result of concern that has been expressed that the present mechanism whereby the Commonwealth issues approval for foreign students to come to Victoria to study has proved to be, or at least is at serious risk of being, inadequate.

Despite the fact that the Opposition supports the Bill it does not do so unreservedly. Its primary concern is that the government will use the Bill to preclude students from coming to study at a private tertiary institution in Victoria. There has been an experience in recent weeks when the Minister responsible for Post-Secondary Education has advised the House that under no circumstances will the government support a proposal to establish a private university in this State. The Opposition is concerned the government may use this Bill to stop what otherwise would be quite a legitimate purpose. I seek from the Minister an undertaking that the government will not use this Bill to stop the entry of foreign students to a Victorian tertiary institution, provided that the tertiary institution provides an education at or of the desired standard.

If the Minister is able to give that assurance the Opposition believes the Bill is important because it will enable the States to ensure that foreign students who come to Victoria receive a standard of education judged by the State to be adequate. Without the Bill we will continue to rely on the Commonwealth, which is not as well positioned as the State government, to ascertain whether the standard of education provided is at an adequate level.

Therefore, provided that the Minister is able to give that assurance, I indicate the Opposition will support the Bill.

The Hon. P. R. HALL (Gippsland Province)—The National Party also supports the Bill. It realises that overseas students contribute some $120 million a year to this country to the benefit of the higher education institutions as well as private schools within the State. Indeed, that income is very important to those institutions.

I must admit that when I was younger I thought the presence of overseas students was in some way detrimental to our system and that perhaps they were taking up the places that could well be occupied by Australian students. However, I have been assured in recent times that this is not the case and that the fact that overseas students pay fees contributes to those institutions and allows them, in turn, to expand their services and thus create more places.

Therefore, the National Party has no objection to overseas students coming to this country to study. Indeed, it believes Australia has a responsibility to help out some of the countries of South-East Asia, from where most of the students come, in the education process. I shall not elaborate on that point.

There has been much media attention over the past twelve months on the unscrupulous practices of some private institutions. The National Party certainly agrees with the procedure proposed in the Bill of approving the institutions and also the courses that they offer. There is certainly a need to protect the fine reputation of integrity that now exists overseas about the Victorian school system.

At one stage the National Party was concerned that the Bill may affect some of the exchange student programs that are very important and, I believe, essential in this country. It was concerned that perhaps this fee-paying structure may affect Rotary

International exchange students coming to the country. However, it has been assured by the Minister that this certainly does not apply, and it is happy with that assurance.

With those comments, I inform the House that the National Party fully supports the Bill and commends it to the House.

The motion was agreed to.

The Bill was read a second time.

The Hon. E. H. WALKER (Minister responsible for Post-Secondary Education)—By leave, I move:

That this Bill be now read a third time.

I should like to comment regarding the assurance that Mr Knowles sought. If I heard his words correctly, he wanted an undertaking that:

. . the government will not use this Bill to stop the entry of foreign students to a Victorian tertiary institution, provided that the tertiary institution provides an education at or of the desired standard.

I am happy to assure him of that. The Bill was never intended to be used in that manner.

I have said in this House previously that the government does not support the establishment of a private university in this State. However, really, if it ever comes to the point where that policy has to be put into effect, it would be quite normal for it to be put into effect at the point at which legislation was required or sought to establish such an institution. As I understand it, the only real control that this government has is over the use of the title "university". I have made it clear that the issue of the Tasman University, which I gather is to be reconstituted in New Zealand and may want a campus in Victoria, would have to come to this Parliament eventually for that to be put into legislation. That is the point at which we would debate that issue and how it would be established one way or the other. Of course, the government has no intention of using this measure in the manner suggested by Mr Knowles. I therefore give that assurance.

I have noted the points made by Mr Hall and some of his concerns, but I note there is general support for the measure, and I thank members of the opposition parties for that.

The motion was agreed to, and the Bill was read a third time.

CREDIT (AMENDMENT) BILL

The debate (adjourned from earlier this day) on the motion of the Hon. M. A. Lyster (Minister for Local Government) for the second reading of this Bill was resumed.

The Hon. R. M. HALLAM (Western Province)—The minister's second-reading speech on the Credit (Amendment) Bill describes it as a relatively small Bill, but one which makes significant amendments to credit legislation. It is a small Bill in terms of its size but, so far as certain sectors of the domestic finance market industry are concerned, the amendments involved are most significant. They could be described as dramatic.

The Bill has three quite separate objectives. The first and perhaps the least sensitive of the objectives relates to the computations of interest rebateable when a loan contract is paid out prematurely. The decision of the Supreme Court in what has become known as the Anderson case determined that finance companies were misinterpreting the formula which is provided in the schedules of the Credit Act in that they had been

understating the rebates due to people who had paid out credit contracts before the due date. Because of the Anderson case, the finance companies have since been refunding the amounts involved.

The problem arises that where contracts have been terminated before the due date and then rewritten by the same lender, the understatement of the rebate is built into the contract that is rewritten. To that extent the error is once removed. Under those circumstances, the Credit Act stipulates that the lender is technically deprived of the ability to charge any interest.

Of course, one can imagine that the lenders of the world found this to be quite an interesting situation. It immediately won their attention. In some instances the situation became even more complicated because it was discovered that some contracts had been rewritten more than once. Not surprisingly, there has been a queue of lenders before the Small Claims Tribunal and Australian courts to argue for the right to recover the interest involved. The Bill makes such queues unnecessary by clarifying the rights of the lenders in this respect. The National Party certainly supports that objective.

The second effect of the Bill is a little more complicated. At present credit unions are exempt from the licensing provisions of the Credit (Administration) Act and they do not have to comply with the Credit Act. To gain benefit from that exemption credit unions have to either be established and registered under the Co-operation Act or be registered as a foreign society. The penalty for unlicensed trading under the Credit Act is the loss of principal and interest—a rather draconian penalty.

It has come to the attention of the government that many interstate credit unions have been operating in Victoria and, because they are not registered as foreign societies, apparently have been operating illegally, particularly those credit unions operating from New South Wales where, happily, there is uniform credit legislation and the same penalty is applicable.

We are told that there could be something like $100 million of principal and interest at risk in these circumstances. A decision has been taken between the States not to impose the penalties and incur the horrific implications for lenders involved, but to legislate to validate the loans.

The National Party has been assured by the Minister that there is an arrangement of reciprocity between the States to that extent, and the National Party relies on that assurance. If the House is to move to validate the loans retrospectively, it is critical that we are able to rely upon a reciprocal arrangement being introduced by the other States. My party is told that the arrangement exists, and it is on that basis that it is prepared to support the Bill.

The third effect of the Bill is the one that has been heralded as most controversial. Over the past few days negotiations which I would describe as hectic have been taking place. The provisions of the Credit Act do not apply to credit societies and credit unions. There is a divergence of opinion on the merit of bringing credit unions and credit societies under the auspices of the Credit Act.

It is clear that the credit unions are different from the other components of the domestic finance market. For a start, they are based upon the concept of restricted membership; they are bound at least to some degree by the concept of community of interest, and to some degree they have acted, at least at their inception, as private banks, accepting deposits from members and lending to other members.

On the one hand, a strong argument is put by representatives of the credit unions that it is inappropriate to bring credit unions within the auspices and control of the

Credit Act. On the other hand, the argument has been put just as strongly by the Australian Finance Conference Ltd that many of the credit unions are very large and strong and that they are to all intents and purposes a competitive component in the finance market; that it is incumbent on Parliament to apply a level playing field, given the fact that credit unions have grown dramatically over the past few years.

As of today, credit unions provide approximately 20 per cent of the lending capacity of the domestic financial market. It is quite clear that the majority of credit unions no longer fall within the mould of the traditional cooperating organisations. I briefly refer to an article relating to a particular credit union in Western Australia to demonstrate the point I make.

The *Canberra Times* of 4 February 1989 reports that the Teachers Credit Union Co-operative Ltd, registered in Western Australia, has lost an estimated $62·5 million and has cost the taxpayers of that State $43·5 million. Perhaps that may be an isolated instance, but it illustrates the quite legitimate claim of the finance conference that we are not really talking about the traditional mould of cooperatives and credit unions. We are really talking about a very large and highly competitive component of the finance industry.

The National Party has much sympathy with the traditional credit unions. They are different from the other credit providers, particularly in the traditional mould because they are relatively small, industry-based or location-based, and the benefits have been restricted to members as a matter of tradition.

Those unions are unique in the respect that the members have at least an opportunity to take part in the management decisions. Members can seek nomination to the management hierarchy; they can become part of the board. If any dispute arises in respect of any loan, the member has immediate access to the decision-makers. That has been a very important aspect of the cooperatives that we have all come to know and respect. It has played a very important role and the concept is well worthy of support. The National Party was keen to provide that support. The problem is that if we lump all credit unions into the one basket, it is difficult to devise a basket to fit all aspects of the industry.

Some credit unions fit into the category I have described. In this State there are some 300 credit unions with a membership of less than 500. In the past few years credit unions have dramatically increased their share of the finance market. While the number has actually decreased to 426 nationally—I am quoting figures from the June 1987 document—the total assets have increased to $7·37 billion. That is a staggering amount. Clearly these are not traditional credit unions but something quite different. They have obviously become huge financial organisations with enormous credit backing and are no longer based on the concept of community interests.

One can become a member of some credit unions simply by buying one share; there is no restriction. A credit union associated with the South Australian Police Force does not require that a person is a member or has been a member of the South Australian Police Force or is related to a member; the only qualification necessary is that a person has come across the travelling salesman who represented the credit union! A different argument is raised by such a situation. It is not one of the credit unions that should be singled out for particular protection. There is no reason why a credit union of that dimension should be exempt from the provisions of the Credit Act.

There are several implications for a credit union which comes within the provisions of the principal Act. If it is deemed to come within those provisions, anybody who is aggrieved by an action of a credit union is precluded from seeking relief through a

credit tribunal, which presents a fundamental concern. A powerful argument can be advanced that that mode of access should be available to credit unions, particularly the teachers credit union in Western Australia to which I referred earlier. I am told the practices of that credit union have followed lower standards than honourable members would support.

If credit unions are brought within the scope of the provisions of the Credit Act, they will be affected immediately. One impact on them will be that they will need to change their stationery—contract forms and so on—and in some instances to upgrade their computer software. The credit unions are suggesting that that will cost something of the order of $1 million. The cost will be proportionately greater for the smaller credit unions that honourable members would wish to protect.

The Bill is debated against that background. It is interesting that the Standing Committee of Consumer Affairs Ministers, SCOCAM—and I hesitate to use the title—has been researching the situation, so that a standardised credit Act can be introduced which will overcome many of the problems addressed in the Bill. I am advised that the committee has been meeting for some time and a model piece of proposed legislation has been drafted which hopefully will be acceptable to most of the States. The Minister for Consumer Affairs has told me that he expects the national legislation to be introduced in something like two to two and a half years. Implicit in what he is telling me is that he believes the objective will be achieved.

To that extent, credit unions are saying, "Why are we being forced to be incorporated under the Credit Act in this State, when we can anticipate that the whole tenet of national legislation is going to be revisited, and, hopefully, redrafted and—hopefully, again—be more appropriate to the structure under which we operate?". To that extent, the debate on the Bill—as far as the credit unions are concerned—is really a matter of timing. They have said to the National Party, "We are quite happy to have our organisation brought within the parameters of the standardised national legislation—we believe that is inevitable, anyway—but we do not want to be brought under the Victorian legislation as it stands". They argue that the cost of changing stationery and purchasing computer software is the central issue. Our response to that has been, "That is fine, except that you have to agree tacitly to that cost at some time in the future, so we are really looking on your behalf to your interests in the short term".

The National Party sought to reach a compromise by seeking a delay in the proclamation of that part of the Bill that would bring the credit unions and cooperatives under the umbrella of the Credit Act.

Clause 2 (2) mentions a proclamation date of 1 July 1990. I am told that the Minister intends to move an amendment that will extend the date by twelve months to 1 July 1991. While the National Party sought a greater extension to meet the requirements of the smaller credit unions, it is a fair compromise in the circumstances. The only other alternative would have been to leave the proclamation date open. The National Party has been given an assurance that, if we choose that path, no credit union will be brought under the umbrella of the Credit Act until the mode of that entry has been negotiated with those directly involved. The offer was given in good faith but we have the problem of experience. When we have a choice between an undertaking given by a Minister and one written into the legislation, there is no choice for us; we will take the legislation every time because—to be brutally frank—we have been bitten on previous occasions. The National Party has opted for the amendment that can be presumed in this House, that the proclamation date will be 1 July 1991.

The Bill has come to the House after extensive negotiations. The interested parties have been willing to discuss the issues and have submitted a well documented and well considered case. Both sides of the finance market have given support which has

been valuable in reaching the position ultimately adopted. Assuming that the Minister's foreshadowed amendment is adopted and the proclamation date applicable to the drawing of credit unions under the auspices of the Credit Act is extended to 1 July 1991, the National Party will support the Bill.

The Hon. HADDON STOREY (East Yarra Province)—The Credit (Amendment) Bill is important because it deals with the future of credit unions in this State. The initial reason for introducing the Bill was to overcome the problems that have arisen because of the possibility that many transactions entered into by credit unions will be invalid because the unions do not meet the requirements laid down in legislation. Mr Hallam has canvassed this matter in quite considerable detail and has clearly spelt out the issues for honourable members. Perhaps that has to do with the reasons for the introduction of the Bill.

I understand, from comments made by earlier speakers, that the Minister for Consumer Affairs hopes that within a year or two uniform legislation will be introduced to deal with the credit industry. I speak from personal experience when I say that, during my time as Attorney-General, that concept was endorsed by a Standing Committee of Attorneys-General and by a committee of consumer affairs Ministers in 1968 and 1969. It took seven years before legislation was introduced, legislation which was not completely uniform and which was introduced in only three States. It would be a tremendous achievement if all the States agreed to introduce uniform legislation within the next two years. I wish the Minister and consumer affairs Ministers elsewhere good luck, but I shall not hold my breath while I wait for the introduction of uniform legislation.

In the interim it is necessary to deal with situations that arise when credit unions in one State deal with clients in other States. In such transactions it is possible that credit unions may lose the opportunity of recovering both the principal and the interest because they have not complied with some of the requirements of existing credit legislation. The Opposition is prepared to support that aspect of the Bill and shares the views expressed by Mr Hallam.

The Bill introduces a requirement that credit unions in Victoria be brought under the Credit Act. That step is not necessary to overcome the problems that have arisen with interstate transactions. It is certainly not an essential step on the way towards achieving uniform legislation, because other States have not done the same thing. Instead, the Bill will enable the Minister to extend his control over credit unions.

It is worth reflecting on the reasons why credit unions were not brought under the control of the principal Act. Their operations are different from those of other financial institutions which operate in the commercial market and which offer credit transactions. Not only are those transactions different in nature, but at that time they were subject to regulation because legislation already existed that dealt with credit unions.

When that credit legislation came in it introduced a form of regulation of institutions not previously regulated. That was not true of the credit unions. There were sound reasons for not bringing credit unions under the legislation. I doubt whether there has been a sufficient change in the nature of the operations of credit unions to include them in the Bill.

If it is sought to introduce uniform legislation to include a variety of financial institutions and credit unions, then credit unions in Victoria should be included within its scope. But I have difficulty in seeing why Victoria should move ahead of other States and include credit unions within the ambit of credit legislation, particularly when it is proposed to introduce uniform national legislation.

Mr Hallam canvassed many arguments; it seems apparent that the National Party will support the government on the Bill and that credit unions will be brought within existing credit legislation.

The Hon. W. R. Baxter—But not until 1991.

The Hon. HADDON STOREY—It is hypothetical whether it will be 1991, 1992 or any year one cares to nominate. Mr Baxter assumes that uniform legislation will come into operation at about that time. That would represent an unparalleled achievement in intergovernment relations around Australia.

It is clear that the Bill will be passed with some amendments—amendments the National Party has assiduously sought to achieve to provide an opportunity for uniform legislation. The Liberal Party is not able to affect the passage of the Bill. I shall not take the time to address arguments that have been canvassed fully by Mr Hallam. The Bill is unnecessary except to validate those transactions which, almost by accident, would have been rendered invalid or to which penalties would be attached because mechanical requirements of existing credit legislation had not been complied with. Nevertheless, it is neither necessary nor desirable to add to the Bill a requirement to bring credit unions under existing credit legislation.

In the Committee stage of the Bill amendments will be moved; and I shall comment on them. The Liberal Party supports the validating aspects of the Bill. It is unhappy about the provisions referring to the Credit Act. The Liberal Party accepts the situation, but wants to register its views about the matter.

The Hon. R. A. MACKENZIE (Geelong Province)—I apologise to the Leader of the House for rushing in at the last minute during the first reading of the Bill and slowing the passage of the Bill. Because I was involved with other matters, I was unaware of the contents of the Bill until they were brought to my attention this morning by officers of credit unions in Geelong Province.

When I investigated further, I believed something had to be done and I needed time to examine the Bill. I felt I also needed time to discover how Geelong credit unions felt about it. I appreciated being given the opportunity of doing so. Following those discussions I have discovered that credit unions in Geelong as well as the credit union association are as happy with the Bill as someone would be if a gun were held to his or her head; that is the best way to describe it.

To be blunt, the Bill is an instrument of blackmail. The government is trying to use a Bill that must be passed in order to close a loophole in faulty legislation to force credit unions to kowtow to regulations that are not appropriate. What hurts is that for a number of reasons I have always been a strong supporter of the credit union movement. It is a sad day when a Labor government supports a Bill such as this. I should have thought that a Labor government would have done everything it could to keep alive the credit union system.

Credit unions represent the basic Labor Party philosophy of a group of workers getting together in competition with big financiers. In the formation of credit unions, groups of workers came together, pooled their resources and helped each other. That is what the Labor Party stands for. It is a tragedy that this debate is taking place. If the Bill had been introduced by the conservatives when they were in power, I could understand it, but I cannot understand a Labor government introducing the Bill.

Credit unions have an important role to play; they provide funds to a group of people who could not obtain money anywhere else. I am sure Mr Crawford and others have been in a situation of having to go to a credit union to get a few dollars to keep

them going during difficult days. It is a pity that some Ministers have not been in that position because then they would understand what credit unions are all about.

Only 0·18 per cent of the loans provided by credit unions are for more than $20 000. Most of their loans are for small amounts to help people get over difficult spots. Only two weeks ago my son, after being refused a loan by two banks, went to a credit cooperative and got a loan. He is now in his first home as a result of that loan.

Credit unions are being threatened by a Bill that is an instrument of blackmail, and I find that hard to take. I hope even at the last minute that the Minister for Consumer Affairs in the other place will change his mind. From discussions I have had, I understand that it will be extremely difficult for credit unions to comply with some of the provisions of the Bill. I appeal to the Minister and members of the government to reconsider the issue. Good Lord, surely it can do that much! It will not be the end of the world if the Bill is delayed, but if it is passed it could be the end of credit unions.

As Mr Hallam pointed out, not all credit unions are lilywhite; some of them have stepped out of line, and the Victorian Credit Cooperative Association Ltd understands that. It knows some discipline must be introduced, and it is working on that.

Many people do not understand how difficult it is for a working man to visit a bank manager. He can do so only during his lunch hour or after 4.30 p.m. He has no time to go home to get changed and must rush off a building site covered in dirt with the knees out of his pants. Imagine how that would feel! I am not ashamed of being a worker, but workers are at a disadvantage when it comes to getting a loan.

In the case of a credit union, a worker can go home from work, walk down to his cooperative—such as the one in Geelong, which is a converted butter factory—and pour out his heart because he knows the fellow behind the counter. He can get sympathy and some money. Despite that, credit unions are being belted by the government with a pile of regulations. Recent publicity has been given to the obscene profits banks are currently making, but what is the government doing about that?

I appeal to members of the government to think carefully. Even at this late stage I ask the Minister to reconsider. In heaven's name, let us get back to some of the traditional Labor Party values and support credit unions, which have for years helped so many workers and so many ordinary men and women to keep going. That is what Parliament is all about. I want something to be done at this late stage.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2

The Hon. M. A. LYSTER (Minister for Local Government) I move:

1. Clause 2, line 13, omit "1990" and insert "1991".

The amendment changes the proclamation date from 1 July 1990 to 1 July 1991.

The Hon. HADDON STOREY (East Yarra Province)—The Opposition supports the amendment because it at least defers the operation of the clause for a further twelve months. If the Minister for Consumer Affairs in the other place is able to use that time to achieve agreement on uniform legislation before that date, the problem honourable members have been discussing will be overcome. I have certain reservations as to whether that can be done in that time, but at least it is an improvement on the clause coming into operation in July 1990. The Opposition is pleased to support the amendment.

The Hon. R. M. HALLAM (Western Province)—As I outlined during the second-reading debate, the National Party supports the amendment, and claims some of the credit for having achieved the extension of twelve months. The National Party takes on face value the assertion by the Minister for Consumer Affairs in the other place that the extension of the proclamation date gives him reasonable time in which to achieve standardised legislation throughout all States. By his own statements it appears he knows the National Party expects him to use his best endeavours to ensure that that happens by the time the clause is proclaimed.

Irrespective of what the Bill provides about the proclamation date, the understanding of the National Party is that the period has been extended to provide the opportunity of producing uniform legislation.

We would expect the Minister to keep his word to ensure that the legislation is in place before this clause is proclaimed. Irrespective of what the date says, we have agreed to the extension but we would understand that, notwithstanding the date now appearing in the Bill, we can expect to see standardised legislation in all the other States before credit unions are brought within the auspices of the Credit Act in Victoria.

The Hon. R. A. MACKENZIE (Geelong Province)—I guess it is Mackenzie's last stand but I should like to put to the Minister—and I know it is awkward because she is the Minister in this House representing another Minister—that perhaps at this late stage it might be possible to report progress and ask the Minister in the other place whether he would be willing to extend the date to 1992, because it would make a great deal of difference to the credit unions. I do not wish to place the Minister in an awkward position like this, but I put it to her.

The Hon. M. A. LYSTER (Minister for Local Government)—No.

The Hon. R. M. Hallam—No comment?

The Hon. M. A. LYSTER—It would be inappropriate for me to give a firm undertaking on behalf of my Ministerial colleague in respect of the request made by Mr Hallam. I can, however, give an assurance to Mr Hallam that I do know my Ministerial colleague will be making every endeavour so far as he is able to comply with this request, but he is not the only player in the scenario that Mr Hallam is talking about. I do give my assurance on behalf of the Minister and the Victorian government, however.

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

Clause 3

The Hon. M. A. LYSTER (Minister for Local Government)—I move:

2. 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.".

The amendment is a redraft of clause 3 (2) to overcome a technical drafting problem with the original clause. The original clause did not correct contracts entered into after

1 January 1988 when the refinancing problem relating to the original refinanced contract was prior to this date.

The Hon. HADDON STOREY (East Yarra Province)—In the interest of the government's policy of introducing plain English into its legislation, can the Minister explain in simple terms the effect of this amendment?

The Hon. M. A. LYSTER (Minister for Local Government)—I shall attempt with the best of endeavours to explain this in plain English. The wording contained in clause 3 (1), the subclause that the Committee is asked to omit, did not make the amendment that Mr Storey spoke about in his second-reading contribution. It did not make the sort of correction that we all wish to see made to cover contracts which were entered into after 1 January 1988. This proposed subclause does achieve the effect that both Mr Storey and I would seek to have achieved. I am not sure whether that is any plainer English than the explanation I gave originally, but I give my assurance that the reworded subclause achieves the effect that we both want.

The amendment was agreed to.

The Hon. M. A. LYSTER (Minister for Local Government)—I move:

3. Clause 3, page 2, lines 1 to 6, omit sub-clause (2).

4. Clause 3, page 2, line 7, omit "(2)" and insert "(1)".

These amendments are consequential on amendment No. 2.

The amendments were agreed to.

The Hon. M. A. LYSTER (Minister for Local Government)—I move:

5. Clause 3, page 2, line 11, omit "this Act" and insert "the *Credit Act* 1984".

This corrects a cross-referencing error.

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

Clause 7

The Hon. M. A. LYSTER (Minister for Local Government)—I move:

6. Clause 7, line 7, omit "Principal Act" and insert "*Credit Act* 1984".

This again corrects a cross-referencing error.

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

The Bill was reported to the House with amendments, and the report was adopted.

The Hon. M. A. LYSTER (Minister for Local Government)—I move:

That this Bill be now read a third time.

I thank honourable members for their contributions to the debate.

The motion was agreed to, and the Bill was read a third time.

CODE OF FOREST PRACTICES FOR TIMBER PRODUCTION AND INSTRUMENT OF APPROVAL

The PRESIDENT announced the receipt of a message from the Legislative Assembly transmitting the Instrument of Approval with the Code of Forest Practices for Timber Production, Revision No. 1, May 1989, and acquainting the Council that they had

agreed to a resolution ratifying the instrument and desiring the concurrence of the Legislative Council.

It was ordered that the message be taken into consideration later this day.

LEGAL PROFESSION PRACTICE (AMENDMENT) BILL

This Bill was received from the Assembly, and on the motion of the Hon. E. H. WALKER (Minister for the Arts), was read a first time.

WHEAT MARKETING BILL

The Hon. E. H. WALKER (Minister for the Arts)—I move:

That this Bill be now read a second time.

This Bill will give the Australian Wheat Board the same powers to purchase and sell wheat within Victoria as it has under the Commonwealth legislation for interstate and overseas trade.

While the wheat board will also have the power to engage in intrastate trade in other grains, where such activities will assist in the marketing of wheat, barley subject to the Barley Marketing Act 1958 will be expressly excluded.

The Bill also provides that the Commonwealth Minister, with the consent of the Victorian Minister, can direct the Australian Wheat Board on intrastate matters. There is also provision for the Victorian Minister to give independent directions to the board.

The Bill does not make any changes to existing provisions dealing with the storage, handling and transport of wheat under the Transport Act 1983 and the Grain Elevators Act 1958.

It is proposed that the Bill will be proclaimed to come into operation on 1 July 1989. Possible amendments to the proposed Commonwealth legislation, which may not be fully debated until after the conclusion of our current Parliamentary sessional period, are not expected to affect the operation of the Victorian legislation.

The transitional arrangements between the old and new marketing arrangements are the same in both the Commonwealth and Victorian Bills. Growers still holding wheat from the 1988–89 season and wishing to deliver to the wheat board's 1988–89 pool must deliver that grain before 1 July 1989. These deliveries will receive the payments appropriate to the 1988–89 pool.

Wheat not delivered by 1 July will come under the new marketing arrangements in so far as growers will be free to market their grain to their best advantage, whether through the board or otherwise. Deliveries of 1988–89 wheat to the board after 1 July will come under the new marketing arrangements and will not be eligible for 1988–89 pool payments.

The provisions of the present Bill will enable growers and the board to cooperate in the intrastate marketing of wheat, of sought after quality, to the growers' best advantage. Growers in the Mallee, who consistently produce high quality grain particularly suited to the flour milling trade, will be well placed to take advantage of the new arrangements. On a small scale, producers of soft quality low protein grain, suitable for the biscuit trade, will also be in a position to benefit from these arrangements.

I commend the Bill to the House.

The Hon. R. I. KNOWLES (Ballarat Province)—The Opposition supports this important Bill which becomes even more important if the Federal government can resolve its approach to wheat marketing. The wheat industry is of critical importance to this State. It is an efficient industry and the Bill allows the Australian Wheat Board to trade intrastate and, in addition, provides a mechanism for the government of the day to deregulate the transportation of wheat if it so chooses.

Given that this issue has been canvassed widely in another place, I simply indicate that the Opposition supports the Bill. However, during the Committee stage the Opposition will move its normal amendment whereby regulations can be disallowed by either House.

The Hon. R. A. BEST (North Western Province)—As Mr Knowles said, the Bill is important. It is particularly important to me because the Mallee wheat areas are in the province I represent and the Bill will have an enormous impact on the Mallee.

Its purpose is to strengthen the position of the Australian Wheat Board in respect of domestic trading within Victoria. Currently the board has the power to trade both interstate and overseas. The proposed legislation results from the recent legislation of the Federal government which implemented major changes to the wheat marketing arrangements. Because the Federal government does not have the power to make laws regarding the marketing of wheat intrastate—that is, within Victoria—the Bill is required to address that situation.

As I said earlier, I represent one of Australia's largest grain growing areas, and the tragedy of the wheat debate and the major changes to wheat marketing arrangements proposed in the Bill is that wheat growers and the industry have been forsaken by politicians for political considerations of power, unity and ideology and not through any understanding.

The government's proposed legislation will, without doubt, increase the volume of wheat sold domestically. However, I believe this will be to the economic disadvantage of farmers. After 1 July this year the Australian Wheat Board, without this complementary legislation, would not have the power to engage in the domestic marketing of wheat within Victoria. In addition, the board would not be able to enter binding contracts for forward sales with mills and stockfeed manufacturers.

The Bill also gives the Australian Wheat Board the same powers to market wheat in Australia as it has for interstate and overseas trading. The Bill also makes provision for the Federal and State Ministers to provide direction to the board on intrastate matters. However, the Bill has no effect whatsoever on the storage, handling and transportation of wheat.

All States have been placed in an absolutely impossible situation by the Federal government. Deregulation was not asked for by the Victorian government or the opposition parties. The grain industry did not ask for deregulation. It has, however, been forced upon us by the Federal Minister, Mr Kerin, and the Federal government as well as by other politicians who are on a trend of deregulation.

The proposed legislation must be supported to allow the Australian Wheat Board to compete with private traders. If the Bill is not passed, growers will go into the next season with the Australian Wheat Board at a distinct disadvantage. As I said, it is tragic that it has been forced upon us without proper consultation with the Minister at a State level. I do not believe there was any discussion whatsoever between Australian Agricultural Council Ministers or Ministers at the State level. The Labor Party wants the cheapest food possible with no real regard for the livelihoods of producers or the future of the industry.

It will open up areas for private traders such as the Elders group, the Cargill group, Continental Grain Australia Pty Ltd and Bunge (Aust.) Pty Ltd to manipulate the market for their own benefit. This is the first step to deregulate the industry and it could be a disaster. The traders have only to get their feet in the door by purchasing on the domestic market and then they can request the Federal government to allow them to sell their excess wheat on the overseas market.

Growers will be held to ransom and prices will be set at the lowest possible level. Traders will pit grower against grower, producer against producer, so that the market will achieve the lowest possible price. The Australian Wheat Board should be the price setter of domestic wheat. The overseas price for wheat is set basically by the Americans, who obviously, because of their heavily subsidised grain, are able to dictate the market price.

What we potentially have is a situation where, because the overseas price is set, a trader must derive an income and the end result will be that the producer will have to take whatever price is offered. I do not want to mention the 1930s and the price of grain during those days and how farmers were held to ransom, but it is worth while appreciating the impact that a third person in the market has the potential to create.

The concept of this measure at a Federal level was to thrust a wedge between the opposition parties. Mr Kerin has shown that he has no plan of attack for the industry other than to deregulate at any cost. The Australian Wheat Board, the Grains Council of Australia, the Grain Elevators Board and the producers do not really count in Mr Kerin's eyes. He believes that he knows what is best for the industry and has set out on an agenda to achieve whatever he desires. At the outlook conference this year Mr Kerin said:

> Farmers adjust every day to the vagaries of seasons, and every season to the vagaries of the market. For example, over the past six years there has been a 21 per cent decline in the area planted to wheat and a 292 per cent increase in the area planted to legumes. Farmers adapt to change rapidly on the farm, and market forces do the work.

For example, peas were expected to bring around $300 a tonne this year but they are currently selling at around $170. That means an overproduction by producers wishing to extract the highest return possible in substituting growing peas for growing grain. This has meant an overproduction with traders manipulating the price.

To come down to basics, it is the producer who pays. Farmers have been told in no uncertain terms that they do not really count. There are only 45 000 growers in Australia, yet they contribute 45 per cent of export income. That is a staggering amount from a such a small percentage of the Australian population.

I know there is support for deregulation but I believe that it is for short-term gain only. The long-term interests of the industry are not with deregulation. Admittedly the 1960s and 1970s were the golden years for the farmer but increasing costs of production have made it more difficult for farmers to extract a living from the land. In no area is it more difficult than for the wheat farmer, whose costs of production have increased substantially and whose returns have, just as dramatically, decreased.

As stated in the Minister's second-reading speech, the provisions of the Bill will enable the growers and the Australian Wheat Board to cooperate in the intrastate wheat market. Because of the circumstances that have been forced upon the National Party we support the Bill, but it is important to point out that we are being asked to support a Bill that has not been through the Federal Houses of Parliament. Although we are passing complementary legislation, we do not know the full context of it. The National Party supports the Bill.

The Hon. R. S. de FEGELY (Ballarat Province)—I am prompted to speak briefly on the Bill because of what I have just read in the second-reading speech. The Liberal Party is not against deregulation of industries if that deregulation will make them more efficient. However, I read in the second-reading speech that the Bill does not make any changes to existing provisions dealing with the storage, handling and transport of wheat under the Transport Act 1983 and the Grain Elevators Act 1958.

I believe Australia has the most efficient farming industry in the world. The farming community has been asked for many years to become more efficient and to produce more. It has done just that. If it had not, it would not have survived. As Mr Best pointed out, the farming community produces 45 per cent of Australia's export income and it does that because it has become competitive with the rest of the world.

I am concerned about what I just read in the second-reading speech because the Bill does not in fact make any changes to the handling and transport of wheat in Australia. One of the problems we face in our efforts to be competitive in a free market world is the high cost of handling and transport of our agricultural products.

The Federal government said recently that it would deal with inefficiencies on the waterfront. Two years ago we took out some figures on the handling of wheat from our ports in New South Wales. By comparison with the United States of America, which is a competitor in the world market, it took 115 people in New South Wales to transport the amount of wheat that could be moved by 18 people in America.

Problems exist not only on the waterfront but also in the shipping industry in Australia, which has a cosseted system whereby products must be transported on our own shipping lines. This has resulted in wheat being imported into New Zealand from Turkey because it is cheaper than getting it across the Tasman Sea from Australia.

Deregulating the industry in Australia is a great idea. However, the Federal government must take on the real issues that are keeping us uncompetitive with the rest of the world, that is, dealing with the work practices and problems faced on our waterfront and with our shipping.

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 to 10 were agreed to.

Clause 11

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

1. Clause 11, line 17, after "**11.**" insert "(1)".

2. 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.

These amendments are the standard disallowance of regulation provisions.

The Hon. E. H. WALKER (Minister for the Arts)—The government is not happy with the amendments; however, as is usual on the last day of a sessional period, it will not start a brawl over the issue. The government has never accepted amendments allowing either House to disallow regulations, nevertheless, the government will not divide on the matter.

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.

LEGAL PROFESSION PRACTICE (AMENDMENT) BILL

The Hon. E. H. WALKER (Minister for the Arts)—By leave of the House, I intend to read the objects of the Bill and then have the remainder of the second-reading speech incorporated in *Hansard.* Therefore, I move:

That this Bill be now read a second time.

OBJECTS OF THE BILL

The major objects of the Bill are:

(1) to provide a speedy, cheap and efficient means of resolving disputes between solicitors and their clients or former clients;

(2) to replace the Solicitors Disciplinary Tribunal with a Solicitors Board, which will have a less complex structure and will be more accountable to the public;

(3) to give the Solicitors Board power to discipline solicitors for negligent or unprofessional work or conduct as well as for major misconduct;

(4) to enable a complainant who has suffered loss as a result of a solicitor's negligence to receive compensation of up to $2500 without the need to bring an action in the courts; and

(5) to ensure that all practitioners, whether practising as barristers, solicitors or both, are subject to the disciplinary procedures of either the Law Institute of Victoria or the Victorian Bar Council.

I seek leave of the House to have the remainder of the second-reading notes incorporated in *Hansard.*

Leave was granted, and the second-reading notes were as follows:

BACKGROUND TO THE BILL

The present statutory scheme of professional discipline for solicitors was introduced in 1978, following considerable public criticism of the legal profession, principally arising from the massive defalcations of the mid-1970s. A Solicitors Disciplinary Tribunal, which included lay members, was established to hear complaints of misconduct against solicitors. The Lay Observer's office was established to monitor the adequacy of the investigation of complaints by the Law Institute and the adequacy of the tribunal's processes.

In his final report as Lay Observer—the report for 1985—Mr Frank Eyre reviewed the operation of the new system since its introduction. He made a number of criticisms, including:

that the definition of "misconduct" was too narrow, and that as a result many reasonable grievances about solicitors' incompetence went unresolved;

that the tribunal lacked power to award compensation to complainants for financial loss incurred as a result of a solicitor's negligence and, as a result, complainants were forced to take common-law actions before the ordinary courts; and

that the system of handling complaints was too complex and too slow.

A working party was convened, comprising an officer of my department, the new Lay Observer and two representatives of the Law Institute. The Bill is based on the general principles developed by the working party, and has been endorsed by the Law Institute.

MAJOR FEATURES OF THE BILL

Standards Breach

The Bill creates a lower level of disciplinary offence known as "standards breach". Standards breach means conduct by a solicitor in a professional capacity which would be regarded by a solicitor in good standing as unacceptable or unprofessional behaviour, and includes conduct unbecoming a solicitor, unprofessional conduct and contravention of the Legal Profession Practice Act or its regulations or rules without reasonable excuse. The Law Institute has agreed to use its rule-making power under the Act to promulgate codes of conduct in relation to specific matters, for example, advising clients concerning the availability of legal aid. Breach of a code of conduct will constitute a standards breach.

The creation of the new disciplinary offence will permit the resolution of complaints of negligent and unprofessional work not sufficiently serious to fall within the definition of misconduct. This will both provide a satisfactory outcome for complainants with legitimate grievances, and encourage solicitors to maintain proper professional standards at all times.

A solicitor who demonstrates a serious and continued disregard for proper professional behaviour by committing repeated standards breaches will be guilty of misconduct and will be liable to more severe sanctions.

The Registrar

A new official known as the Registrar is to be appointed by the institute. The Registrar will be responsible for the referral of solicitor-client disputes to conciliation. He or she will also have power to hear and determine solicitor-client disputes that cannot be settled by conciliation and to hear allegations of misconduct and standards breach other than the most serious cases. The Registrar will have power to hear disputes concerning costs of up to $2500 or concerning larger amounts if both parties agree. The Registrar's hearings will provide a speedy and efficient forum for the hearing of less serious complaints and for the resolution of disputes.

Dispute resolution

The first step in the dispute resolution procedure prescribed by the Bill is informal conciliation by the Secretary of the Law Institute or the Secretary's delegate. If settlement is not achieved the Registrar will refer the dispute to a conciliator, who must be an experienced solicitor, for formal conciliation. If the dispute is not resolved by formal conciliation the Registrar will conduct a formal hearing. This procedure is designed to assist complainants and solicitors to resolve their differences with the least possible formality, expense and delay.

The Solicitors Board

The Solicitors Board will consist of one member from a panel of solicitors appointed by the institute, one member from a panel of lay persons appointed by the Attorney-General, and a chairperson, who will be a retired judge. The board will hear the most serious cases of standards breach and misconduct.

This combination of Registrar's hearings by a person appointed by the institute with hearings by a three-person board in the more serious cases strikes a balance between the continued self-regulation of the legal profession on the one hand, and the requirement that the disciplinary procedure both operate impartially and be seen to do so on the other.

Powers of the Registrar and the board

The same sanctions can be imposed by the Registrar and by the board when hearing an allegation of standards breach. Important sanctions include:

reprimanding or admonishing the solicitor;

ordering the solicitor to undertake a course of education or to receive management or accounting advice;

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;

ordering the solicitor to pay the costs of the proceedings.

Where misconduct is established, the Registrar may, in addition, order the solicitor to pay the institute an amount not to exceed ten penalty units. The board may impose a penalty of up to 50 penalty units and may exercise the following additional powers:

it may cancel, suspend or refuse to grant a practising certificate;

it may order that the solicitor not engage in practice as a barrister for a specified period;

it may order that the solicitor practise only as an employee solicitor for a specified period.

The power of the Registrar and the board to award the complainant compensation of up to $2500 for loss caused by the solicitor or to reduce the amount due on a bill of costs permits the resolution of disputes concerning relatively small amounts of money without requiring the complainant to incur the cost of civil action in the ordinary courts. Fee disputes concerning more than $2500 can also be dealt with if both parties agree.

Appeals

Any person aggrieved by a decision of the Registrar may appeal to the board, and any person aggrieved by a decision of the board at first instance may appeal to the Supreme Court. A solicitor whose application for a practising certificate has been refused or whose practising certificate is cancelled or suspended has an additional appeal to the Supreme Court from a decision of the board on appeal from the Registrar's hearing.

Barristers

Both the Bar Council and the Law Institute have expressed concern that practitioners whose practising certificates have been cancelled or whose names have been removed from the roll of counsel can continue to practise as barristers without being subject to the discipline of the institute or the council. The Bill closes this loophole in the scheme of professional regulation by requiring every practitioner, whether practising as a barrister, a solicitor or both, whose name does not appear on the bar roll, to hold a practising certificate. In addition, the institute is empowered to refuse a practising certificate to a practitioner who has been disciplined by the Barristers Disciplinary Tribunal.

A new provision has been inserted at the request of the Bar Council, empowering the Barristers Disciplinary Tribunal to suspend from the bar roll barristers who are incapable of carrying on practice properly as a result of mental incapacity. An equivalent provision already exists in relation to solicitors.

CONCLUSION

The Bill implements a new structure for dealing with complaints against solicitors that will facilitate speedy and effective resolution of disputes. It empowers the legal profession to discipline its members for negligent and unprofessional work, and provides a simple mechanism for compensating clients for loss of up to $2500.

The Hon. E. H. WALKER—I commend the Bill to the House.

The Hon. HADDON STOREY (East Yarra Province)—The legal profession has recognised over many years that it is important to provide for the protection of its clients and to do that by having an effective system established to set the standards that ought to be observed by solicitors, as well as to have a means of ensuring that those standards are observed.

Solicitors were the first professional group to introduce a system of guaranteeing clients against loss. That process led to the establishment of the Solicitors Guarantee Fund. They then took the next step, to ensure that all solicitors were properly protected by a system of insurance against claims that may be made by clients as a result of the negligence of a solicitor. So the profession established a set of protections to ensure that persons dealing with solicitors would not suffer loss if there was some defalcation or degree of negligence. All of that was inserted into the Legal Profession Practice Act, and over the years numerous amendments have been made to that Act to make the procedures work more effectively.

One of the novel things the profession did was to recommend the establishment of a disciplinary tribunal to hear complaints against solicitors for breaching the standards established for the conduct of solicitors. Even more novel, in a sense, was the

establishment of the office of Lay Observer, someone to whom members of the public could go to complain about their concerns about the legal profession, but particularly relating to a specific solicitor.

That gave the public access to a person who would give consideration to the complaints, would look at the complaints and would seek to achieve some resolution of them. The Lay Observer operates in a similar fashion to the Ombudsman. I place on record my appreciation of the service given by Mr Frank Eyre over a period of years.

This review procedure has led to the recommendations and the drafting of the Bill. The Minister for the Arts has outlined in detail the provisions of the Bill and I shall not take up the time of the House by going over them. I simply say that the Opposition appreciates the importance of having a set of procedures and a framework that will give a feeling of confidence to people who deal with members of the legal profession. It is important, because they have an essential role to play in our community.

Many citizens have difficulty in coming to terms with the law, the way it affects them, the way it operates and so on. They certainly have difficulty in coming to terms with the procedures established by the law and it is important that they can have confidence in the people that they engage to act for them in one capacity or another in legal proceedings.

This is achieved through the provisions of the Legal Profession Practice Act. The Bill changes, dramatically in some ways, the procedures that applied in the past. It establishes a Solicitors Board to do the things that are presently done by the Solicitors Disciplinary Tribunal and it sets out the ways in which disputes may be resolved.

There may be some problems with provisions and the way they operate, but the Opposition believes they have been carefully considered by the legal profession. The government has accepted the recommendations of the legal profession, and all parties hope they will achieve the desired results.

Without going into details on these matters, the Opposition simply says that it will not oppose the Bill. Indeed, it hopes that the provisions will assist in further enhancing the way in which the legal profession provides assistance to the community.

I have a background as a practising lawyer, although I am a barrister and a member of the Victorian bar, which means that in my professional practice I did not practise as a solicitor but as a barrister. Most of the provisions in the Bill deal with the operations of solicitors but some apply also to barristers. To that extent I have an interest in these matters, although I no longer practise in the sense of receiving remuneration from the bar. I am not affected by the Bill in that professional capacity.

I wish the profession well. I believe this Bill will help to ensure that it operates in the interests of members of the public. After all, that must be the prior duty of all members of the legal profession.

I sincerely hope these provisions will work well. I have no doubt that in one, two or three years there will be another amendment to the Legal Profession Practice Act, but that is a good thing. It means it is always being reviewed and amended to make it the most effective measure possible.

The Hon. W. R. BAXTER (North Eastern Province)—I welcome the Bill because it puts in place a much improved disciplinary procedure for solicitors. It establishes a three-part board to make investigations, comprising a representative of the Law Institute of Victoria, which some people like to call the solicitors trade union—I think that connotation is unfair—a lay representative, and a retired judge as chairperson.

Such an arrangement should give people confidence that, if they have a complaint against a solicitor, it will be dealt with fairly.

From time to time I have received complaints—and I have read about them in journals and propaganda sheets—from people who believe they have not received a fair hearing from the existing Solicitors Disciplinary Tribunal. Some people have claimed it was a little like Caesar appealing to Caesar! Certainly the last report of the Lay Observer was critical of the way the existing procedure worked. Allegations were made that the opportunity was available to solicitors and the institute to protect some of their members from proper investigation.

I am not in a position to say whether those allegations have merit, but there has been a feeling in some quarters of the community that that was the case. I do not believe such allegations could be made against the proposed investigatory process because, with an independent chairman—a retired judge—a lay representative and a representative of the solicitors, I should expect, and vehemently hope, that a full investigation and disclosure would be made.

From time to time people are dissatisfied with their solicitors. On many occasions the dissatisfaction is generated by the failure to get the result that the client expected. In 99·9 per cent of cases that would not be because of any misdoing or incompetence on behalf of the solicitor. It is simply that the evidence and the facts as proven are such that the client would not win his case, no matter how justified he or she believed the case to be.

In any occupation or profession there will be a number of incompetent people, whether through laziness, lack of knowledge or, worse, through some sort of malicious intent. A procedure needs to be in place for such allegations to be investigated. The provisions in the Bill go to those matters and will enable full investigation of any complaints. As Mr Storey said, it may not work out ideally at first. Some amendments may have to be considered in a year or two. If that is the case, so be it; honourable members will look at them then. The proposed Solicitors Board is a distinct advance on the current procedures, and I wish it well.

I have a fairly close association with the Law Institute of Victoria in my capacity as spokesman, either directly or indirectly, on Attorney-General's Department matters in this House, but that does not mean I am totally beholden to what the institute says. I have been critical, sometimes severely, of individual solicitors over the years for actions that have been brought to my attention. I have been disappointed with some decisions made by the current disciplinary mechanism. The proposed system will improve that situation. In the future I hope I will have no cause to complain. I wish the proposed legislation well.

The Hon. ROBERT LAWSON (Higinbotham Province)—This is only the second time I have ventured to speak on a Bill relating to the legal profession. The first time was in October 1987 when the House dealt with the Legal Profession Practice (Professional Indemnity) Bill. On both occasions I decided to speak on behalf of a constituent of mine, Mr John Little, a solicitor who had been involved in head-to-head confrontations with the Law Institute of Victoria.

Mr Little is a turbulent individual of the sort needed in the legal profession from time to time to keep its arteries from hardening. At one stage Mr Little refused to pay his dues to the institute because he believed they were being levied unconstitutionally. He was convicted of contempt of court and was sentenced to Pentridge Prison for 21 days. Mr Little appealed and was released after eight days because it was decided the judge was wrong in sentencing him. This is one of those cases where respectable people with strong principles go to prison as a result of their beliefs.

Mr Little has again been in touch with me and asked for a copy of the Legal Profession Practice (Amendment) Bill. He studied it and asked me to convey his opinions to the House. Mr Little would like to see the Bill——

The PRESIDENT —Order! Mr Lawson may state his own views and may illustrate them by reference, but he cannot make his speech based on another person's views.

The Hon. ROBERT LAWSON—Thank you, Mr President. I formed the impression that the Legal Profession Practice (Amendment) Bill is a mess and should be withdrawn and redrafted. I do not intend to move to that effect this evening but I support Mr Little in his views, which have become mine over the past few minutes.

I inform the House that the institute ought to be stripped of its legislative recognition and left like the Australian Society of Accountants, as a mere professional association. It would then be possible for competing associations within the legal profession to be established. The Real Estate Institute of Victoria has been in competition with other estate agents associations.

The Hon. K. I. M. Wright—It used to be.

The Hon. ROBERT LAWSON—Is that no longer the case? Perhaps the same procedure could be followed with the legal profession.

The legal industry has become more interested in the pursuit of profit than in operating as an honourable profession engaged in assisting people in the delivery of a quality legal system in Australia. The Bill will be returned to this place at a later stage in some other form, and my views and Mr Little's views will be proved correct. The Bill will have to be reworked by us at a later stage.

The PRESIDENT—Order! Before putting the motion, I declare that I have an interest as the holder of a practising solicitor's certificate, as a member of the Law Institute of Victoria and as a consultant to the firm that bears my name.

The motion was agreed to.

The Bill was read a second time.

The Hon. E. H. WALKER (Minister for the Arts)—By leave, I move:

That this Bill be now read a third time.

In doing so, I thank honourable members who have spoken in the debate. Their comments have been noted and I appreciate their support for the Bill.

The motion was agreed to, and the Bill was read a third time.

LAND (MISCELLANEOUS MATTERS) BILL

The debate (adjourned from May 24) on the motion of the Hon. B. T. Pullen (Minister for Housing and Construction) for the second reading of this Bill was resumed.

The Hon. M. T. TEHAN (Central Highlands Province)—The Land (Miscellaneous Matters) Bill would, under normal circumstances, be a very mundane, uninteresting and pragmatic Bill that would have passed through this place with almost no comment. As it is, it has turned out to be one of the most interesting Bills on which I have had the opportunity of speaking in this place. Not only that: it has turned out to have hidden in it what I think is a high-water mark for the power of women in Victoria. It is a springboard which recognises the input to Victorian society, especially to Victorian women's health, of the great enterprise, perseverance and sacrifices by our forebears.

It is now being echoed by the same qualities of perseverance, persistence, and power of negotiation, and of women being able to get where they want and what they want if they have that persistence and perseverence.

The effect of the Bill, hidden as it is in clauses 11 and 12, will be that women going into the 21st century will look back and recognise and salute the efforts of the women of 1989.

The purpose of the Bill is to revoke the permanent reservations and land titles of certain lands. One of the areas is the Queen Victoria hospital site. Clause 9 revokes the reservation of the Queen Victoria hospital land, and clause 10 deems that land to be freed from all trusts, encumbrances, estates and interests and the like.

The history of the land on which the Queen Victoria hospital is built, and the land which the government has deemed to free from all trusts, encumbrances, estates and interests and the like, has to be explored. It is only when one knows the history of the land that one recognises the power of a persistent lobby group that wanted to preserve something that that group felt was worth preserving, to substantiate the work of the pioneer women of the nineteenth century and to leave something to the daughters and the grand-daughters of those pioneer women.

In 1896 a group of women doctors wanted to establish a women's hospital. They asked every woman in Victoria to donate 1 shilling. The women of Victoria responded enthusiastically and raised 3162 pounds 11 shillings and 9 pence. I cannot calculate exactly how many women that is who donated a shilling, but I have no doubt that 3162 pounds was a sum of considerable value in 1896. It was sufficient for the women to establish the hospital, which was then known as the Victoria Hospital. That hospital became known for its work for women and women's health. It was far ahead of its time in the way staff and patients were treated.

For the first time in Victoria, nurses were paid during their training. The institution was on the site of what is now the Peter MacCallum Hospital. During the 50 years it was in operation, four-fifths of the running costs of the hospital were raised by voluntary organisations and only one-fifth was funded by the government. It is an interesting contrast to the way our public hospitals are funded today.

During that same 50 years, the Jessie McPherson Community Hospital wing was built. In 1946 the Queen Victoria Hospital, as it had then become known, changed its location to the corner of Lonsdale and Swanston streets. Since 1946 the Queen Victoria hospital has become known, loved and recognised by women throughout Victoria. I remember it was always interesting to walk past that corner, especially coming from the Myer store, and looking at the billboard on the front that indicated how many babies had been born that month.

The board and the hospital have gone, and quite rightly, to a different centre in the Clayton area. The women who have currently banded together under the name of the Queen Victoria Hospital Action Campaign were anxious that the historical connections with that site be maintained. They were similarly determined that the money that had been raised between 1896 and 1988 would similarly be maintained for women in some form or another.

The way of commemorating the work of those pioneer women of the nineteenth century and early twentieth century was to establish a women's centre on that location, somewhere central and somewhere where women's organisations across the spectrum—including health and education, social matters including non-government organisations—could be housed and could have some central place where the women of Victoria could congregate, seek assistance, be directed for further advice and have it as a reference point as a community centre.

The Queen Victoria Hospital Action Campaign, while representing many organisations, really consists of only a small group of women and it is the work of that small group that has been able to bring about negotiations that will be written into the *Hansard* report and which will be the basis on which the Bill is passed.

I should like to mention some of the women's groups that have supported the claim for a women's centre to be established. It is to be largely self-funding and centred where it is accessible to all. It is to have a series of services—the Sexual Assault Clinic, the homebirth and natural birthing clinics, the midlife and older women's health clinic, the fertility and infertility clinics, physiotherapy clinics; it is to have crisis accommodation for women including those with mental health problems; it is to have inner city garden space—and I will refer to that later; it is to have a studio; rehearsal and performance space for drama, dance, music and art; and it is to have a legal resources centre and occasional and permanent child-care centres, meeting rooms, a women's archive, study rooms, activity rooms and a women's history collection.

One might think that the ability to establish an area in the centre of the city where all of these services can be accommodated would be beyond the resources of any group of women, but now the groundwork has been laid, the opportunity has been given, and I have no doubt that, having been given this start, the Queen Victoria Hospital Action Campaign will establish that centre where all of those services will be available.

The centre will have the support of the following groups: the National Council of Women, representing 150 member organisations with a combined membership of 1·5 million women—so that is a fairly substantial start; the Women's Electoral Lobby; the Network of Women in Australia—Adult and Community Education; the Union of Australian Women; the Australian Federation of University Women; the Women's Health Information Resources Centre; the Women's Liberation Archives; the Mothers and Midwives Action; the Domestic Violence and Incest Resources Centre; Healthsharing Women; Women in Industry; the Country Women's Association; the Young Women's Christian Association; the Brunswick Resident Group; the Women's Trust; the Council for the Single Mother and Child; and so on.

Even with the support of women's groups as broadly based and diverse as this, it still required a group of some half a dozen women to set about making this dream into reality. One cannot help but pay tribute to Alison Hoyer who was the joint convener of the Queen Victoria Hospital Action Campaign.

She had no great resources; when she eventually was able to see the Premier this morning she came with a handwritten piece of paper which set out the submission of the campaign. She had had neither time nor the resources to have it typed and put into the normal submission format that people usually bring to the Premier, but it did not matter. She had persistence and she had the ability to bring women on side and to say, "We are not going to lose what our forebears have gained for us and we are going to fight to hand something on to the next generation". It was a fight and it was not easy, and it is a lesson to all of us that if people are persistent and determined they can be effective.

On 22 May the Queen Victoria Hospital Action Campaign wrote to the Minister for Health setting out its requests. The letter reads:

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.

So they gave up seven allotments of land on the corner of William and Little Lonsdale streets for a permanent reservation of what is now the old Queen Victoria hospital site. It is that permanent reservation in this Land (Miscellaneous Matters) Bill that brings us here tonight. The letter continues:

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.

On 19th April 1989 the Land (Miscellaneous Matters) Bill was tabled in Parliament by Kay Setches and Tom Roper.

—the Minister for Conservation, Forests and Lands and the Minister for Planning and Environment in another place:

Part 6 (Clause 11) of this Bill would revoke the permanent reservation of the Lonsdale Street site, approved of by Cabinet on 11 April 1949. "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. . .

Yours sincerely,
Alison Hoyer

A number of positive meetings were conducted with the Minister for Major Projects in this place and with the Premier. The Queen Victoria Hospital Action Campaign felt that it was being listened to. It had indicated to me during the process of the negotiations how it was going and that it had held a successful rally over on the Treasury corner.

The campaign was confident that negotiations would proceed favourably but, unfortunately, something went wrong in one of the meetings they had with one of the Premier's advisers and they began to feel that they were not going to be effective and would be unable to salvage anything from the historical and moral grounds on which they had based their claim, and on 22 May they wrote to the Premier in the following terms:

On Monday 15th 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 coordination 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 acknowledgment, made to the deputation you met on Monday 24th 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.

They had been to the meeting and, as they said, they had come away with a positive and relatively confident feeling that something would be effected. They go on to say:

We came in good faith, more than willing to cooperate 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 firm policy of becoming increasingly self-funding and autonomous.

Then comes the disappointing part:

No consultation took place on May 15th. Government representatives immediately demanded that the Queen Victoria Hospital Action Campaign give an undertaking not to pursue any legal claim we may have on the site.

They were told they would get nothing, even if there had been such an undertaking, and that there would be no negotiation. As I said, at that time things seemed grim. It

transpired that there may have been a misunderstanding. Fortunately, the women of the action group were not prepared to let matters drop despite this setback. They were not prepared to say, "No, the government is refusing our request; we will go away". The group sent a letter to all government and Opposition members. Then the real negotiations started.

It became apparent that there was a moral duty and that was an historical link that made the government examine the matter and reconsider. There was also strong support from the multitude of women's groups throughout Victoria. I know that the honourable member for Prahran, who is the shadow Minister for Community Services in another place, received a letter from the Business and Professional Women's Club of Melbourne, which states:

Dear Mr Hayward,

I am writing to express the serious concern that members of the Business and Professional Women's Club of Melbourne have that the government is considering selling the property known as the Queen Victoria Hospital in Lonsdale.

The club members are of the belief that the property was presented to the women and children of Victoria to be held in perpetuity.

I urge you to make representation that these buildings be retained for this purpose.

Representations were made to the National Party and to the Liberal Party. It was only recently that the representations became effective and resulted in a satisfactory arrangement which was decided upon today.

The honourable member for Berwick in another place raised the matter when the Bill was before the Legislative Assembly. He indicated that the Liberal Party supported the Queen Victoria Hospital Action Campaign and it recognised that the women had a moral and historical claim to the site, or part of it. I would not even rule out, as did he, that there may have been a legal claim but, that aside, there was no doubt there was a moral and historical claim.

The honourable member for Berwick indicated that the Bill would not pass until satisfactory arrangements had been made with the women's group in which the government was to ensure that there was provision made for their claims before the reservation was revoked in the Bill before the House.

Negotiations were held today when Mr Baxter indicated to the President of the National Council of Women that it was pertinent that the council indicate precisely what it wanted by today. Otherwise the Bill would go through without arrangements having been satisfactorily entered into and the women's group would have considerably less bargaining power than it had at the beginning of the day.

Yesterday I met with the group and representatives of other groups who had supported the campaign and I obtained some understanding of what was wanted. I met with the representatives again today and we then met with the Premier, the Leader of the Government in this place and the Minister for Conservation, Forests and Lands.

I suggested that when we met this morning it was obvious that a solution was to be sought; a satisfactory solution was found and I give full marks to all those who participated in that negotiating process. I especially commend the role played by the Minister for Conservation, Forests and Lands. She gave me support and she worked with the women in order to negotiate the conditions that will now enable them to have a large proportion of what they wanted. Similarly, I recognise the role of the representative of the Women's Policy Coordination Unit, Ms Mason, who worked again most of the afternoon to accommodate the negotiations.

The Liberal Party will support the Bill, as it refers to the Queen Victoria hospital land in clauses 9 and 10. It will do so on the undertaking that the Minister will give leave to incorporate in *Hansard* a set of terms that have been negotiated between the government and the legally incorporated women's centre, which it will now become.

The result of the negotiations was that the most eastern tower of the site of the Queen Victoria Hospital, as it was, consisting of approximately 1000 square metres, will be subdivided on strata title by the developer when it is sold—it will now be sold because the reservation will now be revoked and the land will be available for sale. The government will take a registered 200-year lease from the developer and it will sublet that eastern tower to the legally incorporated women's centre for a peppercorn rental for a period of 200 years. If it is legally possible that sublease will be registered. This will give the women's centre, as incorporated, the strongest possible legal title outside a freehold title.

It was obvious that although the women had originally sought freehold title, that was impracticable. The women were flexible, as women are in most of these negotiating arrangements, and indicated if that were not possible they would settle for the next best thing. That has been accommodated by a registered lease to the government and sublease to the women's centre.

That provision will be included in the sale documentation and it will be part of any negotiation between the government and the developer. The tower is to be refurbished so that it will be suitable for occupation. Asbestos will be removed, plumbing will be changed, carpeting, painting and so forth will be done so that the tower is suitable for immediate occupation as a women's centre.

Further, an open space adjacent to the eastern tower will be provided, subject to a suitable location being established and to the appropriate planning requirements. In addition to the open space there will be a place where chairs, trees, playgrounds and so forth will be located where people who are tired from shopping can come and sit and reflect that this is a site that was bought by women's money, which was used for women's health purposes and will continue to be used as a women's sheltered area.

The Women's Health Information Resources Centre will be located in the women's centre. The legally incorporated women's centre will then appropriate other services to be accommodated in the building. They will consist of both government-funded organisations and any additional non-government-funded women's services that can be located there. The women's group will have the opportunity of deciding on the rentals and on tenancies for other than the women's health information centre, which will be located there.

It is the intention of the women's centre that government-funded associations currently spread around the city may apply to be located on those premises. It is intended that any other non-government funded associations with appropriate women's purposes will similarly be accommodated there.

The Queen Victoria Hospital Action Campaign group will develop the centre in conjunction with the Department of Premier and Cabinet, the Premier having negotiated the terms of occupation. The women of Victoria can now be assured that the sacrifices they have made both financially and in terms of their contribution in managing, maintaining, building and servicing the old site which is now the Peter McCallum Cancer Institute, and was previously the Queen Victoria Memorial Hospital, will continue in what is now the women's centre. The women can rest assured that not only have they brought to fruition and held on to the work of their forebears, but they are establishing a centre that will take women's interests into the 21st century.

If the Liberal Party in opposition can be party to that sort of negotiation and can effectively play a part in bringing about a solution to what was otherwise a very difficult problem, I feel it has acted responsibly and has been a worthwhile Opposition. Members of the Opposition have put pressure on the government and the government was sensible and cooperative enough to see that a deal had to be struck.

It was a privilege to work with the Queen Victoria Hospital Action Campaign to arrive at this very satisfactory conclusion. The Bill in relation to the Queen Victoria hospital will now proceed.

I foreshadow a problem with the clauses that relate to the Richmond abattoirs. We will consider that when the Bill is in Committee. With that reservation, and with a positive result of what would otherwise have been a very mundane Bill, I have a certain amount of personal satisfaction in commending the Bill to the House.

The Hon. D. M. EVANS (North Eastern Province)—The Land (Miscellaneous Matters) Bill is one of a type of Bill that comes before the House every Parliamentary session to change the status of certain areas of Crown land and for other purposes. Basically it is really more a Committee Bill.

I shall go briefly through the various provisions of the Bill and indicate some of the concerns that the National Party may have and also indicate the National Party's attitude.

Mrs Tehan has referred very briefly indeed to the Richmond abattoirs, which is covered in clauses 3 and 4. The National Party has very serious reservations about the premature passing of these two clauses at this time. There would appear to be in existence a document—in fact I have it with me at present—which indicates that the Richmond City Council, perhaps somewhat to its surprise, is the owner of that land and that it has a clear title to it without any encumbrances or any requirements towards the Crown. It may be that in the first instance the land was reserved to the Richmond council for the purposes of an abattoir but nevertheless the council currently has a clear title to the land. The provisions of clauses 3 and 4 propose to take away that clear title and take away the property not only from the Richmond council but the ratepayers of the City of Richmond and give it back to the government. That appears to be a dangerous precedent to set and, on the information available at this stage, the National Party would be very loath indeed to take that course.

A number of other smaller provisions within the proposed legislation are also of some importance. The Ballarat City Baths, I understand, have been filled in. There are only obsolete buildings on the site which are used by an arts group that will be relocated. I understand that the Ballarat City Council is happy with the proposal. I also understand, from members of the Minister's staff who gave us a briefing, that the local member for Ballarat South in another place, Mr Sheehan, has been consulted, but at that time neither Mr Knowles nor Mr de Fegely had been consulted. The honourable member for Berwick was a little concerned with the fact that Mr Knowles and Mr de Fegely had not had an opportunity of expressing an opinion prior to the Bill being introduced.

An important area is at Parkville which is part occupied by the University of Melbourne. I understand that the university wants to buy about two-thirds of the land which would allow it the freedom to develop flexibly. Currently the university is very restricted in the manner in which it can develop and use that land. At this stage the National Party has no reason to believe that the University of Melbourne does not favour that course of action.

There is an area of land at Pomonal, near Ararat and Halls Gap, in the area so well represented by my colleague Mr Hallam. It is an area of about 1 acre, which was

originally purchased by the local community for a hall and recreation area but is not used for that purpose now. I understand the land was transferred to the then Lands Department in those days, as so often was the case in country areas. No doubt the reason was that it was necessary to effect that transfer if the local community were to benefit from cash grants, and so on, from the government. The hall and other facilities that the community uses were not built on that area of land but on adjacent private land.

I understand, therefore, that the land will be transferred, in accordance with the Land Conservation Council recommendation, to be a conservation area in conjunction with the adjoining area. According to the Minister's second-reading speech schoolchildren and others are already planting trees and using the area for nature studies. One can therefore believe public purposes are being well served by this particular change in classification.

The area at Malvern has been a vacant lot for more than ten years. I understand that the City of Prahran is interested in its purchase. This area is some 66 feet by 170 feet. That measurement has not been converted into metres and those were the figures I was given by the departmental officers at the briefing. The land will probably be sold off by auction, I understand, and the proceeds will go into the Consolidated Fund.

An area of 3·14 hectares of land at Frankston is currently used for recreation. It is used by the Frankston Football Club and no doubt by other sporting organisations. It has some substandard facilities but section 17D of the Crown Lands (Reserves) Act prevents development. A change will allow development to proceed. Unfortunately for the users of the land, of course, Crown rent will be charged, no doubt at 2·5 per cent of the unimproved capital value. I understand further that the City of Frankston will remain as the committee of management. I am not sure at this stage whether there was some concern that the Frankston park proposal might be included in a private Bill but, according to the Bill before the House, that is not so.

There are also some areas of land at Kaniva. People in the country are inclined to be quite pragmatic when they see a piece of land. If a fire station needs to be built they will build it provided there are no fence posts in the way. They will build it on the most appropriate site and it will be an excellent shed and provide suitable shelter for the local Country Fire Authority unit. The Kaniva fire brigade is no different. The only problem is that it appears to have built the fire shed and some of the ancillary buildings on someone else's land. In fact, it has encroached on 294 square metres. In order to avoid further embarrassment to the Country Fire Authority fire brigade by requiring it to remove the buildings from the land, the Bill is intended to fix the problem. I am sure all honourable members wish the Kaniva fire brigade well and that there will be no objection to that procedure.

In Heidelberg there is an ornamental plantation that the Road Construction Authority would like to get its hands on for a road. I note that it is not being called a freeway. It will look very much like a freeway when it is finished, but there seems to be some unfortunate connotation attached to calling it a freeway, so it is a road. The Road Construction Authority will provide some replacement open space at an address known as 115 Banksia Street that is somewhat larger than the area taken for road-making purposes. That also appears to be a very reasonable proposition.

The Bill then deals with a very major project involving the Yarra Bend Park and the Willsmere Hospital site. From the briefing that I received from a departmental officer it is clear that it is a very substantial area of land—in all, it involves approximately 22 hectares. About 7 hectares is occupied by the historic Willsmere Hospital building. It is enclosed by an historic brick wall, and it is on the Register of Historic Buildings. It was established only some 22 years after Melbourne was founded,

in 1857, at about the same time that the Legislative Council itself was built. It was established as a psychiatric hospital. There are those who hold the opinion that even when it was built it was already out of date, and it has been used for considerably more than 100 years since that time.

The hospital has now been decommissioned and it is intended that the site be sold, leaving the building to the private sector to develop in an economic manner. I understand interest has already been shown by developers in doing just that.

However, there is also some undeveloped land, some 15 hectares, which is part of the Willsmere estate. There has been a great deal of local pressure to fit that area of land into the adjacent Yarra Bend Park. In fact, because it is open space and it is not entirely fenced out to the public there are many who believe it is already public land or some form of park. It has been generally used for that purpose by the population of the Kew area for many years. It also contains an oval which has been used for sporting purposes. I understand there was some interest or some intention perhaps by the local municipal council to purchase that area, but apparently the price is very high and it does not now wish to do that.

There has been an enormous amount of interest in this project and a great deal of controversy. Of course, one cannot blame the people in that area for desiring to retain all the public space that they can, even though there has been some discussion and some judgment by the government that Kew is already well serviced with parklands and that for this area to remain in that category is a little unreasonable. Of course, there is another good reason why the government should hold to that view: it is prime real estate with a magnificent view from a high vantage point out across the surrounding areas to the centre of the city and beyond. It is very desirable real estate and it would have a very high value indeed.

The government has a desire to sell that area of land partly, as I understand it, to finance the relocation of patients from Willsmere, which has already occurred. As the House will recall, the Minister for Health answered a question on that issue a week or two ago and said that the money had already been spent on the relocation, that the sale of this land would do no more than to recoup the government's expenditure, and that that recoupment would be expected at the time the sale took place. Therefore, the fact is that the purpose for which this money has already been used, and underwritten by the government up until now, is a very laudable one. The only argument is whether or not the very scarce open space in the city, even though Kew is well serviced with parkland, should be used for development purposes.

The intention of the clause is to allow some boundary adjustments and some additional small areas to be placed in the Yarra Bend Park. I understand the park will finish up with a further area of 6000 square metres, which is slightly more than half a hectare of the 15 hectares that are available. Therefore, the park receives a small percentage indeed, approximately 3 per cent of the total area, which the citizens of Kew would like to have.

However, at this stage the National Party is guided by the Kew City Council, which it understands is not against the proposal in principle. I suppose, being a canny group of people, the Kew City Council will have understood that further residential development will add substantially to the rateable value of the municipality and bring in additional rates. I am sure it has that in mind. However, I am sure it is also a responsible body that makes responsible decisions, even, at times, against the weight of some public emotion and opinion.

Given those circumstances, at this stage, the National Party has heard no reason why the project should not go ahead, particularly as it understands that some further adjustments have been made and announced that further appreciate the position.

The final area of land to which I refer is the Queen Victoria hospital site. I understand that is a very extensive area. As Mrs Tehan spelt out at great length, the history of the hospital is that it was moved from the present site of the Peter MacCallum clinic and has now been moved to another area; I understand it is now the Monash Medical Centre.

The former Queen Victoria hospital building is not used; it is vacant. Should this part of the Bill be passed, the intention is that a substantial portion of it will be demolished prior to sale, but certain areas will be required to be preserved; some towers will be protected by covenants, and the rest will be a clean site. I was told a couple of weeks ago that the Melbourne City Council is still being consulted and that women's groups were also consulted.

There are some plans for the proceeds to be diverted via the consolidated revenue to a number of very worthwhile projects, particularly the development of the State Library and, I believe, also the museum. There is no doubt that there is good reason to better preserve many of the historical treasures that we have in this city and to have them available in the library and other facilities.

If this is the only way in which the matter can be financed, it is not an unreasonable use for the money. As Mrs Tehan has spelt out, however, there is a group of women—and, together with my colleague Mr Baxter I met with a particular group of women yesterday and discussed the matter with Mrs Baylor, whom some honourable members will remember as a former member of this place, and Alison Hoyer, as well as others, including representatives of the National Trust of Australia (Victoria)—who have views about the future use to which this land should be put and some claim that the groups involved believe they have to that land. Mrs Tehan has spelt out the historical perspectives of that issue, which the National Party generally accepts.

It appears, in the initial stages, that almost 100 years ago a number of women in Melbourne contributed quite considerably from their own pockets to purchase the land and develop it for a particular purpose. There have been some changes over the years, but it seems there is a case to be made that there is still some commitment and some right for those women's groups or their successors to share in the proceeds of the sale of this land in one form or another or, alternatively, to receive some other benefit from it.

The site is very valuable. I have been given an estimate by the departmental officers of $60 million as a possible value. However, that may not be correct because it may well be worth considerably more. It could even be worth up to $100 million. One would not know its value until it was offered for sale. Any figure I use should not be regarded as setting a value for the land.

Given that value and given the fact that there would appear to be some degree of right for certain women's groups to have some consideration in this deal, I attended further meetings this morning between representatives of the women's groups, the National Trust of Australia (Victoria), members of the Liberal and National parties—including Mrs Tehan—and the Premier, the Minister for Major Projects, the Minister for Conservation, Forests and Lands, and a number of Ministerial advisers.

Discussions were held as to how it would be reasonable to meet the claims of all concerned satisfactorily. I am now aware that agreement has been entered into and signed by the Minister for Major Projects on behalf of the government under which an area in one of the towers—with a floor space of approximately 100 square metres—will be made available in perpetuity, according to that signed document, to the women's groups at what is at very best a peppercorn rental. It appears that this would satisfy the reasonable requirements of the women's groups.

I was interested in Mrs Tehan's comments because she quite correctly praised those women who have been involved throughout the negotiations and at all other times. It was also interesting to note that they received substantial assistance from time to time from some gentlemen; I am sure the assistance was greatly appreciated. It was very proper, and while the purposes are for women's groups I am sure that from time to time some gentlemen will continue to be involved. I hope that from time to time they may be welcomed and made to feel that they also had some part to play in this project.

I am aware that the estimable group, the Country Women's Association of Victoria Inc., has some belief that a building and a facility close to the central business district would be of significant value to it. I am aware that the president, Mrs Olden, is very keen to see that the association—part of a worldwide group—is also involved, and has some feeling of ownership.

Given the negotiations that have been carried forward in good spirit today and which have culminated in the signature of the Minister for Major Projects on that document, it would appear that all people in this case have been satisfied.

It is a reasonable project. Obviously there is a substantial benefit to the people of Victoria, and one finds some difficulty in disagreeing with the passage of the Bill. With the exception of the provision regarding the land in Richmond, the National Party supports the Bill.

The Hon. M. A. BIRRELL (East Yarra Province)—The Liberal Party is pleased to be able to support an amended Bill before the House. I briefly canvass two issues. The first is the need to seek undertakings from the government with respect to the Queen Victoria hospital site. The simple fact is that the women of Victoria have a right over that site. The Premier argues it is not a legal right but certainly that the women of Victoria have a moral right.

The Queen Victoria hospital, as it came to be known, was established by women for women in a time when the emancipation of women was something that had not been fully accepted, let alone fully implemented. A group of female citizens through a collective effort at that time established a very important hospital which has gone on to provide outstanding services over decades. That facility is now located in Clayton, but I believe it was extremely proper when a group of women recently said, "The hospital has moved but the spirit remains; we are not going to accept a simple aim"—which was the government's intention—to "extract the maximum amount of money from selling a piece of real estate when this was part of the heritage of the State." It was not only an historic building but also involved the history associated with the way the hospital was created.

It could not have been better expressed than it was by Mrs Tehan. For that reason, the Liberal Party supported the people who came under the banner of the Queen Victoria Hospital Action Campaign, and it has been able to add to their collective efforts to ensure that the government's plan was changed.

I congratulate the government on backing down and I look forward to a period of genuine negotiations with the women's groups over the coming months. I shall certainly keep a close eye on those negotiations. In the end we will keep faith with the needs of women in Victoria.

Secondly, I refer to the proposed sale of land at the Willsmere Hospital. If the government's mission were to make the maximum amount of money, one would sell the lot, and level the site. The Minister for the Arts is a man of great stature in the area of architecture, and I appreciate the fact that he has worked diligently to ensure that those historic buildings and very old trees on the site will be protected. However, the concern we had which was felt by not only the people of Kew but also by thousands of

interested citizens was that this was a unique area in terms of the outlook it provides over the City of Melbourne, and particularly over the Yarra River.

I believe that the site known as the former nurses' home on the Willsmere Hospital land provides the best city views available. I make no bones about that. I say utterly cynically and light-heartedly that I thought if I could not buy a block myself it would certainly have to be reserved for future generations, for all to use! I could not afford to buy a block! It would have been absolutely wrong to have sold this magnificent site that is at the centre of the debate.

The Liberal Party is not at odds with the government's general plans, but this is a great site which the independent panel appointed by the Minister for Planning and Environment in the other place recommended should be saved. The Major Projects Unit of the government, in its vigorous pursuit of an ambition to raise money, thought it would be a good site to sell to the odd multimillionaire who could afford to pay more than $1 million for a quarter-acre block to be used as housing allotments. Each quarter-acre site would have cost $1 million because they would be the best housing blocks in metropolitan Melbourne.

Instead, as a result of the diligent efforts of many local people and the influence brought to bear by the Liberal Party, the area will be saved. If anyone is looking for something to do on a weekend in about a year's time, they could take the family and a picnic basket to the former nurses home site at Willsmere Hospital; it is sensational and it will be there forever! They are the changes that will be brought about by the Bill. I look forward to hearing the Minister for Housing and Construction say that there will be more space allocated as part of the former Willsmere nurses home site, with 6 per cent open space instead of 5 per cent. I understand that the Kew City Council has requested the increase as well.

The Liberal Party will be negotiating over the issue of the so-called Richmond land and I look forward to those negotiations being concluded. I should like to say that I have nothing to do with actually bringing them to conclusion.

The Hon. W. R. BAXTER (North Eastern Province)—I raise two issues briefly. I thank the Minister for Major Projects for having assisted with the negotiations which led to an agreement being reached today. When the Minister met with me last evening on this matter, I suggested that, after having met with Mrs Baylor and her group last Tuesday, it seemed the way out of the apparent impasse was to have a round table discussion with Mrs Baylor and her group, the Premier, the Minister, and me. To his credit, the Premier contacted Mrs Baylor at 10.30 last evening and arranged for a meeting to be held this morning. Unfortunately, I was unable to be present, due to the business of the House. However, I am pleased to say that my colleague Mr Evans, and Mrs Tehan, with the two Ministers—the Minister for Major Projects and the Minister for Conservation, Forests and Lands—negotiated quite acceptable arrangements from anyone's point of view.

I have read the agreement. If I could negotiate a 200-year lease on anything, I would think I was doing marvellously well! I congratulate the Ministers responsible on negotiating the agreement. The women who came in at such short notice came in a realistic frame of mind and had a good negotiating position. They should be proud of their efforts on behalf of the women of the State.

The other issue I raise is not of credit but of complaint. I refer to the great length of time it takes to have matters brought before the House when they need to be enshrined in this sort of legislation. I have a letter dated 2 October 1987—almost two years ago—which indicates that an agreement was reached that a piece of land on the former Yackandandah racecourse would have its reservation changed. The custom is that a

Bill similar to this is introduced in each sessional period. Unfortunately, the piece of land at Yackandandah is not included in the Bill, despite all the time that has gone by. It is a disgrace that people have to wait so long to obtain a clear title and gain access to the land as well as other private land which has no access.

The delay is not caused by any inaction on the part of officers of the Department of Conservation, Forests and Lands, who have gone through all the motions necessary for the recommendation to be made. The delay seems to be in the Melbourne offices of the Department of Property and Services. I register my displeasure and disquiet at almost two years having elapsed since the decision was made and the legislation still being waited upon. I look forward to seeing it included on the Notice Paper of the spring sessional period.

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 and 2 were agreed to.

Clause 3

The Hon. B. T. PULLEN (Minister for Housing and Construction)—I thank honourable members for their contributions to the debate. They have shown detailed knowledge of the various lands and expressed concerns about them. In view of the time, I shall be brief in indicating the government's position on some of the main points raised.

In respect of the Queen Victoria hospital lands, I endorse the remarks made by other honourable members that, indeed, a number of people have worked extremely well over the past couple of days to reach a conclusion which enables the government to go forward and link the social uses of the site, particularly the use by the women, to the general history of the site with any future development. The result is very good. Although I was not a direct participant in the discussions, I have been pleased with the way they progressed.

In respect of the agreement reached, for the purposes of the record I indicate that the agreement is that:

1. The most eastern tower of approximately 1000 square metres of the Queen Victoria site will be subdivided or strata titled by the developer; the government will take a registered 200-year lease from the developer and will sublet the tower to a legally incorporated women's centre at a peppercorn rental for the same period and, if possible, register this sublease;

2. This provision to be included in the sale documentation;

3. The tower to be refurbished for occupation;

4. Open space adjacent to the eastern tower to be provided subject to location and within planning requirements;

5. The Women's Health Information Centre will be located in the women's centre;

6. Subject to the agreement of the legally incorporated women's centre, other appropriate services currently funded by the government may be located in the centre and additional non-government funded women's services may be located there;

7. That the Queen Victoria Hospital Action Campaign further develop the proposed women's centre in conjunction with the Department of the Premier and Cabinet; and

8. That the terms of this agreement have been signed on behalf of the government by the Minister for Major Projects and handed to the leaders of the opposition parties and to representatives of the Queen Victoria Hospital Action Campaign.

The Yarra Bend Park land can be dealt with in more detail when the clause relating to that land is before the Committee.

Again, honourable members can see the results of participation by interested parties in negotiating a realignment of the boundary of the land, providing for some lands—particularly the land known as the former Willsmere nurses home site—to be incorporated into the area of the Yarra Bend Park. Other adjustments have been made, to the satisfaction of all parties. They include an increase in the amount of open space to be provided throughout the subdivision.

I had hoped that agreement would have been reached in respect of the Richmond land, but I have been informed an agreement is not possible. There is no point in postponing consideration of the clause.

The Hon. M. T. TEHAN (Central Highlands Province)—I invite the Committee to vote against this clause. Councillors of the City of Richmond sent a fax to the Liberal Party this afternoon stating that they have not been sufficiently consulted about the Bill. The letter is addressed to Mr Chamberlain, and it states that the councillors have not been adequately consulted by the department about the removal of the title to the land, and they ask the opposition parties to move to amend the Bill by removing clauses 3 and 4 and to try to have the Bill lie over until the spring sessional period so that proper consultation and discussions can take place.

Although there has been considerable discussion and negotiation, the Liberal Party has been instructed that further consultation is required. That is why I invite the Committee to vote against the clause.

The Hon. B. T. PULLEN (Minister for Housing and Construction)—Although the land is not used well at present, there is every prospect of it being used for the benefit of both the City of Richmond and the community; and it is regrettable that agreement was not reached so that the clause could be agreed to. Instead, time will be lost and the work of the consultants—and they have been working closely with the council—will be delayed. It may be said that everyone should have tried harder to reach agreement. Earlier this evening an agreement was in sight; but the interference of the Liberal Party prevented an outcome that would have been satisfactory to the council.

The Hon. D. M. EVANS (North Eastern Province)—The National Party strongly supports Mrs Tehan's proposal; and it appears that clause 4 will be dealt with in the same way.

The matter is not as simple as the Minister claims. I have in my hand a certificate of title which clearly shows that the City of Richmond owns the land. There is no reason why any project should not proceed. As the owner of the land, the City of Richmond should be able to do whatever it wants with it. To take away from the City of Richmond the title to that land, as the Bill proposes, would deprive both the council and its ratepayers of the land and give control over it to the government. The City of Richmond would be prevented from using its property in the way it sees fit.

There is nothing to suggest that the title is faulty. After discussing the matter with councillors and the town clerk earlier this evening, I find there is no evidence to suggest that the title is not a good and clear title that clearly shows the City of Richmond owns the land. I am confirmed in my view that the clause should be negatived.

It is up to the government to prove the arguments of the opposition parties are ill founded. The government should let the Bill lie over until the spring sessional period.

The clause was negatived.

Clause 4

The CHAIRMAN (the Hon. K. I. M. Wright)—Order! Clause 4 is consequential on clause 3 because it deals with the same Richmond land. It would be wrong in principle to allow Mrs Tehan to invite the Committee to vote against clause 4 without giving the Minister the opportunity of moving his amendments.

The Hon. B. T. PULLEN (Minister for Housing and Construction)—I withdraw those amendments.

The Hon. M. T. TEHAN (Central Highlands Province)—I invite the Committee to vote against this clause because it is consequential on the omission of clause 3.

The clause was negatived.

Clauses 5 to 16 were agreed to.

Clause 17

The Hon. E. H. WALKER (Minister for the Arts)—During the second-reading debate Mr Birrell asked for an assurance concerning the percentage of land to be made available for open space in the development. The Bill calls for 5 per cent of open space, which is a normal amount in subdivisions and plans of this type. It is my responsibility, through the Major Projects Unit, to ensure that proper planning of the site is undertaken. I give an assurance to Mr Birrell that provision will be made for a 6 per cent open space requirement as he suggested. Although the expression "5 per cent" will remain in the Bill, I assure the Committee that 6 per cent of open space will be provided.

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

Schedule 1

The Hon. M. T. TEHAN (Central Highlands Province)—I move:

3. Schedule 1, omit Items 1 and 2.

This amendment is consequential on amendments previously agreed to.

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

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

MAGISTRATES' COURT BILL AND MAGISTRATES' COURT (CONSEQUENTIAL AMENDMENTS) BILL

The debates (adjourned from earlier this day) on the motion of the Hon. E. H. Walker (Minister for the Arts) for the second reading of these Bills were resumed.

The Hon. HADDON STOREY (East Yarra Province)—The Bills are important and have been before Parliament for a number of years in one form or another. A similar Bill was introduced in 1987 and again in March 1988. Those Bills contained many provisions designed to change the system of administration of justice through the Magistrates Court. They have been incorporated in the Magistrates' Court Bill, which was introduced in the other place some time ago and which has finally, on the last night of the autumn sessional period, come before the Legislative Council for

debate. It is a pity that the Bills have come to this House on the last night of the sessional period.

The Hon. E. H. Walker—It is outrageous.

The Hon. HADDON STOREY—The Bills have been introduced in circumstances which, as the Minister for the Arts said, by interjection, are outrageous. Numerous amendments must be moved by the government and the Opposition; I do not know about the National Party.

The Hon. W. R. Baxter—I haven't got any on this occasion.

The Hon. HADDON STOREY—This House must deal with amendments despite the fact that the Bills were introduced by the Attorney-General, who is a member of the Legislative Assembly, and that they have been before that Chamber for weeks. I am certainly not going to go into all the details of the Bills at this hour of the last day of the sessional period, but I shall refer to a number of provisions to indicate those that the Opposition disagrees with and is interested in having amended.

I am aware that amendments will be proposed to cover many of the points I shall make, and many of them will be moved by the government as a result of representations from the Opposition. I suppose I should thank the government for agreeing to the proposed amendments, but they should not have been necessary.

The Bill requires that cases involving amounts less than $5000 should be dealt with under arbitration provisions which exclude legal representation on behalf of the parties and which exclude the ability of the parties to be awarded costs. The Opposition believes $5000 is a substantial amount of money. For many people it is an amount that they can ill afford under any circumstances.

If a person has a case he wishes to pursue through legal proceedings, he is entitled, firstly, to bring on that case for adjudication and, secondly, to have professional assistance, if that is what he wants. I know the government is concerned about cases involving motor car accidents where property is damaged, but even in those cases the provisions of the Magistrates' Court Bill will mean that people with no understanding of the law or legal procedures and no background to equip them to argue their points of view will not be able to have legal assistance. The Opposition believes that is unreasonable.

The courts are still the cornerstone of the administration of justice in this country. Although it is desirable to try to reduce costs and make it easier for people to have access to courts and to obtain the benefits of the adjudication of the legal system, it is undesirable and unjust to deprive people of access to the traditional forms of justice under which they have the ability to have legal representation and are entitled to seek costs if they are successful. The Opposition is concerned about that provision and believes people should not be excluded from courts in those circumstances.

The Magistrates' Court Bill also deals with a number of totally unrelated matters, and I shall deal briefly with those. The Bill increases the number of offences that may be determined summarily if both the court and the defendant consent. When a person is charged with an offence, he appears before the Magistrates Court and the magistrate may decide to commit that person for trial before a judge and jury, generally in the County Court.

The Bill increases the number of offences that can be dealt with by a magistrate. Although that has always been a feature of our law—there have always been offences that have been dealt with summarily—they are generally offences of a minor nature

or offences where the essence of the offence may be of major significance but the circumstances under which the offence is committed are not as significant as most offences in that category.

The government has increased the number of offences that can be dealt with in the Magistrates Court instead of being heard in a trial before a judge and jury. The view of the Opposition is that the enlargement of that category of offences is far too great, and that significant offences are causing concern to our community because of the increase in the incidence of behaviour which offends against the law.

It has caused great apprehension to the community. Indeed, the Minister for Local Government earlier this week detailed to the House concerns felt by people who go out at night and are subjected to these sorts of offences. The government has gone too far in this respect.

Thirdly, the Bill increases the civil jurisdiction of the court in matters other than personal injury claims from $20 000 to $40 000. That is far too large an increase in the jurisdiction of the courts. The Magistrates Courts are summary courts. They do not have all the paraphernalia from one point of view, or the protection, from another point of view, that are offered to people who go to superior courts, and in this case I am referring to the Supreme Court as a superior court, or the County Court, which is the major trial court in this State.

Earlier I was saying that $5000 is a lot of money for an individual to pay. Forty thousand dollars is certainly an enormous sum of money for most ordinary people, and to say that matters involving up to $40 000 should be dealt with in the Magistrates Court, which is the summary court of jurisdiction in our State, goes too far.

The Bill deals with justices of the peace, and if this were not the last night of the sessional period, I would spend a considerable amount of time talking about the history of justices of the peace in our community, but as the Minister for the Arts recognises, I shall not. He says, by interjection, that on some other occasion he would be delighted to hear it, but I wonder if he would, if I were to raise it on some other occasion.

Justices of the peace have served this community well over a couple of hundred years and over centuries in England, where they originated. They have a role to play and, regrettably, the government does not believe in the services of volunteers. It believes everybody should be a paid professional, and people who want to give community service really ought to be excluded. They are carrying out this idea in reducing the role of justices of the peace under the Bill.

Next, the Bill abolishes the office of commissioner for taking affidavits and provides for a different system under which people will be able to certify that people have sworn to the truth of things. The only point I make in this regard is that many members of Parliament do not realise that by virtue of the Evidence Act they are automatically commissioners for taking affidavits, and once that category of commissioners is removed, members of Parliament will be included under the provisions of the Bill in the somewhat bizarre list of people who can evidence the taking of affidavits.

I say "bizarre" because it includes some categories that seem sensible and others that are purely historic and it excludes categories of people who could easily be included, such as members of the Institute of Chartered Accountants in Australia, and that point will be discussed later on.

I am sorry that I have had to deal with the Bill so briefly. A number of amendments will be moved, and I shall exercise my right to say something about those amendments when the Bill is in the Committee stage. We have endeavoured to have the Bill dealt

with as expeditiously as possible because some conditions in it ought to come into operation as soon as possible and we want to facilitate that happening.

I have indicated a number of provisions about which we have concern, and I will address those in more detail when amendments are being moved in the Committee stage of the Bill, but subject to those amendments, the Opposition supports the Bill.

The Hon. W. R. BAXTER (North Eastern Province)—I share the outrage expressed by Mr Storey and by the Leader of the House that the Bill is before us tonight at 11.30 p.m. on the Friday of the last sitting of the sessional period.

It is disgraceful that we have to attempt to deal with it rationally at this time, under the pressure of the last few sitting days, but I have joined with Mr Storey in agreeing to handle it expeditiously, which means that I shall deal with it in much less detail than I would have preferred.

The Bill has had a long gestation. This is the third Bill that has been presented before the 50th Parliament and now the 51st Parliament, and for the life of me I cannot understand why it is being dealt with at the eleventh hour. Nevertheless, I shall deal only with the matters that concern me most in view of the circumstances, and the first issue, and probably the most important one in the Bill, is the attempt by the government to deny the people of this State the fundamental right of having legal representation in court.

Any government that attempts to take away that fundamental democratic right should be viewed with a deal of suspicion. Amendments have been prepared that will moderate that aspect in the Bill, but it is outrageous in that it attempts to deny people that basic right. I certainly do not intend to be a party to that at any stage.

Mr Storey has outlined some of the reasons why we should not be a party to it, and I shall expand on one or two others. Without expressing any disrespect to citizens of the community, many of them would find it exceedingly difficult to present their own case well and fully and to the best advantage if they were required to appear in a court without representation.

All honourable members would have constituents coming into their offices occasionally who are exceedingly inarticulate when it comes to expressing their cases. Perhaps that is brought about by lack of education and sometimes it is by an insufficient grasp of the language, but more often than not it is through shyness and nervousness that they fail to do justice to themselves and to their cases.

If these people are in that sort of situation in the office of a member of Parliament, how much more intimidating will it be for them in the formal atmosphere of a court? And going on from there, many will have problems of not knowing whom to sue or whom to join in action. Clearly, they need legal advice in those situations and, having received it, they are then entitled to have that representation carried on into the actual court appearance.

Few will perhaps appreciate the importance of having witnesses in their cases. They may well believe their side of the story is watertight, that what they say will be believed, but they may be unaware that in an adversarial situation it really is of considerable value to have witnesses on hand to give some corroborating evidence.

There will also be the problem of applicants, complainants and defendants knowing when to settle, and I understand that many civil cases—more than 80 per cent—appearing before the Magistrates Court, particularly for small claims, that is, claims of only $1000 or $2000, are settled before they get to court.

If there is an absence of legal representation, many of those people will be unable to come to decide whether or not it is in their interest to settle before they actually get to

court, or take the risk. I believe the Magistrates Courts will be clogged with these actions, which would otherwise be settled without going to court with legal representation. The former honourable member for Warrandyte, Mr Hill, in the report requested by the government into the matter, referred to the concept of everyone having a day in court. He applauded that idea. I should have thought that was a recipe for clogging up the courts with a lot of unnecessary cases.

I have sympathy for the government because costs can be high in court cases for relatively small amounts. However, there has been some misleading propaganda about court costs released to members of Parliament and newspapers by the Fitzroy Legal Service, which has alleged that on cases of damages with awards of $1500, the court costs are likely to be $1800 to $2000. I sought advice on this from a number of solicitors situated in the province I represent. In view of the shortness of the time available I shall not go into detail about this, but it is clearly the case that in the Magistrates Court in Wangaratta, Myrtleford and Wodonga the customary cost on such an award is approximately $700, which is nothing like the $2000 quoted by the Fitzroy Legal Service.

I have sympathy for those people who lose a case and who are saddled with the costs, but the figures that have been bandied about by the Fitzroy Legal Service are a gross exaggeration. I understand in the city barristers are used much more frequently than are solicitors who usually do the work in the country; I cannot see why barristers should be used in civil matters before the Magistrates Court. I should have thought they would have better things to do. Perhaps it is a place for young barristers to cut their teeth or perhaps it is a lucrative occupation. I recommend that people who must appear before the Magistrates Court should obtain the services of an experienced country solicitor to represent them because they will do the work much more cheaply than it is done in the city.

The amendents that will be moved in the Committee stage are the result of negotiations and will put a cost cap on those matters that go to arbitration, which accord with a scale that is accepted by the Law Institute of Victoria. I am not opposed to that concept. I believe it will be one way of moderating the cost of court proceedings but it will not work or be practical unless the proceedings and procedures in the court are streamlined. If that happens this cost cap proposal will work well.

I referred earlier to the Fitzroy Legal Service; I want to warn that organisation. I have had some conversations with Mr Simon Bailey from that service; I have listened to what he has had to say; I have some sympathy about the "crash and bash" cases, and I am prepared to give some consideration to the "crash and bash" claims having an arbitration procedure that does not require legal representation. I indicated to Mr Bailey that I was prepared to consider that matter over the winter recess but today, in the *Age,* Mr Bailey has alleged that the reason why the government is not getting its way on the Bill is because of the National Party being reactionary and dictated to by a couple of country solicitors. I indicate for Mr Bailey's benefit that the Opposition has not given 1 inch in the negotiations on the Bill, whereas the National Party has shown a willingness to consider alternatives. I believe the Opposition is entitled to take that view, but to say that the National Party is holding up the proposed legislation does Mr Bailey's cause a great deal of harm.

I have given a lot of thought to the concept of introducing arbitration to "crash and bash" cases with a view to lowering the cost barrier. I took the opportunity of sitting in on a local Magistrates Court on Wednesday of last week when one of these cases was being heard. A claim was made for $800 and a counter claim was made for $1600, and because those claims were under the $3000 threshold the matter was held under the arbitration procedure.

A magistrate heard the case; there were two witnesses from each side who gave evidence under oath. The magistrate decided that the claim for $800 was sustained and that there was 100 per cent fault attributed to the defendant. An award for $800 was made plus $693 costs. I believed it was a heavy cost burden to be imposed on a $800 award. The defendant had his own solicitors to pay as well.

I should have thought that the solicitor who had appeared for the defendant should have advised him that he did not have a leg to stand on. That was my impression on listening to the evidence in court. It may be that the solicitor acting for the defendant did advise his client that his case was weak but his client may have wanted to proceed. If that had been his decision, he must wear those costs. I do not object to that, but it is a heavy cost burden on a relatively small award.

I am prepared to give consideration to the arbitration procedure. However, the more consideration I give to it the more I am concerned about it, because it seems that in the absence of legal representation in a case such as that to which I have referred, the magistrate would have had to draw the facts out of either side to get the story straight. I believe it would have been difficult for the magistrate to have ascertained what was the case without appearing to have assisted one party or the other in the matter. The magistrate could have been open to allegations of not being even-handed.

I can see difficulty in the system of arbitration for "crash and bash" cases. The National Party is prepared to give the matter consideration over the winter recess but bearing in mind what Mr Bailey has said today, he has placed a question mark in my mind.

I shall deal briefly with the jurisdictional provisions in the Magistrates Court which are to rise from $20 000 to $40 000. That is a doubling of that amount in approximately four years when the amount was increased from $5000 to $20 000, which was then a substantial increase. I believe it is unwarranted to increase the jurisdiction to such an extent now; it is too big a jump. Amendments will be moved in the Committee stage that will limit that amount to $25 000; I believe that is a reasonable increase in the circumstances.

On the matter of the justice of the peace, honourable members all know what has been happening to these people under the government, particularly under the former Attorney-General, now the Minister for Transport. He did not appoint anyone to that position, and having only those who were appointed before the Minister was appointed Her Majesty's Attorney-General has meant that we do not have enough people in those positions.

I have had applications before the Attorney-General for months, seeking the appointment of justices of the peace in areas where there are none left because they are all deceased, and I have got the same answer time and again: none are being appointed.

The Hon. E. H. Walker—Have all yours died?

The Hon. W. R. BAXTER—They are nearing that situation. Clearly it is the policy of the government to phase out justices of the peace, and it is doing it by stealth, simply by allowing them to die off. We have been able to negotiate on this matter when coming to an agreement on this Bill. We have received an undertaking from the Attorney-General that, on the passage of this measure in an agreed form, when we get to the amendments he will appoint a sufficient number of justices of the peace where required, and I look forward to his honouring of that commitment. I do not have any doubt that he will do so and I will be rolling up with a list of half a dozen for his attention.

The Bill provides for justices of the peace to retire at the age of 65 years. The few I have left will be ruled out because they are basically that age. The Bill, as proposed to be amended, will allow them to continue in office to the age of 72 years. That is the retiring age for judges and senior people in other positions, company directors and the like, and I believe it is appropriate that the retiring age be 72 years.

Justices will be able to exercise duties as bail justices, provided they do the course to be introduced by the Attorney-General's Department. That is fair enough, if a justice of the peace wants to be a bail justice. Giving bail is a serious matter. If justices want to exercise those rights, they should be properly trained and skilled and know the law in that regard. I support the procedures being put in place.

Mr Storey mentioned witnesses and categories of witnesses to certain classes of documents. I recall an earlier draft of the Magistrates' Court Bill in the last Parliament which abolished the position of commissioner for taking affidavits, which this Bill does also, and allowed documents to be witnessed by an adult person. I was strongly opposed to that provision because I believed it denigrated and demeaned the witness procedure. It would become virtually worthless to rely on a witness's signature on any document. One could say that Jack Jones down at the hotel signed the documents. There is no requirement on Jack Jones to ascertain whether you are the person you claim to be. It would be impossible to locate that person subsequently and it would make the witness procedure worthless.

The government took a half step back from that position and included in this Bill a list of classes of persons who may witness documents that was so broad that it again was unsatisfactory and made the situation worthless. It even included people acting in the capacity of a stationmaster. I do not want to criticise stationmasters but some people who have been acting as stationmasters in my electorate, when we had railway lines, were virtually off the street and it would have been little different from getting Jack Jones to do the witnessing at the local hotel.

We have put some proposals to the government on removing some of the categories of people who we believe are not appropriate persons to be witnesses and substituting some who have been omitted through inadvertence or design, including justices of the peace and members of the National Institute of Accountants, to which Mr Storey has referred.

The Hon. Haddon Storey—Are you for them or against them?

The Hon. W. R. BAXTER—I am for their being able to witness documents, by all means, and therefore I endorse those amendments.

The only other matter I allude to is that of acting magistrates. The Bill provides for acting magistrates to be appointed. The National Party does not believe it is necessary for someone to be appointed to that position who has not previously had experience. The Bill will be amended so that acting magistrates can be appointed from the retired magistrates. That is appropriate and would enable short-term gaps to be filled without undermining the confidence of the public in the competency of the magistracy in this State.

The Bill contains a host of other aspects that could and should be discusssed, but as it is midnight I do not intend to do that.

The Hon. ROBERT LAWSON (Higinbotham Province) — Earlier this evening I gave the House the benefit of my strongly held views on the legal profession and the Law Institute of Victoria and, having become an expert, I would like to say something on the Magistrates' Court Bill. I direct attention to page 71 which contains a list of persons who may witness statutory declarations. There are 26 classes of persons. I

know that because the complete alphabet is here, from A to Z. The particular class of person to which I wish to draw attention is under (*v*), a member of the Institute of Chartered Accountants in Australia or of the Australian Society of Accountants.

The National Institute of Accountants is very hurt that its members are not included, and that omission has not occurred because of inadvertence, as Mr Baxter suggested, or oversight, because the institute wrote to the Attorney-General and asked to be included. In the letter from the National Institute of Accountants it was stated that there are 1300 members of that institute who feel hurt at being excluded in favour of veterinary surgeons, ministers of religion authorised to celebrate marriages, and stationmasters. I do not want to criticise stationmasters, veterinary surgeons or any other persons, but I believe members of the National Institute of Accountants should have the benefit of being able to witness documents. After all, it is very important to them in the course of their business that they should do these things. Perhaps the Minister in charge of the Bill could consult with the Attorney-General and find out why this particular part of the profession has been excluded.

The Executive Director of the National Institute of Accountants wrote to the Attorney-General and asked why the institute's members had been excluded, and the only satisfaction received was the second paragraph of the Attorney-General's letter, which said:

> I have noted your submission but consider that the proposed list is sufficiently extensive as to meet the needs of the community at present.

The Hon. E. H. Walker — It has all been corrected. We are bringing them back in.

The Hon. ROBERT LAWSON — I am glad that I have persuaded the Minister. I have done something useful and increased by 1300 the number of persons authorised to witness documents.

The Hon P. R. HALL (Gippsland Province)—Despite the hour and the gags that appear to be put on the backbenchers around this place I see no reason why we should not have the right to express our opinions and views on this proposed legislation. The fact that the hour is late and that we have this important Bill and some other major Bills to consider tonight is not our fault but the fault of the government, and we are prepared to stay back and express our opinions on the legislation.

I wish to comment on one aspect of the proposed legislation. Over the past few months all honourable members would have been sent a lot of literature from an organisation called the Federation of Community Legal Centres (Vic) Inc. The federation has set out its case for this legislation and I have read much of it with interest because I do not knock this organisation. These community legal centres have a role to play and I respect that role. In some of the pamphlets it has sent out the federation advises that 85 per cent of non-debt cases in Magistrates Courts involve motor vehicle property damage disputes. More than 23 000 "crash and bash" cases, as they are called, are clogging up the courts. This is one reason why proposed legislation has been introduced, because there is a backlog in the courts. The government is looking for an effective means of reducing the number of cases that go before the court system. The 1988 annual report of the federation which is subtitled "Third Party Motor Vehicle Property Damage" had this to say:

> Car accident cases have always been a problem for community legal centres. There are thousands of them and very few are resolved without the clients feeling let down by the legal system.
>
> In November 1988, the federation launched the report *Urgent Repairs Needed*, which explores ways of reducing the level of disputation about car accidents . . .

The report's key recommendations were well publicised. They were that a compulsory property damage insurance scheme be introduced and that an informal and low-cost dispute resolution system be set up to deal with "crash bash" cases.

The second recommendation is relevant to the Bill before us tonight. The federation's report concludes by saying:

Although the report's proposals were seen as a package we are pleased to see at least partial implementation coming about so quickly.

I am not so pleased to see partial implementation of that package coming about. The government should have gone the whole hog and accepted the first and probably the most effective recommendation made by this group which looked into and produced the document *Urgent Repairs Needed.* That would have been a far more effective way of preventing many of these cases coming before the courts.

I feel strongly about compulsory third-party motor vehicle property damage insurance, because so often in the community today the innocent victims of motor car accidents are the ones who suffer financially. I was talking to representatives of the local Federation Insurance agency in my home town of Traralgon. It is only a small branch and they were telling me that last October they had only four motor vehicle accident cases. In three of those four cases the innocent victims were involved in accidents with persons who had no insurance whatsoever. Two of the people who caused the accidents were convicted of having a blood alcohol level of ·05. Those three innocent victims went to court. They had legal representation but it would not have mattered whether they had legal representation. Damages were awarded to them but, because the people who caused the accidents had no insurance or any assets that could be seized, the innocent parties received absolutely no compensation. I am sure these are not isolated cases. They occur all over the place. We all pay compulsory third-party personal insurance when we pay our annual motor registration fees. In the same vein, we should be paying compulsory third-party motor vehicle property insurance too, to protect the innocent victims of motor car accidents.

Finally, I support my colleague Mr Baxter, who refuted the contention that a round figure of $1800 is charged for a $1500 claim. This was contended by the Federation of Community Legal Centres of Victoria. When speaking to the Gippsland Law Association people in my area, I was assured that their fees are set. The fee for a 3-hour court appearance is $166 with additional costs of around $200 for the preparation of court documents, which is a total of $366. Even if a person had costs awarded against him in a court appearance, it would cost him only double that figure, around $700, which is exactly what Mr Baxter pointed out. I believe the figure of $1800 for a $1500 claim is totally misleading.

I am disappointed that the government has not taken the issue of third-party property damage into account in the proposed legislation. It would have been a far more effective way of reducing the number of cases which are clogging up our court system.

The motion was agreed to.

The Bills were read a second time and committed.

The sitting was suspended at 12.7 *a.m. (Friday) until* 12.33 *a.m.*

MAGISTRATES' COURT BILL

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

Clauses 1 and 2 were agreed to.

Clause 3

The Hon. E. H. WALKER (Minister for the Arts)—I move:

1. Clause 3, page 3, line 17, omit "$40 000" and insert "$25 000".

The amendment increases the jurisdiction of the court to $25 000.

The Hon. HADDON STOREY (East Yarra Province)—Although the amendment increases the jurisdiction of the court to $25 000, it reduces the jurisdiction from what was proposed in the Bill, which was $40 000.

The Liberal Party took the view that $40 000 was far too high an increase in jurisdiction for the Magistrates Court and simply represented an attempt by the government to transfer the problems and delays in the County Court to the Magistrates Court. It was our intention that the limit should be $20 000 for civil proceedings. In fact, the government has been prepared to amend the proposed $40 000 down to $25 000. That is close to the figure sought and, for that reason, the Opposition is prepared to accept the amendment. However, it would have preferred the figure to be $20 000.

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 4 to 8.

Clause 9

The Hon. E. H. WALKER (Minister for the Arts)—I move:

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.".

The effect of this amendment is to provide that only retired magistrates may be appointed as acting magistrates.

The Hon. HADDON STOREY (East Yarra Province)—I do not want to take up the time of the Committee on all the amendments, but many of them result from representations on the part of the Opposition. Members of the Committee will be aware that this Bill provoked a great deal of controversy within the legal profession and representations were received from the Law Institute of Victoria, the Bar Council and many other people in respect of many aspects of the Bill.

It was our view that there should not be acting magistrates at large, and the amendment accepts that view by restricting the field to people who have previously held the office of magistrate. For that reason, the Opposition agrees with the amendment.

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 10 to 15.

Clause 16

The Hon. E. H. WALKER (Minister for the Arts)—I move:

3. Clause 16, line 31, omit "(4)" and insert "(5)".

The amendment renumbers the reference to the validation of the proposed Magistrates Court Civil Procedure Rules 1989.

The amendment was agreed to.

The Hon. E. H. WALKER (Minister for the Arts)—I move:

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.

The amendment permits either House of Parliament to disallow rules made by the magistrates instead of Parliament as a whole, as drafted in the Bill. It hurts to move this amendment because I am normally strongly against it. However, in the interests of getting home at a reasonable hour, on this occasion I ask that the amendment be agreed to.

The Hon. HADDON STOREY (East Yarra Province)—The Opposition commends the Minister on finally recognising the validity of a point that the Opposition has made often in this place. The Minister's reluctance to agree to the amendment has slowly evaporated over a period, and we recognise it as a significant event that now the government is introducing this amendment rather than the Opposition.

The Hon. W. R. BAXTER (North Eastern Province)—One cannot help but express amazement at the reversal of roles. Last evening on another Bill, the Opposition was insisting that there be disallowance of regulations by both Houses of Parliament, and now the government is agreeing to disallowance by a single House! That is really and truly amazing. However, I am happy to go along with it, because the National Party is being consistent on it.

The amendment was agreed to.

The Hon. E. H. WALKER (Minister for the Arts)—I move:

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.".

This is a machinery amendment to accord with the requirements of the Subordinate Legislation Act 1962.

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 17 to 19.

Clause 20

The Hon. HADDON STOREY (East Yarra Province)—I move:

1. Clause 20, line 21, after "registrar" insert "or a justice of the peace".

The amendment inserts after the word "registrar" the words "or a justice of the peace". This is a significant amendment because it really raises the whole issue of the role of justices of the peace. The government has chosen, in effect, to wipe out the role of justices of the peace and to remove all effective work done by them.

For the reasons that I gave in the second-reading debate, it is the opinion of the Opposition that justices of the peace have served this State well over many years and, if allowed, would continue to serve the State well in performing the sorts of functions relating to the witnessing of documents, the issuing process and so on.

Justices of the peace take training arranged by themselves. They are willing to provide a service that costs the State nothing. In many cases they operate at all hours of the day or night and at weekends, and they do so willingly because they are rendering a service to the public.

No reason has been advanced by the government as to why they should not be able to continue that role. The government, simply on an ideological basis, is really determined to do away with volunteers, and this is just another example of that. There were arguments in the past about the role of justices of the peace in hearing cases in court. I can appreciate the argument that perhaps there were proceedings that should be adjudicated upon by people with more training than justices of the peace.

I say there was an argument, and one can understand an argument even if one does not agree with it; however, no argument of any substance has been advanced for taking away from justices of the peace this role which is basically that of providing services to the public at no expense to the public and in a way which conveniences the public. Therefore, the Opposition believes it is important to recognise and maintain the role of justices of the peace.

Many clauses of the Bill deal with this problem. This is the first. This is one on which we should test that matter of principle. I make it quite clear that the Opposition will fight for this amendment to the point of requiring the Committee to divide. I hope normal commonsense will prevail and that the amendment will be supported by all parties. I shall be disappointed if it is not.

The Hon. E. H. WALKER (Minister for the Arts)—I am sad to say that Mr Storey will be disappointed. He argues so well. He argues in such a winsome fashion that I am often almost persuaded by him. However, in this instance it is an absolutely basic philosophical tenet of this Bill.

Mr Storey is correct in saying that if this amendment is not passed, a whole tradition of justices of the peace will come to an end. We could have a moment of silence, I suppose, but the reality is that the basis of the Bill moves in the direction of changing quite dramatically—the government believes, for the better—a system that has been in place for a long time.

I am not about to engage in a philosophical debate with Mr Storey; although he argues very strongly, the government will have to resist and it will oppose the amendment.

The Hon. W. R. BAXTER (North Eastern Province)—There has been no greater supporter in this Parliament of justices of the peace than the National Party.

The Hon. Haddon Storey—Until now.

The Hon. W. R. BAXTER—The National Party voted alone in 1984 in support of justices of the peace remaining on the bench while the Opposition voted with the government to push them off the bench. In regard to the 6-hour rule for the questioning of suspects, the National Party attempted to give justices of the peace a role in remote areas of the State. The Opposition voted with the government to defeat us.

The effect of Mr Storey's amendment—and I would dearly like to support it—would be the direct opposite to the effect that I know Mr Storey desires. It would mean the phasing out of justices of the peace in this State because the government simply would not appoint any more, because it does have its ideological mental block about justices of the peace.

The Hon. Haddon Storey—But it will not be in government for much longer.

The Hon. W. R. BAXTER—Clearly, the government would just cease appointing them, and the undertakings that I have obtained from the Attorney-General for the appointment of justices of the peace upon the passage of this Bill in an amended form would not be honoured. I would not expect those undertakings to be honoured; they would be no longer appropriate because the Bill would not go forward in an agreed form.

The reality is that if we support this amendment justices of the peace will disappear off the face of Victoria. Therefore, in the best interests of the justices of the peace, the National Party will not support the amendment, so that the Attorney-General will, in fact, appoint justices of the peace as he has undertaken to do; they will be able to act

as bail justices and as witnesses, and they will be able to use the title "justice of the peace".

I give the undertaking that upon the change of government they will be given back their rightful duties in the community and in the legal process of Victoria. That is an undertaking from the National Party. However, to pass this amendment now, as attractive as it is, will have the opposite result to that which is intended. Therefore, the National Party is not able to support it.

The Hon. HADDON STOREY (East Yarra Province)—The Minister was right—I am disappointed. The argument advanced by the Minister——

The Hon. E. H. Walker—There was no argument. I just said we will not support it.

The Hon. HADDON STOREY—The Minister took the words out of my mouth: there was no argument. He simply said that the Bill does not provide for justices of the peace so the government will not support the amendment. The fact is that the Minister has no argument to support the position he is taking.

The Hon. E. H. Walker—You must remember that I am not the Attorney-General.

The Hon. HADDON STOREY—If the Minister wants to ask the Attorney-General whether he has an argument—I believe the Attorney-General is not very far away—I shall be quite happy to wait while he consults with him to determine whether there is an argument. However, I suspect the Attorney-General does not have an argument either.

This is a Bill where the Labor Party is simply pushing ahead with its ideological approach on this matter, as recognised by the Minister, and there is no argument at all to support it.

As for the National Party, I listened very carefully to the argument put by Mr Baxter and, as I understood it, his argument really amounted to this: if the Committee passes this amendment, the government will thwart its effect by not appointing justices of the peace. That is an extraordinary argument because Mr Baxter is really saying that he will throw away a principle because a temporary government will not do something about it.

The Hon. W. R. Baxter—You have been saying that for a fair while now.

The Hon. HADDON STOREY—This Bill will establish a pact for the future for many years to come. There have been justices of the peace in Victoria for 150 years. Perhaps no more will be appointed for the next three years, but there would still be many justices of the peace now who would be able to carry out the functions that the Opposition believes they should carry out, and after the change of government we would appoint some more.

Many of those justices of the peace are in Mr Baxter's electorate and the electorates of other members of the National Party. Why should they have taken away from them these functions that they have performed voluntarily in the best interests of the community? It is not just I who am disappointed with this move; I believe the general public will be disappointed, too. It is a sad day, an historic day—or early morning, at it turns out—when justices effectively are removed from our life.

I hope, despite the words of the Minister and the Leader of the National Party in this House, that honourable members will understand the full force of this and will support the Opposition on the amendment.

The Committee divided on Mr Storey's amendment (the Hon. K. I. M. Wright in the chair).

Ayes	14
Noes	20
Majority against the amendment	6

AYES	NOES
Mr Birrell	Mr Baxter
Mr Craige	Mr Best
Mr de Fegely	Mr Crawford
Mr Guest	Mr Davidson
Mr Knowles	Mr Evans
Mr Lawson	Mr Hall
Mr Macey	Mr Hallam
Mr Miles	Mrs Hogg
Mr Smith	Mr Kennedy
Mr Storey	Mrs Lyster
Mrs Tehan	Mrs McLean
Mrs Varty	Mr Mier
	Mr Pullen
Tellers:	Mr Sgro
Mr Ashman	Mr Theophanous
Mr Cox	Mr Van Buren
	Mr Walker
	Mr White
	Tellers:
	Mr Henshaw
	Mr Ives
PAIRS	
Mr Chamberlain	Mr Landeryou
Mr Connard	Mrs Coxsedge
Mr Skeggs	Ms Kokocinski

The Hon. HADDON STOREY (East Yarra Province)—I have reluctantly to say that in view of the decision made by the Committee there is little point in proceeding with any of my further amendments because they all rely on the principle that has just been negatived by the Committee.

I shall retire gracefully, disappointed but still prepared to say that volunteers in the community should be supported. Upon a change of government under the new, better working relationship with the National Party, I am sure we can do something about it.

The clause was agreed to, as were clauses 21 to 99.

Clause 100

The Hon. E. H. WALKER (Minister for the Arts)—I move:

6. Clause 100, page 46, line 36, omit "other than" and insert "including".

This amendment restores the right of a party to arbitration to appear by counsel or solicitor.

The Hon. HADDON STOREY (East Yarra Province)—This amendment is one which the Opposition fought very hard to achieve. It was wrong to take away the right of people to have legal representation. I gave reasons for my party's view as expressed in the second-reading debate, and I shall not elaborate further. The Liberal Party is pleased that the government has finally recognised the justice and sense in what was being said. The Opposition wholeheartedly supports the amendment.

The Hon. W. R. BAXTER (North Eastern Province)—Clause 100 is really the key clause in the Bill. It goes to the fundamental principle of the right to legal representation

in proceedings before a Magistrates Court. The clause as worded in the Bill would have denied that right in cases involving less than $5000. I am pleased with the amendment. It was a fundamental issue for both the National and Liberal parties, and we are delighted that the government has seen the wisdom in our argument.

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 101 and 102.

Clause 103

The Hon. E. H. WALKER (Minister for the Arts)—I move:

7. Clause 103, line 23, after "magistrate" insert "or, if the Rules so provide, by a registrar".

This amendment will empower a registrar to conduct arbitrations in the circumstances provided by the rules made by the Council of Magistrates.

The amendment was agreed to.

The Hon. E. H. WALKER (Minister for the Arts)—I move:

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.".

This amendment clarifies the requirement that the court must have regard to the law in determining questions arising during arbitration. It also establishes the right of parties who do not have any knowledge of the English language to have the proceedings interpreted by competent interpreters.

The Hon. HADDON STOREY (East Yarra Province)—This is another amendment which arises from representations made by the Opposition. The honourable member for Kew in another place quite correctly pointed out that it was desirable to set out the principles under which an arbitrator should operate. If it were not for an amendment such as this, it could be interpreted that an arbitrator was at liberty to decide an issue on any basis that the arbitrator thinks fit, whereas of course the principles of law ought to continue to apply.

It is an important amendment, and clarifies the functions of the arbitrator. I thank the Minister for adopting the proposal.

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

Clause 104

The Hon. E. H. WALKER (Minister for the Arts)—I move:

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.".

This amendment is designed to overcome any difficulty which may arise in any way in a court determining an award.

The Hon. HADDON STOREY (East Yarra Province)—This amendment was suggested by the honourable member for Kew in the other place. In every other

circumstance where there are arbitrations, arbitrators are required to provide reasons, if so requested, and it is appropriate that the same should apply in these arbitrations.

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

Clause 105

The Hon. E. H. WALKER (Minister for the Arts)—I invite honourable members to vote against this clause. The clause is to be omitted and a substitute clause will be inserted through amendment No. 30 standing in my name.

The Hon. HADDON STOREY (East Yarra Province)—The Minister's explanation does not say what the clause is about. As I understand it, this is an important amendment because it removes the provision which says that no costs can be awarded in arbitration. That was a critical clause in the Bill and provoked extensive controversy. The parties have to fight for their rights; they have to go to court or to arbitration to obtain those rights and, if successful, they are justly entitled to the costs of the proceedings. This amendment provides for that.

The Hon. W. R. BAXTER (North Eastern Province)—The National Party supports the amendment. I shall make further remarks about these provisions when dealing with the new clause to be substituted.

The clause was negatived.

Clauses 106 to 114 were agreed to.

Clause 115

The Hon. E. H. WALKER (Minister for the Arts)—I move:

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".

The effect of the amendments is to increase the retiring age of justices of the peace to 72 years.

The Hon. HADDON STOREY (East Yarra Province)—The Opposition believes that the retirement age should be 70 years; the Bill actually reduced that age to 65. The Liberal Party considered that 70 was applicable, but does not intend to quarrel with the amendment which is in the same league as my party's proposed amendment.

The Hon. W. R. BAXTER (North Eastern Province)—In negotiations, the National Party was particularly keen to obtain uniformity in the retirement age for magistrates, judges, company directors and the like. We could see no reason why justices of the peace should be denied any position in the community that is accorded to others. There should be no exceptional retiring age. The National Party promoted a retiring age of 72 years, and I am glad that the government has acceeded to my party's argument.

The amendments were agreed to, and the clause, as amended, was adopted, as were clauses 116 to 137.

Clause 138

The Hon. E. H. WALKER (Minister for the Arts)—I move:

14. Clause 138, line 34, omit "or".

This amendment is technical, and is to accord with amendment No. 15.

The Hon. HADDON STOREY (East Yarra Province)—I should like to address the amendment in terms of a subsequent one. The effect will be to remove the ability to invest funds held on trust from funds prescribed by regulations under the Act. In view of the position that it is not appropriate for the court to be able to operate with funds at large in this way, perhaps it is a similar argument that the Committee and the House considered in the Estate Agents (Amendment) Bill, dealt with yesterday.

This is another amendment advanced by the Opposition, and I am pleased to see that the government has accepted it.

The amendment was agreed to.

The Hon. E. H. WALKER (Minister for the Arts)—I move:

15. Clause 138, lines 35 and 36, omit all words and expressions on these lines.

This is a substantive amendment. The government has agreed to delete the provisions, as indicated by Mr Storey.

The amendment was agreed to, and the clause, as amended, was adopted, as was clause 139.

Clause 140

The Hon. E. H. WALKER (Minister for the Arts)—I move:

16. Clause 140, lines 28 and 29, omit all words and expressions on these lines.

This is a consequential amendment.

The amendment was agreed to.

The Hon. E. H. WALKER (Minister for the Arts)—I move:

17. Clause 140, page 66, lines 10 and 11, omit all words and expressions on these lines.

The government has agreed to delete this provision. The preceding provisions of this paragraph provide sufficient flexibility in establishing fees.

The Hon. HADDON STOREY (East Yarra Province)—The words to be omitted as a result of the amendment allow for the setting of fees that do not have to be related to the cost of providing the service. The Opposition totally disagrees with this concept. It would simply provide an opportunity for the government to levy a tax. Fees should be related to the cost of providing a service.

The Opposition was insistent upon this amendment and it is one of the propositions put to the government that has been accepted.

The amendment was agreed to.

The Hon. E. H. WALKER (Minister for the Arts)—I move:

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."

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 141 to 143.

Clause 144

The Hon. E. H. WALKER (Minister for the Arts)—I move:

19. Clause 144, page 71, line 4, after "peace" insert "or a bail justice".

It is necessary to add bail justices to enable them to receive declarations in justification of bail.

The amendment was agreed to.

The Hon. E. H. WALKER (Minister for the Arts)—I move:

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;".

This amendment consolidates in one paragraph all the court officers who will be empowered to receive statutory declarations and adds the prothonotary, deputy prothonotaries, deputy registrars of the County Court and Magistrates Court and the registrar of probates or assistant registrar of probates.

The Hon. HADDON STOREY (East Yarra Province)—Clause 144 lists all the persons who witness statutory declarations. I pointed out during the second-reading debate that for the first time members of State Parliament are mentioned. However, they were also included by other provisions in the Evidence Act.

Mr Lawson referred to this clause earlier, but there is a subsequent amendment that deals with the matter he raised.

The amendment was agreed to.

The Hon. E. H. WALKER (Minister for the Arts)—I move:

21. Clause 144, page 71, line 29, omit "teacher or".

Teachers are omitted by the amendment because the government accepts that their inclusion creates too wide a category.

The Hon. HADDON STOREY (East Yarra Province)—The Opposition will not oppose this amendment, but I express a personal view that teachers are people who have received training and who are held in high regard in the community because of their position of responsibility.

The government, through the amendment, is saying that teachers are considered appropriate people to teach our young people and help them to become responsible citizens yet they are not appropriate persons to witness statutory declarations. I find that a surprising proposition.

The Hon. W. R. BAXTER (North Eastern Province)—I am surprised that teachers have been excluded and other people left in the list. I should have preferred that the list be reduced considerably, including removing teachers, and narrowing it down to clearly defined categories of persons.

I am sorry that only teachers have been singled out for exclusion, when other categories that I believe are inappropriate are still on the list.

The Hon. Haddon Storey—I thought this amendment was suggested by the National Party.

The Hon. W. R. BAXTER—There was an attempt on my part to have the list condensed considerably. This is one of those times where my representations fell on stony ground.

The amendment was agreed to.

The Hon. E. H. WALKER (Minister for the Arts)—I move:

22. Clause 144, page 71, line 30, omit "or accountant".

I hope Mr Lawson does not jump to any conclusions, because the next amendment will please him. Accountants are omitted because present staffing structures and job descriptions render this description imprecise.

The amendment was agreed to.

The Hon. E. H. WALKER (Minister for the Arts)—I move:

23. Clause 144, page 71, line 33, after "Accountants" insert "or the National Institute of Accountants".

Members of the National Institute of Accountants have been added because a considerable number hold appointments as commissioners for taking affidavits, and with the abolition of that office they would otherwise not be able to continue to witness statutory declarations. This is the Lawson clause.

The Hon. ROBERT LAWSON (Higinbotham Province)—It is not so often that my eloquence has such an immediate and gratifying result! On behalf of the National Institute of Accountants I thank the Minister and the Attorney-General.

The amendment was agreed to.

The Hon. E. H. WALKER (Minister for the Arts)—I move:

24. Clause 144, page 71, lines 37 and 38, omit all words and expressions on these lines.

Stationmasters and acting stationmasters have been omitted as it is felt that these are inappropriate categories.

The Hon. B. E. DAVIDSON (Chelsea Province)—Stationmasters are people whom we meet on the way to work. If a working person wants a statutory declaration signed the stationmaster would be one of the people in the community to whom he or she would go.

I can understand the omission of teachers from the list of people who may sign statutory declarations, because how many children go to school to get a statutory declaration signed? There is a logical reason for the inclusion of stationmasters on the list.

The Hon. ROBERT LAWSON (Higinbotham Province)—I support the omission of stationmasters because the word "masters" has nasty, sexist and chauvinist implications.

The amendment was agreed to.

The Hon. E. H. WALKER (Minister for the Arts)—I move:

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.".

This category has been redefined to enable the persons in Public Service offices who will be authorised to witness statutory declarations to be more precisely described by regulation. Regulations will be prepared describing the officers to whom this authority will apply.

The amendment was agreed to.

The Hon. E. H. WALKER (Minister for the Arts)—I move:

26. Clause 144, page 72, line 35, after "peace" insert "or a bail justice".

Bail justices are empowered to receive affidavits as justification for bail.

The amendment was agreed to.

The Hon. E. H. WALKER (Minister for the Arts)—I move:

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;";'.

This amendment is similar to amendment No. 20. It empowers court officers to receive affidavits.

The amendment was agreed to.

The Hon. E. H. WALKER (Minister for the Arts)—I move:

28. Clause 144, page 73, lines 9 to 11, omit all words and expressions on these lines.

This category has been deleted as it is not considered to be necessary.

The amendment was agreed to.

The Hon. E. H. WALKER (Minister for the Arts)—I move:

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;";".

Patent attorneys are included as persons who will be authorised to receive affidavits. They have already been authorised by clause 144 (2) (*e*) to witness statutory declarations.

The Hon. HADDON STOREY (East Yarra Province)—Mr Chamberlain raised this issue and I thank the government for accepting the amendment.

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

New clause

The Hon. E. H. WALKER (Minister for the Arts)—I move:

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.".

The intention of this new clause is to provide a mechanism to put a cap on costs the court may award in arbitration proceedings.

The Hon. W. R. BAXTER (North Eastern Province)—The National Party supports the new clause. I reiterate that the view I expressed during the second-reading debate about the costs involved in appearances before the court generally, and in particular

where small amounts are involved, are of great concern to me, and the proposal for a cap meets with the approval of the National Party.

I have had discussions with the Law Institute of Victoria and the original suggestion was that the amendment should be included in the Bill.

Problems would have been created subsequently in that every time the amounts needed to be increased to keep up with inflation, an amending Bill would have to be passed. A mechanism is provided to change the amounts by regulation because regulations can be amended more simply than an Act of Parliament.

Where the amount of monetary relief awarded is under $500, the amount of costs will be nil, which is the current situation for arbitration proceedings, so there has been no change. Where the amount awarded is between $500 and $3000, the amount of costs will be $500; and from $3000 to $5000, the amount of $600 will be the maximum that can be awarded by the court. To my mind, the figures are reasonable but significantly less than is usually awarded at present.

The Law Institute of Victoria has been realistic and generous in agreeing to the amounts. Provided procedures can be put in place for arbitration hearings in Magistrates Courts to streamline matters and enable cases to be heard expeditiously, these cost caps which are included in new clause AA will cause little difficulty for the legal profession.

The new clause was agreed to, as were schedules 1 to 3.

Schedule 4

The Hon. E. H. WALKER (Minister for the Arts)—I move:

31. Schedule 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".

Amendments Nos 31 to 55 are all amendments to Schedule 4; they are self-explanatory.

The Hon. HADDON STOREY (East Yarra Province)—Amendments Nos 31, 32 and 33 omit various items from the list of indictable offences which may be heard and determined summarily. There are certain types of offences of such a serious nature that they ought to be tried by a judge and jury. These offences include causing injury intentionally or recklessly; conduct endangering life; and setting traps, and so on, to cause serious injury.

At a time when there is increasing lawlessness in the community, it should not be the prerogative of Parliament to pass proposed legislation which seems to downgrade the seriousness of offences. For that reason, the Liberal Party urged the government to remove some of the provisions so that some offences will still be dealt with by a judge and jury. The government has not accepted all of our suggestions, but it has accepted a number of them, about which we are pleased.

Equally, there are many provisions relating to offences against property. The government has sought to have those offences dealt with summarily where the value of the property is up to $40 000. Again, the Liberal Party considers this sum to be far too high. We would prefer the figure to be $20 000, but recognise that the amendment reducing the figure to $25 000 brings it into the same region we would wish. Therefore, the Liberal Party supports the amendments.

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

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

MAGISTRATES' COURT (CONSEQUENTIAL AMENDMENTS) BILL

The motion (last debated earlier this day) of the Hon. E. H. Walker (Minister for the Arts) for the second reading of this Bill was agreed to.

The Bill was read a second time and committed.

Clause 1

The Hon. E. H. WALKER (Minister for the Arts)—I move:

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.

By way of explanation, I shall move twelve amendments as distributed. They are in two groups: amendments Nos 1 to 4 and amendment No. 12; and amendments Nos 5 to 11. I intend to make two comments.

The first relates to amendments Nos 1 to 4 and amendment No. 12, which are moved to accommodate concerns expressed by the Office of Corrections and by the Chairman of the Adult Parole Board, Mr Justice Vincent. The effect of the amendments will be to permit a person who is eligible for parole and who is also in custody pending the hearing of outstanding charges to apply for bail. An order granting bail in such

circumstances must be on condition that the person not be released unless and until a parole order is made.

The amendments were agreed to, and the clause, as amended, was adopted, as were clauses 2 and 3.

Clause 4

The Hon. E. H. WALKER (Minister for the Arts)—I move:

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".

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

Clause 5

The Hon. E. H. WALKER (Minister for the Arts)—I invite the Committee to vote against this clause.

The clause was negatived.

Clause 6

The Hon. E. H. WALKER (Minister for the Arts)—I move:

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".

These amendments are to account for certain amendments made to the Road Safety Act 1986. As a result of that Act certain amendments were included in the Magistrates (Summary Proceedings) Act 1975. The inclusion of references to the Dangerous Goods (Amendment) Act 1989 and the Second-hand Dealers and Pawnbrokers Act 1989 is consequential upon the passage of those Acts during this sitting.

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

Schedule

The Hon. E. H. WALKER (Minister for the Arts)—I move:

Schedule, page 27, after item 58 insert—

12. "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 "recognizance 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".".

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

Title

The Hon. E. H. WALKER (Minister for the Arts)—I move:

13. Long Title, omit "and the *Corrections Act* 1986".

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 passed through its remaining stages.

EGG INDUSTRY BILL

This Bill was returned from the Assembly with a message intimating that they had agreed to some of the amendments made by the Council and had disagreed with the remaining amendment.

The Hon. E. H. WALKER (Minister for the Arts)—I move:

That this House do not insist on amendment No. 4 with which the Assembly have disagreed.

The motion was agreed to.

GUARDIANSHIP AND ADMINISTRATION BOARD (AMENDMENT) BILL

This Bill was received from the Assembly and, on the motion of the Hon. E. H. WALKER (Minister for the Arts), was read a first time.

CHILDREN AND YOUNG PERSONS BILL

The debate (adjourned from earlier this day) on the motion of the Hon. C. J. Hogg (Minister for Health) for the second reading of this Bill was resumed.

The Hon. G. B. ASHMAN (Boronia Province)—The Bill has been in the preparation stage for the past five years, yet now, in the final hours of the autumn sessional period, it has been brought on for debate in this Chamber.

The Children and Young Persons Bill is the result of the 1984 Carney report on child welfare practice and legislation in Victoria. The Bill essentially relates to the protection of children. Its major components are to establish a specialist Children's Court of Victoria; to establish administrative arrangements for the protection of children; and to establish provisions relating to children and criminal law.

It is an important Bill, but it does not solve the fundamental problems. The proposed legislation provides only the framework. Resources are required to solve the problems. We spend most of our time talking about the problem and insufficient time dealing with it.

Community Services Victoria has failed to deliver services to children. The Bill will make both the Minister for Community Services and Community Services Victoria

responsible for the care of children in need of protection; and that makes me somewhat uneasy. CSV has developed a bureaucracy that is second to none. Unfortunately, in so doing, it has lost direction and has lost sight of the primary reason for its existence.

Most of the workers in the field are dedicated and try desperately to service the needs of children, against great odds. Whenever my colleagues and I speak to officers of the department we find they are preoccupied with writing the next report—senior officers are more interested in management practices than in delivering services to children in need.

Such people have lost sight of the basic needs of their clients. An inadequate level of services is provided to children in need of protection, particularly the intellectually disabled. The Bill confers on the Minister and his department the power to implement programs to protect children and young persons and to establish the Children's Court of Victoria. It is a grave mistake to believe the Bill will solve all the problems; if an adequate level of resources is not provided, the Bill will achieve nothing.

Statistics provided by CSV show that nine out of ten child-care cases that are reported to the department are cared for within approved time limits; but no mention is made of what those time limits are. We are also told that only six out of eighteen State regions found it necessary to refer cases in March of this year—but there should not have been a need to report even one case. If adequate resources had been provided, no referrals would have been necessary.

Social workers claim that there has been no change in the nature of child protection problems—in other words, the problems of the past remain. An article in the *Herald* of 25 May contains the following comments made by Dr Barry Catchlove, the Chief Executive of the Royal Children's Hospital:

> The Chief Executive of the Royal Children's Hospital, Dr Barry Catchlove, said the hospital had not noticed much improvement in child protection.
>
> He said those CSV social workers and regions which had been good before were still good and those which were bad were still bad.

No change! The figures for March of this year show that 650 CSV clients were on the waiting list for a social worker and that 242 of them—more than 33 per cent—were under court-ordered supervision. It is no wonder such children face continual difficulties. There can be no debate about the statistics because they are produced by the department. CSV is not accepting every notification; and if it refuses to accept one child abuse notification, that is one too many.

In his interim report Mr Justice Fogarty directed attention to the appalling state of child protection services in Victoria, which he judged to be the worst in Australia. Mr Justice Fogarty stated that one in every four children under court supervision orders was either unsupervised or inadequately supervised. It is unacceptable if even one child under a court supervision order is left unsupervised or is inadequately supervised. Many State wards are left unsupervised. Those children are often innocent victims of either family break-ups or other regrettable circumstances.

The State, through Community Services Victoria, does not care for those kids. Often when children become wards of the State they are placed in institutions where they are abused and neglected. So much for a system of support. CSV blunders from one disaster to another. I shall not give the House all the details of those blunders because they have been well documented. Honourable members will recall the case of Mr Pierson, alias Dickson, who was wanted for sex offences in the United States of America but who was twice employed by CSV as a child protection officer. That shows that an appalling level of inefficiency exists within the department.

Another case involved David Baxter, a boy who died as a result of injuries he received from a bashing by his mother's de facto husband. He had been placed under a supervision order by Community Services Victoria after several visits to the Royal Children's Hospital. Despite warnings given by hospital staff, he was returned home, unsupervised—with tragic results. The de facto husband has been charged, and I do not know whether the case has come before the courts. Nevertheless, the boy cannot be brought back to life and CSV should not be exonerated for its failure to act.

The Hon. W. A. Landeryou—Wait for the jury process to take over!

The Hon. G. B. ASHMAN—I am not prejudging the case. The recent debacle concerning adoptions has been well documented; and at this hour of the morning I shall not recite the details.

The introduction of mandatory reporting is essential. Since mandatory reporting was introduced in New South Wales that State's child protection service has become aware of 40 to 50 per cent of cases of child abuse; prior to its introduction that service was aware of only 10 per cent of cases. As a result of that increase many more children are receiving support and assistance. Because they are taken out of dangerous situations, they are no longer at risk.

Hundreds of children in Victoria are under court supervision orders; and, as I said, many of them are unsupervised.

The Hon. C. F. Van Buren—Where are you getting your figures from?

The Hon. G. B. ASHMAN—The figures are from Community Services Victoria. We do not have to make them up; they are straight out of your department.

The Hon. C. F. Van Buren—My department? I'm not the Minister!

The Hon. G. B. ASHMAN—They are straight from the government—from Community Services Victoria.

The children are in desperate need of support and supervision, but all the Bill does is create a framework; it does not deliver any services.

When the bureaucrats speak of unallocated wards of the State—when appearing before the Estimates Committee they said, "There are fewer wards of the State unallocated now than before"—that is simply their language for saying that there are fewer, but what does fewer mean? Is it 10? Is it 2? Is it 100?

The Hon. B. W. Mier—What is it?

The Hon. G. B. ASHMAN—If one child remains unallocated, without a social worker, that is one child too many.

An important aspect of child protection is the foster care program, which is covered in the Bill. When one talks to people who are foster parents, they say that they are appalled by Community Services Victoria's lack of interest and support for foster care. What better system can there be than to put children in need of care with a family who cares? There is no better care than that. An institution is second best to a caring family.

The Minister has refused to give any financial support to the Foster Care Association. That is another indication of the department's attitude. That association gives a great deal of support to foster care groups and fostering parents. It is a liaising and coordinating body and is desperately seeking a grant of $25 000 from CSV to continue its work. That request has been refused, yet the government has given a grant of $21 000 to the Prostitutes Collective.

Honourable members interjecting.

The Hon. G. B. ASHMAN—A grant has been given to the Victorian Trades Hall Council for an artist in residence, and $28 000 for poetry reading. What would Mr Mier prefer to spend money on—poetry, or kids who need help? What are the priorities?

The Hon. B. W. Mier—It is a pity you did not say that with a bit of verse.

The Hon. G. B. ASHMAN—Many children sleep in institutions. The government has not funded the foster care program and the payments to that program should be increased. It is a quick, cheap and easy solution. Many people in the community are prepared to act as foster parents, but the resources are not available. When a child is placed with a foster family, certain expenses are incurred and the government should double the dollars given to foster parents for the first couple of weeks to provide for those extras that are needed as the child moves into the family. In many instances, when a child moves in with a foster family it will be the first time the child has been in a loving family.

A considerable number of wards who are not offenders are sent to Turana Youth Training Centre. Turana is not an institution for wards of the State; it is a youth training centre, a high security centre; but often children are sent there because other facilities are unavailable and they mix with young offenders who are on remand or under sentence. That is not a satisfactory environment.

The Burdekin report on homeless children said at page 110:

> 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. The department has clearly been going backwards. This is consistent with information obtained in response to my own inquiries within the department and among people working in the field. The community groups say that about half of those seeking help are wards of the State.

An article in the *Age* of 21 March 1989 indicates that the government will take action and states:

> Federal and State governments are to establish a joint working party to try to solve the problem of youth homelessness.

Money should be spent to build homes for these children. Another report does not need to be written. We should get on with the job and stop talking about it. Let us have some action. A dozen reports will not help one child.

We shall discuss the specific provisions of the Bill during the Committee stage. However, the point I have been attempting to make is the Opposition's concern for the protection of children and and the failure of Community Services Victoria. It 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 his department; the bureaucrats are running the department and setting their own agenda. The services of the department are not reaching the children.

The Hon. P. R. HALL (Gippsland Province)—I am disillusioned by the events that have taken place in this House today. It is a disgrace that the Children and Young Persons Bill is being debated at this hour of the morning. One would expect that every honourable member would contribute to the debate but honourable members on both sides of the House have been gagged, and a number of government members were

interjecting while I was listening to Mr Ashman's contribution to the debate. That shows the disregard they have for the children in our society. The government should be ashamed that this Bill is being debated tonight.

I am disillusioned because, in my opinion, it is the most important Bill that I have seen in my eight months in this place. It has been on the Notice Paper for eight months and was debated only two nights ago in the other place at 1.30 a.m., and it is now being debated in this House at 1.59 a.m. That does not do the Bill the justice it deserves.

The necessity of having such a Bill is a sad reflection on the society in which we live; it highlights the rate of child abuse and the increased rate of juvenile crime in society today. The Bill is about young children. We are often quick to criticise the actions of young children, and at times we are justified in our criticism. I have worked with young children in schools for more than fourteen or fifteen years and have seen the circumstances under which many of them are forced to live.

My belief about young children is that every child is a product of his home environment. The home and family environment is the scene in which children are expected to perform. Give them a home that shows a lot of love, care and respect and children will grow to become responsible citizens of the future. However, give them anything less and problems in the home will certainly compound. I wish to make my first comments on the Bill along those lines.

The Hon. B. W. Mier—Is that a home with a television in it?

The Hon. P. R. HALL—Is that another of your inane interjections, Mr Mier?

The Hon. B. W. Mier—What do you know about kids? You haven't got any; you haven't raised any.

The PRESIDENT—Order! Not only is Mr Mier interjecting but also he is interrupting the debate while out of his place.

The Hon. P. R. HALL—Child protection and child detention in this State need to be reformed. The Bill does nothing to prevent the incidence of child abuse and juvenile crime, nor is it intended to. Members of the government should not believe they have done a wonderful thing for child protection by the introduction of the Bill. The Bill merely addresses the cause of the problem. It sets up a large, expensive and mostly inefficient net to catch the victims of child abuse but does nothing to attack the cause of the problems.

Over the years little has been done to protect the basic family unit. This government is to blame, as are previous governments. Policies introduced over the years by various governments have done little to improve the security and quality of family life. Today, more often than not, both parents must work to meet financial commitments. Financial burdens are being placed on families because of high levels of taxation and interest rates, and governments can affect both of those factors.

Poor censorship regulations allow sex and violence to be shown wholesale to young children on television, videos and in magazines. People fear for their safety because the government has done little to increase the number of police or the powers they need to protect families. The list goes on; one could talk about these social issues for a long time. They are the issues the government should address to improve the quality of family life. It is often the extra pressures put on a family that create problems. Something is likely to crack in the end and cause problems such as child abuse.

It is important to note that child protection does not start in a Community Services Victoria office, in a police station or in a courtroom; it starts in the family. The family

is the basis for the performance of all children and the basic family unit should be protected.

The Bill deals with two main areas: child protection and juvenile crime. It sets out the structure in which those issues will be dealt with in the future. I shall refer firstly to the child protection measures in the Bill. The history of child protection in this State is interesting. For most of this century the Society for Prevention of Cruelty to Children, later to become the Children's Protection Society, was responsible for child protection matters in this State. The Children's Protection Society was largely made up of volunteers and it was not until 1979 that the society first received funds from the government to implement its services.

Being a voluntary organisation, the society's capacities were limited. Shortfalls in the program were taken up by the Police Force, particularly by female police officers. The Community Policing Squad was established in 1982 and it took over a significant role in the child protection area. It was not until October 1985 that Community Services Victoria undertook the responsibility of direct investigatory work in the child protection area. It continued to work closely with the police, and that resulted in the dual-track system of child protection.

I shall refer to the report mentioned by Mr Ashman, the Fogarty report released in February this year on protective services for children in Victoria. The interesting factor about the report is that it includes many views that conflict with recommendations in the Carney report. Honourable members know that the Carney report was the basis of the Bill.

The Carney report was completed some five years ago, well before Community Services Victoria first became involved in the intervention area of child protection. One wonders whether, had the Fogarty report been available before the Bill was drawn up, the Bill would have been in a different form. I commend the author of the report for his excellent job, and I believe it would have made significant changes to the Bill.

The Fogarty report raises many interesting facts about the performance of Community Services Victoria since assuming its role in child protection in 1985. The biggest concern the National Party has about the Bill is the capacity of Community Services Victoria to deal effectively with the additional responsibility with which the Bill endows it. In the four and a half years that CSV has been involved in pre-court child protection, its record is far from impressive. The Fogarty report certainly confirms that view. At page 36 the report states:

> CSV's involvement in pre-court child protection immediately encountered considerable difficulties. In summary this was due to a number of factors, including the low administrative level and small numbers of personnel in the child protection section within the central administration of CSV, difficulties in recruitment of protection workers, poor retention rates of existing workers, lack of experience, inadequate supervision, conflicts with and criticism by the police, magistrates and others, increased numbers of notifications especially in the outer suburban areas, higher public expectations as expressed through the press and greater use of legal services by families challenging protection applications.

Community Services Victoria has been given additional responsibility in the critical area of child protection. If the Bill is to be effective, the government must provide the necessary resources and funding to ensure that the protection measures outlined in the Bill are properly implemented.

Mr Ashman highlighted the inefficient record of Community Services Victoria. In his report, Mr Justice Fogarty mentioned the disturbing facts about that record. I shall refer to figures regarding notifications of suspected child abuse referred to Community Services Victoria. Child abuse notifications are placed in three categories: priority 1 cases, priority 2 cases and priority 3 cases. Priority 1 cases are those where the life of a child is considered to be in immediate danger, and the expected response time to such

cases is 24 hours. In 1987–88 Community Services Victoria received 505 priority 1 case notifications.

Of this number it accepted 265 but rejected another 240 priority 1 cases. That says a lot for the department's record—that almost half of the priority 1 notifications it received it could not handle. It did not want to take them on; it thought it was working hard enough.

What did the department do with those priority 1 cases? What did they do with the notifications they rejected in the priority 2 cases? Almost 300 priority 2 cases were rejected as well. The simplest and easiest way for Community Services Victoria to have handled it was to tell the police about it, and the police would have to had to deal with those priority 1 and 2 cases. There is no worry about case loads or being overworked in the Police Force—the police have no choice.

Community Services Victoria, on the other hand, has convenient case load arrangements whereby it can say, "Sorry, but our books are full. You will have to go and see the police." What is the Minister for Community Services saying about this? He said in the Estimates Committee hearing earlier this year that the department wished to phase out the police in the area of intervention priority protection of children, but this means we are throwing away probably one of the most respected organisations in society, certainly in the area of child protection, and we are handing full responsibility to Community Services Victoria.

It is appalling to think that so far the department has not even accepted a large number of priority 1 and 2 cases and I am not sure how it will handle the number of notifications when police involvement is completely phased out.

What if the police are phased out of the crime protection area? What will happen in country areas such as where I live? It is all right in city areas and some of the large provincial towns where 24-hour child protection services have just been established through the department, but not one of those services exists in small country towns.

What will happen if a child is abused after 5 p.m. one evening? The child will have to go to the police, but police involvement is being phased out, so where does the child go? In this area a large commitment has to be made to providing 24-hour protection areas in the country as well as the city areas.

Turning to post-court work, which arises after the court hearing, after a guardianship or supervision order has been made, it has always been the responsibility of Community Services Victoria, or in years gone past the Children's Protection Society—the police have not been involved—to handle this area.

The Fogarty report makes disparaging comments about the department's place in this work. One such comment is that 25 per cent of these cases remain unallocated, so when children are given a supervision or guardianship order, a quarter of them have nowhere to go and are just not followed up. Frequent complaints have been received that no action has been taken when there has been a breach of a supervision order, and the service is chronically slow in preparing reports for courts because of the case load controls to which I referred earlier.

While on the area of post-court work, I highlight the great work that volunteer organisations do in the area of child protection. They should not be underestimated because without those services the government and the whole State of Victoria would be much worse off. One such group involves honorary probation officers, and in the area of central Gippsland, earlier this year the number of voluntary probationary officers in the association was 80, and when I say "was", I mean that voluntary probationary officers association has disbanded in the past two months because the

goverment found that it could afford only $7000 in total to coordinate the activities of the 80 honorary probationary officers.

To coordinate the work of 80 of those people, one person was employed for two days a week, plus there were the administrative costs of telephones, sending out letters, contacting people, doing photocopying and so on, yet the association was given only a lousy $7000 for 80 people to coordinate the supervision of children after those children had been through a court system. In fact, I was even told by the secretary of that probationary officers association that when he went to photocopy some material at the local Community Services Victorian office in Morwell—that is the regional office—he was told that he would have to pay for the photocopying expenses, which is ridiculous.

The government has a poor record in financial assistance to volunteer welfare organisations, and although I shall not make another extensive quote of Justice Fogarty's comment on the post-court performance of Community Services Victoria, it is certainly good performance material to support my case. In fact, in his summary of the report, Justice Fogarty regarded the child protection service of the department to be the worst in Australia, and if the Bill is to be effective, Community Services Victoria has a big challenge ahead of it.

I could mention many media incidents that have been highlighted in recent months involving the performance of Community Services Victoria. One could talk about the baby Kajal debacle, and we have all heard a lot about that in the past few months. I could talk about the revelation on 18 April by National Party members in another place about the head of the Footscray Community Services Victoria Child Protection Unit who was wanted by the FBI on child sex charges. I could also talk about the Minister's admission in the Estimates Committee hearing on 17 April this year that there are still 18·5 positions vacant in the child protection area.

I could talk about the *Age* series last year, which was an excellent series entitled "Our Children, our shame". I am sure we all remember the caption that went along with that series and the many cases of child abuse that the *Age* highlighted in that series. I shall not go into the details of those cases; suffice to say that Community Services Victoria has a lot of ground to make up in the area of child protection, and I only hope it rises to the expectations that the Bill bestows upon it, because the lives of more than 1000 children each year in this State are at stake.

The second major part of the Bill is concerned with juvenile crime. One of the significant changes in the area of juvenile crime is that the Bill raises the age of criminal responsibility from eight years to ten years. I am told this change has been brought about to be more certain that children are capable of understanding their responsibilities. It has also been introduced to bring the Act in line with legislation in some of the other States in this country.

I have a real concern with the raising of the age of criminal responsibility from eight years to ten years. It means that any child under the age of ten years cannot be convicted of a crime. I have spoken extensively to members of the Community Policing Squad as well as to officers of Community Services Victoria about this issue. The Morwell division of the Community Policing Squad can tell many stories on this area such as the one about the nine-year-old boy who had a knife at school and went around stabbing four or five different children in the schoolyard. The department cannot tell me that he did not know his actions were irresponsible.

The same people also tell me what I thought was an absurd story—and at first I did not believe it—about a father who had twin seven-year-old children whom he used to take out in his car at night and let out of the car when he had stopped outside a house

and turned the car's lights off. The children were sent in through house windows to do burglary jobs with the father knowing that if the children were caught in the act he could drive off and they could not charged with burglary.

I did not believe that for a while until I was convinced that these were just a couple of examples of how very young children commit crimes and cannot be convicted. I realise this is a sensitive area, and I certainly do not feel strongly enough to move amendments or object to it, but it is something that should nevertheless be monitored over the years.

The range of sentencing orders has been expanded with the maximum being detention in a youth residential centre for offenders less than fifteen years of age, and a youth training centre for offenders more than fifteen years old.

Apart from those institutions, others will include remand centres, supervision units, residential centres and training centres. Boys and girls will be separated, as will the over-fifteen-year-olds from the under-fifteen-year-olds.

According to my calculations it will be necessary to have nine different types of institutions if the provisions of the Bill are applied. Of course, there will still have to be more places in which to place children who have court orders because, as the Bill correctly provides, we must separate children who have committed criminal offences from children who have been placed under orders. Mr Ashman highlighted that fact.

How many centres are there? In Melbourne there are only two or three centres. If the Bill is passed it will be necessary to have nine or ten more centres. In country areas not many facilities are available. In my area there are only four centres at Leongatha and four centres in Sale; that is all. Any other children in need of care must be brought to Melbourne. Any babies who are found to be abused must also be taken to Melbourne for protection.

Appropriate facilities do not exist in country areas. The government must make a big commitment to provide those facilities. The Bill is similar to a scheme that was introduced several years ago by the government for the integration of disabled children into the normal school stream. In principle it was something that all honourable members would agree about but in practice I do not believe the integration of disabled children into the normal school system has been successful because the government is not providing the resources for the work that is required. I believe the proposed legislation will have the same problems in the child protection area. The situation will be hopeless if the government does not take on that commitment.

On ABC television last week there was a program called *Nobody's Children.* If honourable members have not seen it, it is worthwhile their obtaining the videotape from the library; it is in two parts. It gave a clear analysis of the state of homeless children in this country. It is amazing that each night of the year 40 000 children are sleeping in the streets. We should be ashamed of that fact. Many of those children are homeless because they have run away from home because they were abused, either physically or emotionally. It was interesting to hear some of the comments of how they believed the authorities would send them back home if they sought assistance.

Of course how we cater for these homeless children is a completely different issue. I want to canvass two points that were made by the program: 75 per cent of children who have been abused will in turn abuse their own children. If we are serious about correcting the issue of child abuse, we must re-educate, retrain and put those children into friendly environments in which they can be taught about good family life. If we want to reduce child abuse we could implement a community program that has been implemented in Sydney, where volunteers have taken homeless children into their own homes. Under the program children after completion of the program are able to

find employment and to become responsible members of society by contributing to the community themselves. We should seriously consider programs such as this to address the question of child abuse.

Victoria is fortunate to have a strong group of volunteer welfare organisations which do a tremendous amount of work with homeless children and who also consult with families who may be in crisis. The Children's Association of Victoria is an umbrella organisation that encompasses many of the volunteer organisations. St. Anthony's Family Service in Footscray is one agency that comes under the association's umbrella. Mr Brian Mitchell, the executive director, states:

> . . . the protecting, support and treatment of at risk children and families is not any one organisation's job. It is the job of us all and cuts across several social systems. A major task for us in Victoria is to develop coherent, collaborative and cooperative structures at policy, planning and practice levels in child protection.

The proposed legislation is completely necessary. We must bear in mind that it merely provides a structure and what we must do is to ensure that along with that structure there are the financial commitment and physical resources to make that structure effective. We should be extremely concerned about reducing child abuse in our community and it is only with that strong commitment to the provisions of the proposed legislation that we will have that chance.

The National Party supports the Bill. It will be watching and monitoring the performance of the government in making it work. Please make it work!

The Hon. R. I. KNOWLES (Ballarat Province)—I strongly support the proposed legislation. I do have a couple of regrets; firstly, that the Bill is being debated so late, given that it has been ready and on the Notice Paper for a couple of years, but the government has been so hopeless that it has not been able to get the debate on earlier in the sessional period. Secondly, it is to be regretted that the Bill is being debated under the present Minister for Community Services who will go down in history as the worst Minister who have ever administered the department or its predecessor, the Department of Community Welfare Services.

This Bill is critical. One of the enormous issues that confronts our society is providing adequate legal framework in which to support the family unit in exercising its responsibility for the care and nuturing of children, but at the same time defining a safety net which ensures that those children who are abused are given the opportunity of developing into mature adults. It is not an easy task to strike a balance. We do our community a disservice if we believe it is an easy task. All members of Parliament strongly support the concept that every child should have the best opportunity for developing into mature and responsible citizens, living and being cared for by their natural family.

That does not entitle a family to abuse or put at risk that child's opportunity for development. The proposed legislation seeks to rewrite the law, to update it in the light of what is currently known, and to develop a legal framework which will ensure that that balancing act occurs with a number of safeguards.

This Bill provides an appropriate framework for that decision making to occur. The important thing is that we can wax lyrical about the value of this legislation but it is absolutely meaningless unless the resources are provided to make it work. As Mr Ashman and Mr Hall have both explained, passing legislation is the easy bit; it is how we make it work that is the hard part.

There is a clear responsibility on the government, but it goes beyond that. There is a clear responsibility on the broader community because our present system of providing support for families and for children at risk must be met by resources far

greater than just government resources. It is met by individuals and the voluntary groups that other honourable members have referred to, and it is important that that should continue because a bureaucratic structure would not work. Firstly, it will be unresponsive to the community's needs and, secondly, no government will be able to afford to provide the resources to make it work.

I wish briefly to deal with the second disappointment I mentioned. It is easy for members of Parliament and for the broader community to criticise workers in Community Services Victoria, who are entrusted with the responsibility of ensuring that the balance to which I have referred works. It is one of the most difficult jobs in our society because the workers are in an absolutely no-win situation. If they intervene they are wrong, and if they do not intervene they are also wrong. In recent weeks the present Minister for Community Services has publicly been bagging his department. Given that it is very difficult work, what sort of morale can those officers have when the Minister responsible for their department is publicly carpeting their efforts?

I mention briefly the adoption case. I have no doubt that a lot of mistakes were made but the officers of that department were carrying out the guidelines set by that department. They might not have done it very well but they were carrying out guidelines laid down by this government. What was the result? Their Minister on television bucketed them for carrying out the guidelines. How do we as a community expect to attract good people to accept the responsibility of administering what is a very difficult task if the Minister of the day publicly bags departmental staff?

The Hon B. E. Davidson—If they make a mistake, they should get bagged. What's the problem?

The Hon. R. I. KNOWLES—I have already made the point that the responsibility we give people in Community Services Victoria is probably the most difficult task we give to any public servant because if they do intervene they are wrong and if they do not intervene they are wrong; yet Mr Davidson has the audacity to defend the Minister for Community Services who publicly bags his own officers for simply carrying out government policy. I find that appalling. If we believe we can pass legislation and put in place a legal structure that tries to provide a mechanism for striking that difficult balance that I have referred to—of the responsibility and the opportunity for a family to care for its own children but not the right to abuse them—and the very people that this Parliament and this government entrust that responsibility to will be publicly bagged by their own Minister, we will never attract the right people to exercise that responsibility.

It is an absolute tragedy that this Bill, which I support and which has been in the making for a number of years, will pass through this Parliament and the present Minister will claim credit for getting it through, and yet that man is the worst Minister that has ever had responsibility for child welfare in this State. That is a great disappointment to me. It does not in any way underestimate the important reforms that are made in this Bill.

This measure provides an increased range of opportunities to the court to try to select better opportunities for young people who are at risk or who have offended, to provide them with an opportunity of growing into responsible adulthood, and I support that. I do not think we have got it perfect or that we will get it perfect but we all have a responsibility to work continually to overcome what is a very great problem, because if we alienate a young person, we perpetuate a very real social problem.

We have canvassed previously the problem of child abuse, and we should try to solve it because there is adequate evidence that it becomes a cyclical issue. The child abuse victim becomes a child abuse offender. An American study carried out into this

clearly established that 90 per cent of those convicted of child molesting were themselves the victims of child abuse. About 75 per cent of all prisoners were the victims of child abuse. About 80 per cent of those convicted of prostitution were the victims of child abuse. There is a very real social problem. We will not solve it by passing this Bill. All this Bill will do is provide a legal mechanism to try to ensure that that network of government and non-government, of individual and community, working together can provide better opportunities than we currently provide to the most vulnerable members of our community.

The Hon. K. M. SMITH (South Eastern Province)—I also express my disgust at the time this Bill has come into this House. It is disgraceful and the government should be condemned for it, as it should be condemned for the hour it brought the Bill into the Lower House. I hope it is recorded in *Hansard* that the time is now 20 minutes to the hour of 3 o'clock on Saturday morning, and we are all sitting here talking about what is probably the most important Bill of this Parliamentary session.

It is important because we are not talking about national parks, rivers, streams, trees or the saving of those things which were so important a few hours ago. The negotiations went on for hours in regard to national parks. Those matters were brought up early in the piece, yet here we are at 20 to 3 on Saturday morning talking about the greatest asset this State and this country has, that is our children, and the abuse that is inflicted on those children. It is terribly wrong that we have to be so tired, that we are stuck here at the end of the session. In the light of day when our minds are fresh, we are able to express ourselves a little better.

I thought about this Bill and the way I intended to tackle it. I was filled with anger when I began to read some of the press releases on child abuse. I was saddened when I read all those reports about what happens to children and where they finish up. That is what it is about, children, and the way their bodies are bashed and the way they are neglected.

An article that really affected me was in the *Age* newspaper of July 1988. The article is reasonably long but I would like to read it because what I am about to say is what the Bill is all about, trying to prevent the abuse and bashing of children. The article is headed "Abuse and bashings end young boy's life" and it states:

> On an afternoon in January last year, Anthony Fulton, 15 months, sat eating potato chips in the lounge of the Traralgon flat his mother, Robyn Fulton, shared with her de facto, Gary Hallett. Suddenly he began to cry.
>
> The crying prevented Hallett from hearing a video he and Ms Fulton were watching, and he became annoyed. Picking Anthony up, he put him across his knees and struck him hard on the bottom several times, with his open hand, then with a closed fist, so hard that he hurt his hand.
>
> Anthony continued to cry, so Hallett hit him across the side of his head. When this failed to stop the crying, Hallett picked Anthony up under his armpits and shook him with such force that his head went all over the place. After Anthony was put down, he began to shake and then collapsed. Hallett carried him into the laundry, where he put his head under a running tap. When Anthony stopped breathing, Hallett tried mouth-to-mouth resuscitation.
>
> Doctors at the Central Gippsland Hospital, and later Melbourne's Royal Children's Hospital, found a welter of horrific injuries on Anthony's body. His head and face were heavily bruised, a lip was split, his front tooth broken and there was fresh blood in his mouth. His back and bottom were livid with bruises of differing ages.
>
> Specialists found extensive bleeding behind his eyes and scattered frontal haemorrhages to his head. They diagnosed Anthony as brain-dead and the next day his respirator was turned off.

That is what this Bill is about. It is about kids and kids getting bashed. The government introduces a Bill into the House. It is too little and too late, not just for that child but for many children. I wonder where we have all gone wrong. I wonder whether it is just

the parents or some other parent who beats a child or some paedophile who wants to take his sexual fantasies out on a child. I wonder where our society has gone wrong. We have a Bill, a piece of paper, that we are going to pass in the House with some amendments, I hope, but it is not going to save some of these children.

It might help but again we have an uncaring government. It is an uncaring government because it appointed, as Mr Knowles said, a person who is incapable of carrying out his Ministry, community services; a Minister who believed his own publicity when he was Minister for Consumer Affairs; a man who, when he was put in the firing line to manage a Ministry, failed and failed miserably. He has failed on a number of occasions and I will not refer to those occasions because Mr Knowles has already mentioned where he has gone wrong. He is prepared to blame his staff for his own inadequacies because he, as a Minister, is not prepared to take the blame for his weaknesses and his department's weaknesses.

The Hon. B. E. Davidson—You would be more genuine if you addressed the Bill.

The Hon. K. M. SMITH—I think Mr Davidson is showing that there are long-term effects from child bashing. He must have been a victim when he was younger.

The PRESIDENT—Order! The honourable member will withdraw that last remark.

The Hon. K. M. SMITH—I withdraw it, Mr President. I was reflecting on the Minister as I was also reflecting on our society. Honourable members have listened to many days of argument by this government on big and small matters. I consider this is a big matter.

The Hon. W. A. Landeryou—It is pretty boring. It is boring because you are unnecessarily repeating yourself. You are incapable of expressing yourself.

The Hon. K. M. SMITH—If it is boring to Mr Landeryou, I can only suggest that he go back to the bar.

I wondered and looked and thought about where our society has gone wrong and how long it has been going wrong. A Minister who is not capable of carrying out his duties in community services is not the only person to blame. We must look a little deeper.

Community Services Victoria may be the department that should be looking to the causes of why these kids are bashed and why our streets are full of kids. If honourable members went into the Melbourne streets now they would find kids outside every disco and nightclub. They would not be more than 15, 14, 13, 12 and 10 years old. One has only to go down the street to see them. I wonder what their parents are doing and what they are thinking about. Are they expecting Community Services Victoria to pick up the pieces of the kids who will be drinking, spaced out on drugs, beaten and bashed by other children? They will be there and they will be suffering and Community Services Victoria will be the one they will be asking for help but they will not get help tonight because the staff of Community Services Victoria are under a great deal of pressure. There is not enough staff.

During the debate on national parks I argued that more staff should be going to those national parks to preserve and improve them. I would prefer the staff and money to go to the children and the protection of children and trying to discover where our society has gone wrong; why those kids are out there and not at home. I do not think anyone on either side of the House would have been neglected by their parents, left without a roof over their heads or a warm bed, or some love—apart from Mr Landeryou.

I did not want to go on for too long. Community Services Victoria has case loads for which points are allocated. It is terrible that case workers have to be allocated six

points for each case they have. When they reach 100 points, they cannot take on any more cases. Many cases have been rejected, and I can provide interesting figures from the Southern Suburbs Regional Centre of Community Services Victoria. Cases are allocated priorities. Priority 1 cases are obviously those of a serious and urgent nature, such as cases involving sexual offences.

The Hon. W. A. Landeryou—Perhaps Mr Smith could source the document.

The Hon. K. M. SMITH—The document is compiled from private research and from information collected from Community Services Victoria.

Priority 2 cases are cases that are not quite as highly placed but involve abuse against children; and priority 3 cases are not minor cases, but cases that should be reported.

Out of 162 cases of priority 3 status, Community Services Victoria was able to handle 109. The department had to notify 53 cases that it could not look after them. Out of 28 priority 1 cases, CSV was able to handle only two. In respect of priority 2 cases, out of the eleven cases the department was able to handle only two.

The largest percentage of cases refused were priority 1 cases—the most important ones. Some 93 per cent were refused because the department could not handle them. Some 82 per cent of priority 2 cases could not be handled, and 33 per cent of priority 3 cases could not be handled. The Bill should address the staffing levels and the funding to be given to the Ministry to enable it to carry out its duties correctly.

As I said, I have many examples but I shall not go through them all because it moves me emotionally when I speak about the subject and start to go through the newspaper clippings. I wish some of the government members would be prepared to have a look at them, think a little and spend time finding out what this is about. It is about children—our greatest asset.

The Hon. ROSEMARY VARTY (Nunawading Province)—I could not let the Bill pass without paying tribute to the work that has been done to get the Bill to this stage because, in spite of the comments honourable members have heard tonight—and I acknowledge all of them—it is fair to say that, especially under the administration of the former Minister for Community Services, the current Minister for Health, a lot of consultation took place and considerable work was done by interested people to get the Bill to this stage.

If ever an issue should be apolitical, it is children's services. When the Minister for Health was responsible for that portfolio, she made every attempt to make the issue apolitical. It is most unfortunate that under the current Minister children's services, across the whole range, have become very political. I, for one, think that it is an absolute tragedy.

I have the utmost admiration for those people who work in the child protective service area, but those people have been very badly let down: they have received inadequate resources, staff, training and backup. None of these resources have been provided to help them in one of the most difficult tasks there is. They are dealing with the tragedies we see in this world. That is not easy to handle, even in one's own family; but to make decisions about someone else's family is even harder.

There has to be an acknowledgment that a lot more resources are needed in this area. Children are becoming the pawns in the no-win chess game. Much has been written and said about the volunteer sector, the move into the volunteer sector, and the handling of social welfare, just in the social welfare area.

I have a view that there needs to be a much better balance between both those areas. There needs to be a much greater acknowledgment of early intervention programs. We need to look much more closely at those families that I would call fragile families where there are many signs along the way. We should be able to help those families, if only someone took the time or had the opportunity of enlisting some help regardless of whether it be early on at the school stage or at the stage where the mum is taking her little one to the infant welfare centre, or there appears to be undue stress on the mum when the little one gets to playgroup. There is often evidence of stress on particular families. A number of organisations perform excellent early intervention-type work in providing family support, family aids, and family counselling.

I urge the Minister to devote more resources to the area, regardless of whether it is in the framework of the department or whether it is more work done in the voluntary sector, because there has been a great success rate in the work done by such agencies as Care Force. One need only examine the statistics from Care Force at Croydon to ascertain the work the family aids section has been able to do in assisting fragile families.

It was also very clear from the Burdekin report into homelessness that those children who got help within the first six months of leaving home had a very real chance of being able to get back into some sort of family situation. Again, that applies to the sorts of things we are speaking about.

What we see tonight is proposed legislation that provides a statutory framework, but it is the fleshing out of those measures that will mean the success or failure of services for children. I make a plea for the proper implementation of the proposed legislation, the proper resourcing of it and adequate flexibility to be able to take account of changes and new programs that may come along. For too long we have had a closed approach to the sorts of services that can be useful in these sorts of situations, particularly in the way of early intervention.

As I said, all my colleagues on this side of the House have highlighted the horrific situation in the children's services area. However, we must never ignore the fact that there is still a lot of good work being done and we need to pay tribute to that, whether it is in child protective services or in other areas.

There needs to be a much greater range of services and a much greater degree of flexibility in the use of those resources. Every time that I talk about this—the Minister for Health and I have had some discussions about it—I point out that I believe there is a very real opportunity of bringing back into the work force those women who have reared their own children and who know the difference between a family where a certain activity is acceptable and where that activity seen in another family is unacceptable. They have that breadth of experience to enable them to provide support and assistance without suddenly deciding there needs to be a court order. There is a need to be careful not to become caught up in that legalistic situation.

I make a plea again for that sort of resource to be tapped into because I know there are a great many people, particularly women, out there who would be excellent at this particular task. Perhaps it needs to be examined in the context of the technical and further education structure. I am not sure of the appropriate structure, but it could be done through the TAFE system or perhaps through the women's learning centres. There will be a need for many more resources and that seems to be one area that could be considered.

Like my colleagues, I also have to deplore the fact that it is 3 a.m. on the last day of the sessional period when honourable members are attempting to handle such an important Bill.

The Hon. J. G. MILES (Templestowe Province)—I support the remarks of my colleagues. I shall refer briefly to two sections of the second-reading speech, which state that the Bill has as its objectives:

> to provide a comprehensive and high-quality child protection service, which strengthens the capacity of the community to protect children and young people who have been maltreated or who are at risk of harm, and which responds appropriately to the needs of the children and families involved;
>
> to strengthen the role of the Children's Court of Victoria as a specialist court responsible for dealing with matters affecting children and young people.

I shall refer briefly to the case of one of my constitutents—who does not wish to remain anonymous, but I believe in the interests of her child she should remain anonymous—who was forced into a legal battle for four or five years in order to protect her son, who was then three years of age, from abuse by his three-times convicted paedophile father—that is, convicted of sexual abuse of children after being reported by a community organisation.

In her letter, she appealed to me for help, which others and I have given her. In her letter she says:

> Despite my pleas to the relevant State authorities and agencies, i.e.:
>
> Children's Protection Society,
>
> Queen Victoria Sexual Abuse Centre,
>
> Child Exploitation Unit...
>
> Children's Court...
>
> Community Policing Squad...
>
> Community Services Department—including telephone conversation with (a former Minister) I was astonished to hear "I sympathise but cannot help".

She decided that it was obvious that the departments which were supposedly set up to protect Victorian children from abuse and high-risk situations were unable or unwilling to become involved with such a young child.

This lady fought this legal battle for five years. She eventually won the battle to free her child from harassment by this paedophile monster, that is, her former husband, the father of the child. This cost her $28 000, which she obtained through legal aid and which she is still trying to pay off.

Fortunately, I have been able to make some representations on her behalf. She is a pensioner, of course, living on social security benefits. She is unable to get a job of any description because she still has to protect her child from this former husband who cruises around to wherever he thinks she and the child might be to terrorise them.

I could go into greater detail about this example but I shall not do so because of the lateness of the hour. However, the example indicates to me that the government has failed for seven years in one of its proudest boasts— to look after the interests of people—and in its often quoted boast of social justice. As has been said today, it is all very well to look after parks and trees, but what about children and people?

This example of a case that has spanned seven years, and I have page after page of heart-rending material, certainly indicates to me that the government has not lived up to its obligations, responsibilities and promises to look after people who have been harassed and emotionally and physically attacked by others.

In this case, despite all the attempts, there was no way of protection. This lady ran away to another State in order to be anonymous. She then came back and lived in various areas, but she is still being harassed by her former husband. Of course, she has been physically and emotionally battered through all this, as has her son. At this stage,

perhaps with the help of the Legal Aid Commission of Victoria, she may be able to survive financially.

I mention this example to emphasise the importance of the Bill. But what is the use of a Bill—which will be amended, I hope—if the police, the department and the government are not able to protect children from abuse regardless of what paper we put forward? I support the Bill at this late stage, but I emphasise that the example that I have given to the House can occur again if the administration of the Bill is not carried out much more efficiently than other measures have been in the past.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2

The Hon. C. J. HOGG (Minister for Health)—I shall briefly respond to a range of the contributions made by honourable members. There has been a great deal of emphasis tonight on the question of the Bill being a framework and the framework being filled out by resources of various kinds.

I believe it is fair to say that in the past twelve months under the previous Minister for Community Services, the honourable member for Oakleigh in another place, and now under the present Minister for Community Services, an additional $7·2 million has been allocated particularly to child protection issues; the department can now talk about 95 per cent of the child protection positions being filled. It is hoped the 95 per cent figure will rise and will not drop back.

Most honourable members tonight have acknowledged the delicate and incredibly difficult nature of the work done by child protection officers and, indeed, by so many staff of Community Services Victoria. It is work that requires the finest of judgment and it requires that judgment to be exercised all the time. I believe it requires an almost superhuman patience and dedication. With the additional resources and with the kind of framework that this Bill provides, I believe there is a very good basis now for Community Services Victoria and for the present Minister in administering this sytem.

I take this opportunity of thanking honourable members for the serious comments they have made that have been germane to the Bill. I have shared their frustration about the lateness of the hour. I also thank Mr Knowles and Mr Hallam, who is absent from the Chamber at the moment, for the work they did throughout 1986 and 1987 in the preparation of this Bill. As Mrs Varty has said, we did try to make it an across-the-party-lines measure.

The consultation was enormous and much of that consultation, explanation and hard work was led by Trish Harper in Community Services Victoria. She and Andy Bevan, Susan Porter and other people in her team did the most outstanding job. The many honourable members who have worked on this Bill for a long time would want the names of those officers recorded.

I conclude by saying that all the resources concerned that have been mentioned have been well and truly acknowledged by the present Minister. Their work is being constantly acted on.

Comments have been made about deficiencies in community services, but present improvements have all been noted and our thanks go to the members who have worked hard through the period of consultation and modification of the Bill until it has reached this stage.

The clause was agreed to, as were clauses 3 to 63.

Clause 64

The Hon. G. B. ASHMAN (Boronia Province)—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.".

The Liberal Party believes mandatory reporting would strengthen the Bill enormously. By introducing a mandatory reporting clause we will be showing a real commitment to identifying and taking action to protect children. Children have a right to protection and the way to give them protection is through mandatory reporting.

Reporting would be by appropriate professionals and would allow the protective services people to intervene. The mandatory reporting clause would also show a real commitment from all parties to the public. It would show that we really care about children and that we are serious about addressing the issue.

The Hon. C. J. HOGG (Minister for Health)—The government does not accept the amendment. We have already announced on a number of occasions that we are not really convinced of the need for mandatory reporting. Although it makes a strong statement to the community, that is probably all it does. It does not care of the real problems involved in abuse and reporting of abuse.

I am advised that the Children's Welfare Association of Victoria does not support mandatory reporting at this stage; neither does the Victorian Council of Social Service or the Brotherhood of St Laurence. Mr Justice Fogarty in his report stated that it was inappropriate to move to mandatory reporting at this time although he would not rule it out at some time in the future.

The New Zealand Parliament passed a similar Bill last month following a much consulted review of welfare arrangements for children and young persons. Mandatory reporting was not introduced after it was considered for some time that it might be, but it was decided that more appropriate steps were available to protect children and young persons. I understand the many groups that thought seriously about the introduction of mandatory reporting several years ago have now modified their position and moved away from it.

The Hon. P. R. HALL (Gippsland Province)—Mandatory reporting is a serious issue and one that the National Party has spent a lot of time discussing. Many members expressed opinions for and against mandatory reporting.

It is interesting to consider some of the many reports that have been issued on this subject and some of the people who have come out in favour of mandatory reporting. The Law Reform Commission in its report *Sexual Offences Against Children* recommended mandatory reporting and I believe in some other States of Australia mandatory reporting is part of legislation.

Some of the groups against mandatory reporting are the Carney committee, which stated its opposition in its report; the Brotherhood of St Laurence, and the Children's Welfare Association of Victoria. As the Minister has explained, the Fogarty report

considered mandatory reporting as something for the future. The National Party takes a similar view.

An important question that must be addressed is: how can we actually prove reasonable expectation of knowledge of abuse? That would be a difficult concept to prove. The studies on mandatory reporting undertaken in the United States of America show that it leads to a big increase in notifications, the majority of which are unsubstantiated. It certainly ties up a lot of extra resources in the following up of notifications.

As has been highlighted in the second-reading debate, resources in this area are stretched to the limit at the moment and protection services cannot handle the work before them now. Mandatory reporting would stretch those resources even further and lead to a less effective service.

I had not seen the amendment until it was circulated a few minutes ago. It mentions "a member of a prescribed profession". I am not sure if there is an actual description of the different types of professions that must, according to the amendment, mandatorily report. Perhaps that could be explained.

The Hon. R. I. KNOWLES (Ballarat Province)—I shall briefly canvass why the Liberal Party is stongly supporting this amendment. It will not solve child abuse and we have never claimed that it would. The advantage of mandatory reporting is that it makes a statement that child abuse is not acceptable. It is also a powerful educative tool to professionals who have a responsibility to report cases where they suspect child abuse. They do not have to establish whether child abuse has occurred but they must recognise that they have a responsibility to report cases of child abuse.

The third point is that many professionals would welcome a mandatory reporting provision because it removes the apprehension on their part about whether they should report. In many cases professionals suspect child abuse but fear becoming involved and therefore do not report because no pressure is placed on them to do so.

Both the Minister and Mr Hall have quoted the Fogarty report as coming down against mandatory reporting. It should be clearly understood that Mr Justice Fogarty said there was no point in having mandatory reporting because the system could not cope with it. He simply deferred the issue; he did not rule it out.

The Opposition is saying that mandatory reporting would place a greater responsibility on the government to ensure that the system works. Therefore, I urge the Committee to accept Mr Ashman's amendment.

The Hon. K. M. SMITH (South Eastern Province)—I speak in favour of mandatory reporting because I believe the government must begin to compile a real list of child abuse cases. In other States that have mandatory reporting requirements it has been shown that far more child abuse cases are revealed than would be the case if reporting were not mandatory.

To give some examples, the number of reports by doctors per 100 000 children was 75 in New South Wales, 44 in South Australia, 84 in Queensland, 63 in Tasmania and only 9 in Victoria. It has not been established how bad the problem is in Victoria. I can only request that the Minister consider the importance of children, and emphasise that there are people who beat their children. Some people hide the fact that they beat their children.

The children are taken to hospital with broken limbs, beaten bodies, burns and other horrific injuries. If there is no requirement for such cases to be reported they can continue going from hospital to hospital, or doctor to doctor. They may never be called upon. It is not a matter of catching someone doing the beating; it is a matter of

establishing that some people are not capable of looking after their children in a right and proper manner.

The Minister should take into consideration that the community must know. It is not a matter of snooping but of protecting the greatest asset in Victoria—our children. If we do not do something about it, and if we as legislators do not care enough about it, why should anyone else.

The Committee divided on the question that the subclause proposed by Mr Ashman to be omitted stand part of the clause (the Hon. K. I. M. Wright in the chair).

Ayes	21
Noes	14
Majority against the amendment	7

AYES	NOES
Mr Baxter	Mr Ashman
Mr Best	Mr Birrell
Mr Crawford	Mr Cox
Mr Davidson	Mr Craige
Mr Evans	Mr Guest
Mr Hall	Mr Knowles
Mr Hallam	Mr Macey
Mr Henshaw	Mr Miles
Mrs Hogg	Mr Smith
Mr Ives	Mr Storey
Mr Kennedy	Mrs Tehan
Mrs Lyster	Mrs Varty
Mr Mackenzie	
Mr Mier	*Tellers:*
Mr Pullen	Mr de Fegely
Mr Theophanous	Mr Lawson
Mr Van Buren	
Mr Walker	
Mr White	
Tellers	
Mr Landeryou	
Mr McLean	
PAIRS	
Mrs Coxsedge	Mr Skeggs
Ms Kokocinski	Mr Connard
Mr Sgro	Mr Chamberlain

The clause was agreed to, as were clauses 65 to 279.

Clause 280

The Hon. G. B. ASHMAN (Boronia Province)—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 amendment is the standard amendment moved by the Opposition regarding the disallowance of regulations by resolution of either House of Parliament.

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

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

GUARDIANSHIP AND ADMINISTRATION BOARD (AMENDMENT) BILL

The Hon. E. H. WALKER (Minister for the Arts)—I move:

That this Bill be now read a second time.

Mr President, in line with advice that you gave earlier this day, I have distributed copies of the second-reading speech to the Leaders of the opposition parties. I have spoken to the Leaders of the opposition parties and yourself and the Leaders of both parties have agreed that the second-reading notes can be incorporated in *Hansard.*

Leave was granted, and the second-reading notes were as follows:

The Guardianship and Administration Board, established under the Guardianship and Administration Board Act 1986, sits to hear applications for guardianship orders and for the appointment of administrators for people with disabilities. In the two years of the board's operation, several problems relating to its administration as provided for in the Act, have arisen. It is these problems that the current Bill addresses.

NUMBER OF MEMBERS REQUIRED TO SIT ON A DIVISION

The board sits in divisions composed of three or five members as determined by the president. 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. It has never been necessary to constitute a division of five members and it does not appear that there would ever be such a need. The Bill therefore amends the Act to permit the president a discretion to appoint divisions comprising one or three members. The benefits of making this amendment are fourfold:

(1) the board will be able to deal with a greater number of cases in a shorter time frame;

(2) the board will be able to conduct more hearings in non-metropolitan areas. It is easier for single member divisions to travel to the parties than vice versa;

(3) single divisions are less intrusive and less psychologically threatening. In a significant number of cases, such as a hearing at a hospital bed, this is an important consideration;

(4) single member divisions are less expensive.

SERVICE OF NOTICES OF HEARING

Notices of hearing are required under the Act to be given to specified persons. The board currently has the discretion to waive this service requirement in respect of all persons except the person who is the subject of the application, the person with a disability and the Public Advocate. Service on the person with a disability must be made personally.

In some circumstances, service on a person with a disability achieves nothing, for example, when the person is in a coma. The board should have the discretion to dispense with the service requirement in such cases. In other cases, personal service is not appropriate. The board has been informed of a number of such cases in country areas where the only process servers available are uniformed police. Despite the exercise of tact and sensitivity by the police, the person with a disability has become confused and upset when being served with a notice, sometimes mistaking the notice of hearing for a fine or a summons. In such cases, the board should have the discretion to order service by an alternative method, such as registered post.

The Bill addresses these issues by giving the board the discretion to waive service requirements with respect to all parties except the Public Advocate and also to determine the most appropriate method of service. Honourable members will note that these amendments are sought in the interests of people with disabilities and will not diminish their rights before the board. The board is required by the Act to act in accordance with the rules of natural justice and is therefore bound to ensure that relevant parties are fully informed of matters concerning them.

TIME FOR SERVICE OF NOTICE FOR HEARING

The board is required by the Act to commence to hear an application within 30 days after the application is received. The board is anxious to retain this requirement but, in conjunction with the requirement that fourteen days written notice be given to interested parties, it produces considerable resourcing and scheduling pressures for the board. The Bill amends the Act to reduce the fourteen day period to seven days.

FUNDING OF THE BOARD: SECTION 58

Section 58 of the Act provides for an element of "user pays" funding in relation to the operation of the board. This "user pays" provision was included by Parliament to enable the board to receive some of its costs of administration from amounts generated by estates under administration. Parliament accepted the principle that larger estates should make a contribution towards the cost of running the board and the office of the Public Advocate.

Section 58 currently requires the responsible Minister—the Attorney-General—to determine the amount which should be contributed towards the operation of the board by both the State Trust Corporation and by private administrators. That amount is to be paid into the Guardianship and Administration Board Fund. The Minister must make such a determination on the basis of information as to the "value" of all estates administered. This provision has proved unworkable because it is a task of considerable difficulty to identify the value of estates under administration. At present therefore the whole of the board's revenue is obtained from the Consolidated Fund.

The Bill repeals the unworkable procedure in section 58 and instead empowers the Governor in Council to prescribe annual fees in respect of estates which are the subject of an administration order. Those fees will be determined by the Attorney-General after consultation with the board and Public Advocate and in accordance with certain principles, such as no fee being payable by smaller estates and no fee being payable for guardianship orders. Any fee set will be means-tested so that persons with small incomes and/or limited assets are not adversely affected.

AMENDMENT TO THE MENTAL HEALTH ACT

The Bill also makes a minor, but important, amendment to the Mental Health Act 1986. As honourable members are aware, that Act reformed the law relating to another group of people with disabilities—the mentally ill. The amendment relates to community treatment orders.

Community treatment orders are one of the most innovative features of the Mental Health Act. These orders, which permit people to receive ongoing treatment for mental illness in the community, have been widely used since the commencement of the Mental Health Act on 1 October 1987. They are used as an alternative to involuntary detention and treatment in a psychiatric hospital. At present, these orders may be made for a period not exceeding twelve months. Experience has shown that many people who are subject to these orders will need to remain under compulsion to accept treatment in the community for a much longer period of time if they are to avoid readmission to a psychiatric hospital. 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 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. This amendment will overcome the need to readmit persons subject to community treatment orders to hospital but will, at the same time, ensure that the patient's rights are protected because there will be external review of the need for continuation of the community treatment order.

CONCLUSION

The Bill before the House remedies problems that have arisen under two important pieces of legislation—the Guardianship and Administration Board Act and the Mental Health Act. The amendments made by the Bill are minor, but significant.

The Hon. E. H. WALKER—I commend the Bill to the House.

The motion was agreed to.

The Bill was read a second time.

The Hon. E. H. WALKER (Minister for the Arts)—By leave, I move:

That this Bill be now read a third time.

I thank honourable members for their support of the measure.

The motion was agreed to, and the Bill was read a third time.

CODE OF FOREST PRACTICES FOR TIMBER PRODUCTION AND INSTRUMENT OF APPROVAL

The Hon. B. T. PULLEN (Minister for Housing and Construction)—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.

The PRESIDENT—Order! Before proceeding with the motion, I have had discussions with all sides of the House and I understand that the motion is agreed to. The only question arising is which amendments should be made to the Code of Forest Practices. I therefore suggest that debate be dispensed with on the motion and that the Minister proceed forthwith to commit the code of practice so that amendments can be considered.

I ask honourable members, when proposing amendments or speaking to them, to have regard to the lateness of the hour and the interests of all honourable members and to make their explanations succinctly and without elaboration.

The motion was agreed to.

The Hon. B. T. PULLEN (Minister for Housing and Construction)—I move:

That this Council do now resolve itself into a Committee of the whole Council to consider the Code of Forest Practices for Timber Production.

The Hon. R. A. MACKENZIE (Geelong Province)—I understand that this is an unusual circumstance and I do not recall it occurring before, but I intend to seek the adjournment of the ratification of the Code of Forest Practices on several grounds.

The first ground is that the code is being debated at 3.40 in the morning, and there are a considerable number of amendments to be considered. The main reason I seek the adjournment of the code until the next day of meeting is the fact that there is no need for the code of practice until that time. The logging season is almost finished because winter is upon us and it will not begin again until August—that is on both private and public land.

A code of practice similar to this code has been in existence for the past ten years. A prescription that closely resembled this code was laid down by the former Forests Commission. That code, in many cases, is being referred to and gives the Department of Conservation, Forests and Lands sufficient authority to control logging as it occurs now.

I submit that there is no need to proceed at this late hour when there are such technical amendments to be debated. The code can be debated at the beginning of the next sessional period and nothing would be lost. Nothing can be gained by proceeding with this debate at this hour.

Therefore, I move:

That the debate be now adjourned.

The PRESIDENT—Order! I had not put the motion for the committal of the code, although it had been moved by the Minister. Mr Mackenzie's motion is, in essence, for the adjournment of the whole proceedings.

Standing Orders technically require a seconder for all motions. When a motion is moved on behalf of the party it is automatically assumed that the seconder exists. The seconder is not, in fact, called for. When an independent member of the Chamber

moves a motion, the position is somewhat different. I therefore ask if any honourable member seconds the motion.

The Hon. J. V. C. GUEST (Monash Province)—I second the motion so that the House may hear an explanation of why there should not be an adjournment of the proceedings.

The PRESIDENT—Order! The motion for the adjournment of the debate has been moved and seconded.

The Hon. M. A. Birrell—It has not been seconded.

The PRESIDENT—Order! Is Mr Guest withdrawing the seconding of the motion?

The Hon. J. V. C. GUEST—No, I am not withdrawing it.

The Hon. B. T. PULLEN (Minister for Housing and Construction)—I shall speak now in opposition to the motion for the adjournment.

A number of matters of particular importance to the logging industry have been raised, and warrant the ratification by the House of a Code of Forest Practices. The debate should proceed.

The motion for the adjournment of the debate was negatived.

The motion for the committal of the code of practice was agreed to.

The House went into Committee for the consideration of the code of practice.

The CHAIRMAN (the Hon. K. I. M. Wright)—Order! For the assistance of members of the Committee, I propose that we should deal with the Code of Forest Practices on a chapter by chapter basis.

For the benefit of those honourable members who were not present in the Chamber when the President made the announcement, he suggested it would be helpful if there were conciseness and brevity in the discussion at this late hour.

The Hon. D. M. EVANS (North Eastern Province)—I wish to make a few brief comments and ask whether it would be possible to make them under the heading of background.

The CHAIRMAN—That would require leave of the Committee.

The Hon. B. T. PULLEN (Minister for Housing and Construction)—I wish to introduce the measure.

The CHAIRMAN—It would be more appropriate for the Minister to introduce the measure and I shall call Mr Evans after that.

The Hon. M. T. TEHAN (Central Highlands Province)—As each of the amendments comes forward, honourable members can make appropriate comments. There will be an amendment relating to background, which will provide an opportunity for Mr Evans to make his contribution. Similarly, the Minister can comment when the subject matter is introduced.

The Hon. B. T. PULLEN (Minister for Housing and Construction)—I indicate to the Committee that, in respect of paragraph 2.1.2 on page 10, a document entitled *Native forest definition for determining areas that might be cleared for softwood plantations* has been prepared by the Department of Conservation, Forests and Lands. I shall seek to have it incorporated in *Hansard*. The Leaders of the opposition parties have seen it; I understand the President has seen it; and I hope that you have seen it, Mr Chairman. If Mr Mackenzie has not seen it, I shall show it to him now.

The CHAIRMAN—Order! This would be the appropriate time for Mr Evans to make some comments.

The Hon. D. M. EVANS (North Eastern Province)—I wish to state clearly and concisely that the timber industry needs a code of practice and the document that has been prepared will be valuable to the industry. The code is very detailed and demonstrates clearly that an enormous amount of work has been done to prepare it. I understand that wide consultation has taken place between departmental officers and relevant organisations, particularly the Victorian Sawmillers Association, the Victorian Farmers Federation, and the Municipal Association of Victoria.

I submit to the House that the value of the Parliamentary process under the relevant 1987 Acts has been demonstrated because the first draft of the Code of Forest Practices put forward at the end of the spring sessional period proved to be not terribly satisfactory, particularly as it was deficient in the code of practice for the private area. The second draft is much improved as it has a clearer definition.

One reason why the improvements in the private area are so important is that the private operators in the industry must be encouraged to grow more trees to provide more timber, without inhibitions on their planting because of unnecessary provisions contained in any code of practice.

The National Party will be proposing the addition of some provisions, but in general it believes the code of practice is an excellent document. All those who played a part in drawing it up deserve congratulation.

The Hon. M. T. TEHAN (Central Highlands Province)—The Liberal Party sees great value in the Code of Forest Practices. Its purpose is outlined on page 1:

> . . . to ensure that timber growing . . . and harvesting operations to promote an internationally competitive forest industry are conducted on public land, and private land where commercial timber production operations are conducted, in a manner that is compatible with the conservation of the wide range of environmental values associated with those forests.

The Liberal Party supports the laudable purpose.

As Mr Evans indicated, ongoing consultation which resulted in considerable consensus has taken place, with input by various organisations, including the Conservation Council of Victoria, the Victorian Sawmillers Association, the Municipal Association of Victoria, and the Victorian Farmers Federation. The draft code has general acceptance in the community. It has been laid on the table for some months and during that time further refinements have been made to it. The Liberal Party finds the code of practice acceptable now. Some minor amendments will be moved as we go through the document.

The Hon. R. A. MACKENZIE (Geelong Province)—In line with the contributions made by Mr Evans and Mrs Tehan, I indicate how strongly I support the Code of Forest Practices. As I mentioned earlier, prescriptions were laid down a long time ago by the then Forests Commission. When I became the Minister of Forests I made sure that the prescriptions and all the logging plans were made available to the public for input into the decision-making process so that those plans could be improved.

The amendments that I shall move will seek to stengthen the process. As I said, the prescriptions had the power of regulation behind them. They have not been adhered to for a variety of reasons.

One of the tragedies is that once a mistake has been made it cannot be repaired. Soil erosion and a number of other problems cannot be repaired once someone has ignored prescriptions or codes of practice.

While we are discussing the background, I raise a query with the Minister for Housing and Construction. In the last paragraph of page 1 of the *Code of Forest Practices for Timber Production* in the original draft the State Conservation Strategy was mentioned, together with the Native Flora and Fauna Conservation Guarantee, a Rainforest Conservation Policy and other practices. I want to know why the State Conservation Strategy was removed.

The Hon. B. T. Pullen—Which paragraph are you referring to?

The Hon. R. A. MACKENZIE—In the bottom paragraph of page 1 where it lists a number of allied measures. The State Conservation Strategy was included in the original draft of the document and has been removed from this document. I ask why that has occurred.

The Hon. B. T. PULLEN (Minister for Housing and Construction)—The State Conservation Strategy is mentioned in the first paragraph on page 1. I have no objection to adding it as a dot point with the complementary and allied measures. I think it may have been an omission in that paragraph but it is covered in the first paragraph. I do not believe it seriously affects the document.

The Hon. M. T. TEHAN (Central Highlands Province)—Perhaps the words "State Environment Protection policies" cover that strategy.

The Hon. R. A. Mackenzie—The code of practice is mentioned in the State Conservation Strategy.

The Hon. C. F. VAN BUREN (Eumemmerring Province)—I support the code of practice and shall make a few points. Mr Mackenzie should know better. The document has been produced after much discussion and is a feature of the timber industry strategy to which the government has made a commitment. A few moments ago Mr Mackenzie said the document was good, but he wanted to adjourn the debate on it.

The Hon. R. A. Mackenzie—Adjourn it to discuss it at a reasonable time. You don't understand what you're talking about.

The Hon. C. F. VAN BUREN—A good deal of work has been undertaken by many people and all political parties. The work has already been done.

The Hon. R. A. Mackenzie—It should not be discussed at 4 o'clock in the morning.

The Hon. C. F. VAN BUREN—You had your say; I will have mine now!

The CHAIRMAN—Order! Mr Van Buren will address his remarks through the Chair and desist from having a conversation with Mr Mackenzie.

The Hon. C. F. VAN BUREN—It surprises me, sir, because Mr Mackenzie should know better. The document is part of the government's timber industry strategy and people are still working on it. The Code of Forest Practices is one aspect of the strategy. The government has introduced a good document. Honourable members have debated the National Parks (Alpine National Park) Bill and the National Parks (Amendment) Bill this week and that has all taken time. Perhaps it is 3.55 a.m.—I would like to go home, too—but this is a good document. I am surprised that Mr Mackenzie intends moving more than twenty amendments and wants to talk a lot of nonsense.

Section A

The Hon. D. M. EVANS (North Eastern Province)—I move:

1. Section A, paragraphs headed "BACKGROUND", omit the 1st paragraph.

The paragraph does not sit well with the code of practice.

The Hon. B. T. PULLEN (Minister for Housing and Construction)—The government will not oppose the amendment.

The amendment was agreed to.

The Hon. D. M. EVANS (North Eastern Province)—I move:

2. Section A, paragraphs headed "BACKGROUND", in the 2nd paragraph omit "in achieving this vision by".

The amendment is consequential on amendment No. 1.

The amendment was agreed to.

The Hon. B. T. PULLEN (Minister for Housing and Construction)—I do not have an amendment standing in my name, but if the Committee accepts the addition of the words "State Conservation Strategy" as an additional dot point at the bottom of page 1 of the Code of Forest Practices, it will assist in resolving Mr Mackenzie's query. Therefore, I move:

Section A, page 1, following the last line insert the following line:

". State Conservation Strategy;".

The Hon. M. T. TEHAN (Central Highlands Province)—The Opposition does not oppose the amendment.

The amendment was agreed to, and section A, as amended, was adopted.

Chapter 1

The Hon. D. M. EVANS (North Eastern Province)—I move:

3. Chapter 1.2, 2nd paragraph, sub-paragraph (*e*), after "vegetation" insert "on public land".

The amendment adds "on public land" to chapter 1.2, the second paragraph, subparagraph (*e*), which imposes a responsibility on a private landowner at his or her expense, which is something that should more properly be borne by the public purse or by other means under the flora and fauna guarantee. It is appropriate for that to occur on public land. Because of the cost burden and discipline imposed on a private individual, it is not appropriate for that to occur on private land.

The Hon. B. T. PULLEN (Minister for Housing and Construction)—Chapter 1.2 expresses environmental care principles. The actual enforcement of them in the case of private land has to be authorised in accordance with the planning scheme or a permit issued under a planning scheme. These are not binding in a sense but they express important environmental care principles. Therefore, it would be wrong to exclude the consideration of those principles with respect to private land. The government does not support the addition of "on public land" with the implication that private land should not be covered by the code.

The amendment was negatived.

The Hon. D. M. EVANS (North Eastern Province)—I move:

4. Chapter 1.2, 2nd paragraph, sub-paragraph (i), after "preserved" insert "on public land".

I advance a similar reason as that advanced for amendment No. 3.

The Hon. B. T. PULLEN (Minister for Housing and Construction)—The government adopts a similar stance to maintain the consistency of the document. In

terms of environmental care principles, the government believes they should apply to both public and private land.

The amendment was negatived, and the chapter was agreed to.

Chapter 2

The Hon. R. A. MACKENZIE (Geelong Province)—I move:

1. Chapter 2.1.1.2, 4th paragraph, omit "by planting must be subject to the same practices with respect to site preparation and tending as hardwood plantations" and insert "must be subject to the same practices with respect to regeneration and tending other native forests".

A loophole currently exists whereby unstocked or partially stocked forest can be turned into plantation rather than managed as a natural forest. Many unstocked forests have mature trees and relatively undisturbed ground lays and have a lot of conservation value. They lack the required number of younger growing trees.

If it is the intention to improve productivity of these areas, it seems desirable that they should not be given less environmental care than that existing for forests. They should be treated in that way rather than being treated as plantations.

The amendment omits "by planting must be subject to the same practices with respect to site preparation and tending as hardwood plantations" and inserts "must be subject to the same practices with respect to regeneration and tending other native forests". Therefore, we will not be creating hardwood plantations out of what could be a productive natural forest and of some conservation value.

The Hon. B. T. PULLEN (Minister for Housing and Construction)—The amendment is not acceptable to the government. It would mean that the reafforestation would be conducted exactly under the same terms as native forest regeneration and leaves no margin for the collection of reforested land which may be used for other purposes.

The whole discussion and extensive consultation on which the code of practice is based would mitigate against making this change at this time.

The amendment was negatived.

The Hon. R. A. MACKENZIE (Geelong Province)—I move:

2. Chapter 2.1.1.3, 1st paragraph, omit "should as far as possible" and insert "shall".

As they stand, the words "native forests should as far as possible be regenerated or reforested with species and provenances native to the area" are too vague. I propose that the words "should as far as possible" be omitted and the word "shall" be inserted, which would close some of the loopholes that exist at present.

The Hon. B. T. PULLEN (Minister for Housing and Construction)—The amendment is not acceptable to the government. The point raised by Mr Mackenzie was the subject of considerable discussion during the work of the committee chaired by Mr David Scott. To insert "shall" would be impracticable and would make no allowance for biological factors outside the control of forest managers, such as difficulties in obtaining seeds.

The code is designed to replicate the natural situation as far as possible. The words in chapter 2.1.1.3 are designed to give effect to that. It would be unrealistic to insert the word "shall".

The Hon. M. T. TEHAN (Central Highlands Province)—After considering the amendments proposed by Mr Mackenzie, the Liberal Party will not support them. Mr Mackenzie's aspirations in proposing these amendments are laudable and no doubt are in the best interests of protecting forests. The processes involved in the development of the code have received broad acceptance. The code has been developed after a great deal of consideration, and consensus has been reached on what is contained in it.

The amendments, laudable as they are, are not acceptable to the Liberal Party. These remarks, which I shall not repeat, also apply to the remainder of the amendments to be proposed by Mr Mackenzie.

The Hon. D. M. EVANS (North Eastern Province)—I have also examined Mr Mackenzie's amendments with a great deal of care. I accept that Mr Mackenzie has a strong commitment to caring for forests in particular and to conservation values in general.

The process by which the code has been developed was very thorough. The proposed amendments will not add to the completeness of the Code of Forest Practices to the extent that they should be agreed to by the Committee.

I congratulate Mr Mackenzie for the time he has taken to consider the matter and for the sincerity of his beliefs. But the amendment would not sit well with the code of practice as it is expressed.

The amendment was negatived.

The Hon. R. A. MACKENZIE (Geelong Province)—I move:

3. Chapter 2.1.1.5, 3rd paragraph, after "thinning" insert "where density exceeds natural density of the forest".

The reason for proposing this amendment is obvious. I should like the forests to be natural-looking and to reflect natural values, rather than having them turned into plantations, which would be detrimental. The amendment continues the trend of what I am attempting to achieve.

The Hon. B. T. PULLEN (Minister for Housing and Construction)—The amendment is not acceptable. I shall not take up the time of the Committee, except to say the paragraph reflects the principles that were established during discussions on the development of the code.

The amendment was negatived.

The Hon. R. A. MACKENZIE (Geelong Province)—I move:

4. Chapter 2.1.1.5, 3rd paragraph, after "production" insert "where there is a demonstrable nutrient deficiency".

The Committee will be aware that timber stands can be improved both by thinning and by adding fertiliser to promote healthy growth. The unrestrained use of thinning and fertilisers can reduce native forests to a plantation-like state. I seek to insert those words because such measures should be taken only when there is a demonstrable nutrient deficiency, which would be a safeguard against the improper use of fertiliser.

All honourable members would agree with that. Such a control measure would strengthen the code, which is the reason for all my proposed amendments. I am not trying to argue against what is contained in the code, but to strengthen it.

The Hon. B. T. PULLEN (Minister for Housing and Construction)—The heading of chapter 2.1.1.5 states:

> Wherever it is economically feasible, appropriate steps consistent with environmental safeguards should be taken to tend native timber production stands on public land.

I believe that covers the matter raised by Mr Mackenzie. The government will not accept this amendment.

The amendment was negatived.

The Hon. R. A. MACKENZIE (Geelong Province)—I move:

5. Chapter 2.1.2.1, 2nd paragraph, after "softwood" insert "or hardwood".

The amendment is straightforward. I seek to insert those words so that forests will not be cleared for the establishment of either hardwood plantations or softwood plantations. The government has had a similar policy concerning softwood plantations for a long time.

As to hardwood, it is equally important that natural forests are not destroyed and replaced with hardwood plantations. Both hardwood and softwood plantations should be planted on cleared farmland, or other cleared land. Because my proposed amendment is in line with government policy, I cannot see why the insertion of those words should create any difficulty. Those words would strengthen chapter 2.1.2.1.

The Hon. B. T. PULLEN (Minister for Housing and Construction)—In answer to Mr Mackenzie, I shall simplify some matters for the Committee. The process of developing this code was very extensive and included consideration of the issues raised by Mr Mackenzie. The code is representative of the opinions of a diverse number of experts; and the development of the code was handled more than adequately under the chairmanship of David Scott.

I have also carefully examined the amendments proposed by Mr Mackenzie. To obviate the need for me to speak on each amendment, I advise the Committee that the government will not accept any of Mr Mackenzie's amendments.

The Hon. R. A. MACKENZIE (Geelong Province)—I do not accept the Minister's argument. The code, like Bills that are introduced in the Chamber, has been the subject of wide-ranging consultation and has supposedly been drafted by experts. But many amendments to Bills are proposed and agreed to, despite that. I do not think the Minister's argument has any bearing on the amendments I have proposed.

The amendment was negatived.

The Hon. D. M. EVANS (North Eastern Province)—I move:

5. Chapter 2.1.2.1, 2nd paragraph, omit this paragraph.

In doing so, I simply reinforce National Party policy that no private farmland should be purchased to meet State pine plantation needs. Substantial concern has been expressed throughout rural Victoria about the government's policy of meeting its commitments and its legislative agreements and requirements for additional pine plantations by purchasing private farmland. In the view of practical farmers, good quality farmland is being purchased.

I point to the Strathbogie Ranges area where some of the best fine wool country in the world is being purchased to plant pines. It is ironic that within 2 or 3 miles of

where land is being purchased for pines, the Japanese wool company Itoh Pty Ltd, proposes to erect a monument to the Australian wool industry and the fine wool of Strathbogie. A similar situation has occurred in a small rural community in the Tallangatta Valley. The State government must plant about 35 000 hectares of pines to meet its commitment but owns some 8·2 million hectares. It is inappropriate that land should be purchased from private owners and put under threat the way of life and the very existence of small farming communities in order to meet that commitment. The government should find adequate land from its own public land resources to meet those commitments. It is the National Party's view that this statement in the Code of Forest Practices is too restrictive. If the government has a policy to move in that direction, it is entitled to do so, but the National Party cannot agree to the inclusion of this paragraph in the code of practice.

I draw to the attention of the Committee the cogent argument a few weeks ago in a notice of motion by Mr Hallam in which the National Party expressed clearly its views. Those views were put at greater length than the views I am putting. For the reasons I have advanced, the National Party strongly opposes the inclusion of this paragraph in the Code of Forest Practices.

The Hon. B. T. PULLEN (Minister for Housing and Construction)—It is firm government policy that native forests must not be cleared to provide for State softwood plantations. I seek leave to have included in *Hansard* a document prepared by the government entitled "Native Forest Definition for determining areas that might be cleared for softwood plantations" to assist in the interpretation of "native forests" with respect to the implementation of this particular paragraph.

Leave was granted, and the document was as follows:

Native Forest Definition

for determining areas that might be cleared for softwood plantations

1. Introduction

Most State softwood plantations have been established on land cleared of native vegetation that was considered to be economically unproductive. This clearing was one of the main environmental impacts of the softwood program, because it did not consider the conservation values of the native fauna or flora, or the scenic, historic or scientific values of the land. As a result the Victorian government, through its Timber Industry Strategy published in 1986, has phased out the establishment of softwood plantations on land carrying native forest.

To ensure that native forests continue to be protected against clearing for softwood establishment, draft criteria have been developed for use by the department's regional staff when they are assessing whether land is native forest and thus unavailable for softwood establishment. The criteria, which are set out in section 2, are based on a classification system that divides vegetation into three categories: non-indigenous, mixed, and indigenous. This classification system is described in section 3. The process used to decide whether each area of land may be used for softwood establishment is set out in section 4.

2. Criteria

Indigenous vegetation would be automatically deemed native forest, and so would not be available for clearing for softwood establishment.

Mixed vegetation would be deemed native forest, and thus not available for clearing for softwood establishment, if further assessment by the department finds that:

(*a*) the number of native plant species exceeds the number of non-native species; and

(*b*) the cover (as measured by projected foliar cover) of the native plant species exceeds the cover of the non-native species; and

(*c*) the number of native plant species is 50 per cent or more of the number that would be expected to be present without the influence of European settlement.

If the mixed vegetation does not meet all of these criteria, it would be considered to be available for softwood establishment.

Non-indigenous vegetation would be automatically considered not to be native forest, and so would be available for clearing for softwood establishment.

3. Vegetation classification

Indigenous vegetation

* vegetation subjected to intensive harvesting for timber, or subjected to fire or grazing in the past, but with adequate regeneration of native overstorey and understorey species: or

* vegetation subjected to selective harvesting for timber, or subjected to low intensity fire or grazing in the past, but with the forest structure and plant composition largely intact: or

* vegetation with no obvious evidence of alteration to the structure or plant composition.

Mixed vegetation

* previously cleared vegetation, where the impact of clearing is still obvious; regeneration of native overstorey species is poor; a substantial regeneration of native understorey species, but a substantial presence of introduced pasture or weed species; no obvious predominance of either native or introduced species: or

* degraded site with evidence of severe soil disturbance, poor regeneration of native overstorey species. substantial regeneration of native understorey species and a substantial presence of weed species; no obvious predominance of either native or introduced species: or

* native tree cover in serious decline from fire or other cause, with the substantial presence of native understorey species and introduced species; no obvious predominance of either native or introduced species: or

* native understorey seriously degraded by grazing, but with a largely intact overstorey and the substantial presence of native understorey species and weed species; no obvious predominance of either native or introduced species.

Non-indigenous vegetation

* fully cleared in the past, with the soil cultivated or removed and no tree cover or regeneration of native trees; understorey consisting almost entirely of sown introduced species or weeds: or

* cleared, with scattered remnant trees but no continuous tree canopy; soil may be cultivated; little regeneration of native tree species, and understorey consisting mainly of sown introduced species and weeds, with few native species: or

* partially cleared, with many remnant trees but no continuous canopy; little regeneration of native trees, and obviously more sown introduced species than native understorey species.

4. Assessment Process

The numbers refer to the positions marked on the flowchart below.

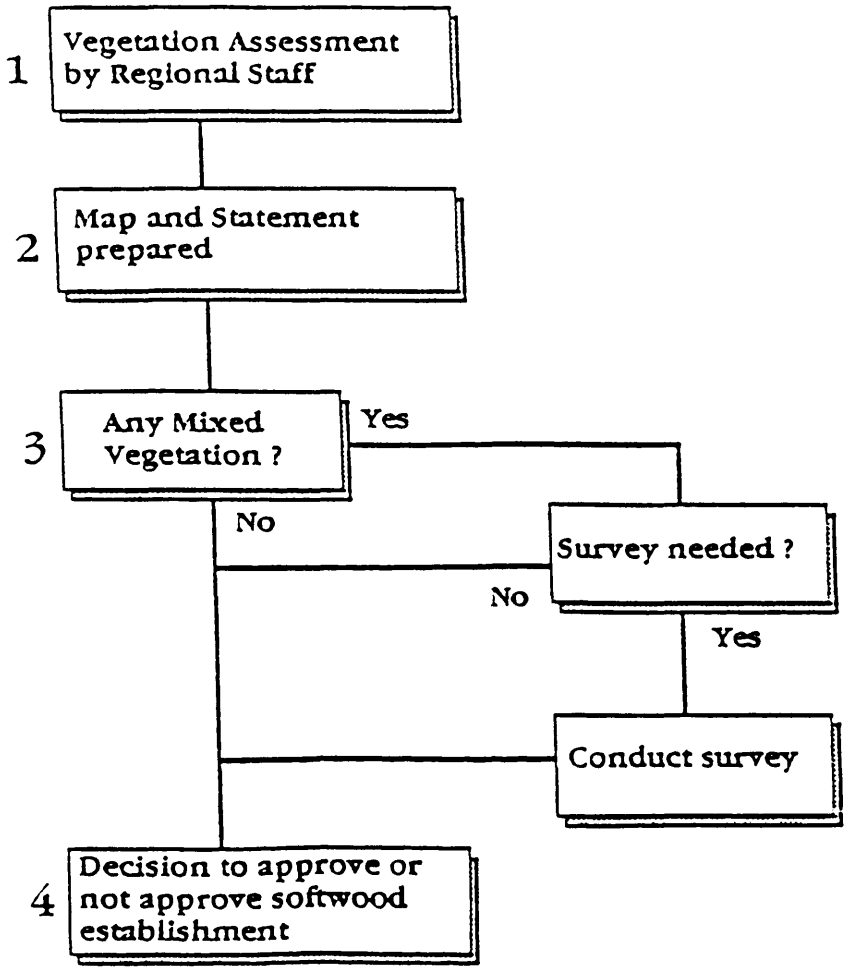
1. Regional staff assess land according to the vegetation classification system in section 3.

2. The region prepares a map showing land divided into the various vegetation classes, with the indigenous vegetation shaded red, the mixed vegetation shaded amber, and the non-indigenous vegetation shaded green. The map would have to include a statement of the area of vegetation in each class.

3. The Director of the Lands and Forests Division would determine if a detailed survey of vegetation classified as mixed is required. If a survey is required, it would be conducted by the Flora Survey Group of the Resource Assessment Section (or regional staff if sufficient expertise is available).

4. Approval or otherwise for the establishment of a softwood plantation on all or part of the land will be given only by the Director of the Lands and Forests Division, on the basis of the region's assessment and the results of any subsequent survey.

Note: A minimum area of 5 hectares and a minimum width of 100 metres shall apply. Smaller areas or narrower strips must be included within a larger area. This is primarily to allow for reasonable plantation boundaries.



The Hon. D. M. EVANS (North Eastern Province)—The National Party has studied the document—which appears to be restrictive—but, at the same time, it gives the government the opportunity of getting all of its requirements for planting of pines to meet its commitments in Victoria from its own publicly owned land, and in that sense it is a step in the direction the National Party would wish to take.

Nevertheless, the National Party would wish the paragraph to which I have referred to be removed from the Code of Forest Practices to ensure that the issue is beyond doubt.

The Hon. B. T. PULLEN (Minister for Housing and Construction)—The government opposes the amendment.

The Hon. M. T. TEHAN (Central Highlands Province)—The Liberal Party opposes the amendment. The Flora and Fauna Guarantee Act attempted to constrain and protect indigenous flora and fauna. It is imperative that indigenous flora be protected.

It is the basis on which the Liberal Party seeks protection. Native forests must be protected, but it is imperative that a definition embodies the values of native forests that will be accommodated in the Flora and Fauna Guarantee Act. The definition that has been tabled and incorporated in *Hansard* points out the criteria for which selection or degrees of values of native forests can be evaluated by the Department of Conservation, Forests and Lands.

As I understand it, the document was produced as a result of a number of botanists considering in great detail the various types of vegetation in the forest areas of Victoria. A consultative process has taken place with input from the conservation movement, from the timber industry and from departmental officers.

It is the Liberal Party's understanding that the department has been operating under the terms of that definition over the past eighteen months. I am not aware of any protests or criticism. In those circumstances, and accepting that definition, the Liberal Party supports the amendment.

The amendment was negatived.

The Hon. R. A. MACKENZIE (Geelong Province)—I move:

6. Chapter 2.1.2.1, 3rd paragraph, after sub-paragraph (vi) insert—

"(vii) plantations are to be designed so that by their shade and location they minimize problems with browsing animals".

I point out a slight error in the amendment. It should read:

. . . plantations are to be designed so that by their shape and location they minimize problems with browsing animals.

The reason for the amendment, as Mr Evans and Mrs Tehan well know, is the result of a problem in pine plantations when they are first planted, in that native animals such as wallabies and other species nip the tops from the young trees. It is ludicrous when planting pines alongside a national park that protected animals signs are erected on one side of the boundary fence and on the other side of the boundary fence another sign is erected with the warning that 1080 poison has been laid.

Although the plantation design numbers indicate to some degree that there should be protection, it does not go far enough. There was a problem in Yarram where 1080 poison was used to reduce possum and wallaby damage. To avoid plantations alongside native forests, thin long-shaped areas should be used in preference to solid block areas. That is a reasonable addition in trying to protect native flora and the plantations in the initial stages.

The amendment was negatived.

The Hon. R. A. MACKENZIE (Geelong Province)—I move:

7. Chapter 2.2.1, page 14, last paragraph, after "values" insert "and must not reduce the level of environmental protection".

The amendment is self-explanatory; it adds strength to that particular chapter.

The amendment was negatived.

The Hon. D. M. EVANS (North Eastern Province)—I move:

6. Chapter 2.2.2, 1st paragraph, after "vegetation age classes." after this line insert—"ensure sufficient and safe extraction of forest products".

The Committee would be aware that the amendment refers to coupe siting and design and what the plans must include. It is sensible to include a paragraph to ensure sufficient and safe extraction of forest products as a result of the coupe plan.

The Hon. B. T. PULLEN (Minister for Housing and Construction)—The government supports the amendment.

The Hon. M. T. TEHAN (Central Highlands Province)—The Liberal Party supports the amendment.

The amendment was agreed to.

The Hon. R. A. MACKENZIE (Geelong Province)—I move:

8. Chapter 2.2.2, 2nd paragraph, omit "should generally" and insert "shall".

The same argument applies to this amendment as the argument I put forward in favour of a previous amendment. The amendment changes the term "should generally" to the word "shall". I have heard the argument put by the Minister, but I believe the term "should generally" is open to abuse. How can one define "generally"? How can provisions be policed when such a general term is included? The code of practice should be specific or the system will be left open to abuse.

The amendment was negatived.

The Hon. R. A. MACKENZIE (Geelong Province)—I move:

9. Chapter 2.2.2, 2nd paragraph, after "Forest Management Plan" insert "Buffer strips of at least 80m must be left between adjacent coupes.".

Honourable members understand the system used in clear felling where there is a mosaic of coupes. There must be some escape for native animals and there must be some buffer zone. The amendment provides for buffer zones of at least 80 metres between coupes to protect the native flora and fauna, which should be the object of the Code of Forest Practices.

The amendment was negatived.

The Hon. R. A. MACKENZIE (Geelong Province)—I move:

10. Chapter 2.2.2, page 15, 1st paragraph, after "merchantable timber" insert "consistent with the protection of the soil and other environmental values".

The amendment is self-explanatory and will improve the chapter.

The amendment was negatived.

The Hon. R. A. MACKENZIE (Geelong Province)—I move:

11. Chapter 2.2.5, 1st paragraph, omit "long-term".

12. Chapter 2.2.5, 1st paragraph, omit "short-term and".

Chapter 2.2.5 provides that timber harvesting must only occur on slopes where the operation can be conducted safely and will not threaten the long-term stability of the soil or cause short-term and unacceptable off-site effects. The amendments remove the reference to "long-term" and "short-term" and make the provision more definite. How can one define "long-term"? Some people may believe it is five years while I may believe it is ten years. If honourable members want the code of practice to be strong, the reference to non-definable terms should be deleted.

The amendments were negatived.

The Hon. D. M. EVANS (North Eastern Province)—I move:

7. Chapter 2.2.5, 4th paragraph, after "scheduled to occur." insert "Such areas must then be resown to appropriate species to control soil erosion.".

Chapter 2.2.5 provides that slopes of more than 30 degrees should not be harvested except under certain specific conditions. New plantations must be confined to areas where ground slopes are less than 30 degrees. It appears that there is a deficiency in that provision. If a slope of more than 30 degrees is cleared, the Code of Forest Practices does not cover that. That has proved to be a problem in certain areas in north-eastern Victoria, particularly in the Shire of Bright, where some steep slopes planted with pine trees many years ago have been harvested but no replacement trees or vegetation have been put in place and the risk of erosion is created. The amendment controls that situation.

The Hon. B. T. PULLEN (Minister for Housing and Construction)—The government does not oppose the amendment.

The Hon. M. T. TEHAN (Central Highlands Province)—The Liberal Party supports the amendment.

The amendment was agreed to.

The Hon. R. A. MACKENZIE (Geelong Province)—I move:

13. Chapter 2.2.6, 2nd paragraph, omit "40" and insert "100".

The amendment increases the width of wildlife corridors. It is my opinion and that of many other people that the Code of Forest Practices does not provide for a proper wildlife corridor. The amendment increases the width of the corridor from 40 metres to 100 metres.

The amendment was negatived.

The Hon. R. A. MACKENZIE (Geelong Province)—I move:

14. Chapter 2.2.6, 2nd paragraph, omit "Where such corridors are at least 80m wide, selective logging is permissible on the outer 50% of the extra width (i.e. 25% on each side)".

The amendment omits reference to selective logging being permissible on the outer 50 per cent. In other words, the amendment bans logging in that strip. It is ridiculous to provide for a corridor and then log it, and that is why the amendment is necessary.

The amendment was negatived.

The Hon. D. M. EVANS (North Eastern Province)—I move:

8. Chapter 2.2.6, 2nd paragraph, omit "of minimum width of one hundred m" and insert "of appropriate minimum width".

The chapter refers to wildlife corridors composed of riparian vegetation when they are in the form of linear reserves and it sets a minimum width of 100 metres. Before the last State election, the National Party's policy made clear provision for the need for wildlife corridors and that type of protection.

The provision in the Code of Forest Practices is one with which the National Party agrees. However, I am reliably informed that the minimum width of 100 metres may cause some practical difficulties. Although it may be a desirable objective, there could be some occasions when a slightly smaller width may be appropriate. The amendment is intended to deal only with that point; it is not intended to water down the provisions.

The Hon. B. T. PULLEN (Minister for Housing and Construction)—The government will not accept the amendment. The chapter clearly shows that these are areas of biologically significant habitats. Riparian vegetation basically consists of the

most sensitive parts of those habitats. It is necessary that the Code of Forest Practices set out a standard capable of being implemented.

Obviously, in the field, circumstances will arise where the practicality of the people on the job will determine that variation can be made, and that is accepted. However, the government does not accept that it is appropriate to change the standard by including a minimum width that gives no direction as to what standard is expected. Therefore, the government does not believe there should be a change of the type suggested.

The Hon. D. M. EVANS (North Eastern Province)—Given the assurances from the Minister that there can be variations when practical circumstances require it, I shall not proceed with the amendment.

The Hon. M. T. TEHAN (Central Highlands Province)—The Opposition would not have supported the amendment and feel that, in view of the Minister's arguments, it should be withdrawn.

By leave, the amendment was withdrawn.

The Hon. R. A. MACKENZIE (Geelong Province)—I move:

15. Chapter 2.2.6, 3rd paragraph, after "on" insert "areas to be harvested and".

16. Chapter 2.2.6, 3rd paragraph, after "after" insert "flora and fauna surveys and".

17. Chapter 2.2.6, 3rd paragraph, after "biologists" insert "and referral to the Cutting Areas Review Committee".

These three amendments run together. In moving amendments Nos 16 and 17, I am reiterating what is already the policy of the Department of Conservation, Forests and Lands. It was introduced by the government that before any logging took place in areas that had not been logged before or which had been only partially logged, a flora and fauna study must be undertaken at a special time, and I am surprised that that requirement does not appear in this particular line so that it would read:

Decisions by the manager on reservations for habitat purposes must only be made after flora and fauna surveys and consideration of advice from suitably qualified biologists.

With the inclusion of my amendment No. 17 it would then go on to read:

and referral to the Cutting Areas Review Committee.

It should have been there in the first place, and I cannot understand why it was left out.

The amendments were negatived.

The Hon. R. A. MACKENZIE (Geelong Province)—I move:

18. Chapter 2.3.1, 5th paragraph, omit "Wood Utilization Plans for public land" and insert "the forest management plan".

Forward planning of extensions to or upgrading of the permanent road network should be outlined in the forest management plan, not in the wood utilisation plans.

Although the position of these roads should undoubtedly be marked in the wood utilisation plans the proper place for planning this network is the forest management plan as these roads affect forest management as a whole including future timber haulage routes, fire prevention, tourism, recreation, and could also affect wildlife movement if not properly coordinated with wildlife corridors. I believe this has been a genuine oversight in the writing up of the code of practice.

The amendment was negatived.

The Hon. R. A. MACKENZIE (Geelong Province)—I move:

19. Chapter 2.3.4, after the paragraph headed "Culverts and Drains" insert—

"Habitat Retention:—

Where wide clear easements are considered as part of the road for drying facilitation habitat and/or access for fauna movement must be given careful consideration."

It is fairly self-explanatory in regard to the easements, but in an incident around the Powelltown–Healesville area, enormous road widening has taken place to keep roads dry and useable for longer periods and something like 100 metres of forest was cleared on either side of the road. I have moved this amendment to ensure that that is taken into consideration—that we do not destroy the habitat or access of habitat or fauna movement by doing that. It improves the code and ensures that that factor is taken into consideration in road building activities.

The amendment was negatived, and the chapter, as amended, was agreed to.

Chapter 3

The Hon. D. M. EVANS (North Eastern Province)—I move:

9. Chapter 3, 1st paragraph, omit ", including where wood is sold or traded as a result of land-clearing operations".

This will clear up what appears to have been an inadvertent result in that if a farmer does some clearing operations and sells some of the products of it, as the code currently stands he may be required to have a coupe plan, yet the paragraph is obviously intended to deal with commercial operations on private forestry land.

The Hon. B. T. PULLEN (Minister for Housing and Construction)—The government accepts the amendment.

The amendment was agreed to.

The Hon. D. M. EVANS (North Eastern Province)—I move:

10. Chapter 3.1.2.1, 2nd paragraph, omit sub-paragraph (iii).

The reason for suggesting that the subparagraph be taken out is that it occurs in the section referring to private land, yet it refers to "the protection of sites on public land". Clearly, it is referring to private land. The sense of the subparagraph—that rare or endangered species of vegetation types of private land should be protected—is a concept with which we have no quarrel.

Some of these amendments have been drawn up under a great deal of pressure and it would appear that it would be better if we could simply remove the words "on public land" and include, "under the Flora and Fauna Guarantee Act 1988", rather than omitting the whole subparagraph. It is a more appropriate way of dealing with the issue, so with the leave of the Committee, I should like to amend that amendment.

The CHAIRMAN—Order! Is Mr Evans speaking about his amendment No. 10?

The Hon. D. M. EVANS—Yes, I spoke about it and I have suggested a change, with the leave of the Committee. I want to omit "on public land" and insert "under the Flora and Fauna Guarantee Act 1988". It is in the private land category and refers only to public land, and it would be far better to do it that way.

The Hon. B. T. PULLEN (Minister for Housing and Construction)—As originally intended, the deletion of that whole section would have been strongly opposed by the government, but we do not object to the insertion of "under the Flora and Fauna Guarantee Act".

By leave, the amendment was withdrawn.

The Hon. D. M. EVANS (North Eastern Province)—I move:

10. Chapter 3.1.2.1, 2nd paragraph, omit "on public land" and insert "Under the *Flora and Fauna Guarantee Act* 1988."

The amendment was agreed to.

The Hon. R. A. MACKENZIE (Geelong Province)—I shall not move amendment No. 20 standing in my name. This is a similar amendment to one which has already been negatived by the Committee.

The Hon. D. M. EVANS (North Eastern Province)—I move:

11. Chapter 3.2.1, 2nd paragraph, after "through prescriptions for flora and fauna protection" insert "under the *Flora and Fauna Guarantee Act* 1988".

Again the amendment refers to the Flora and Fauna Guarantee Act. It appears to be an advantage to the workings of this particular chapter.

The Hon. B. T. PULLEN (Minister for Housing and Construction)—The amendment is acceptable.

The amendment was agreed to.

The Hon. D. M. EVANS (North Eastern Province)—I move:

12. Chapter 3.2.4, 1st paragraph, omit "must" and insert "should".

The amendment refers to the water yield protection and catchments. The catchments must be protected by the adoption of appropriate rotation links and silviculture techniques. There are two practical reasons for having the word "must" in that chapter. Firstly, the water catchment area is not defined in the Code of Forest Practices and it could be a larger area. Secondly, it is possible that there may be a number of different forestry areas. It is an almost impossible task to define the area and then obtain an acceptable means of having the various owners meeting the requirements under the chapter. In the view of the National Party the word "should" would be a more appropriate inclusion.

It is reasonable that there be consideration for water hydrological requirements in the clear-felling or the felling of timber plantations. I am aware of the changes to the characteristics that occur because of the timber regime and hydrological study undertaken by the Melbourne and Metropolitan Board of Works in 1979. Because of the number of owners it would appear to the National Party that this particular position in the Flora and Fauna Guarantee Act with the insertion of the word "should" would achieve the intention in practical management.

The Hon. B. T. PULLEN (Minister for Housing and Construction)—The amendment is not acceptable. It refers to water catchment use for water supply that is designated. We are legally required to have that provision and there will be no changing that for the word "must".

The Hon. M. T. TEHAN (Central Highlands Province)—The Opposition does not support the amendment.

The amendment was negatived, and the chapter, as amended, was agreed to.

Appendix

The Hon. R. A. MACKENZIE (Geelong Province)—I move:

21. Appendix, page 51, omit the definition of "Unstocked eucalypt site" and insert the following new definition:

"Unstocked eucalypt site—sites formerly forested which at some time in the past have been cleared for agriculture or other purposes and have not been reforested or returned to timber.".

The existing definition in the code could be defining a eucalypt forest. The inclusion of the definition will ensure that a eucalypt forest is not cleared to plant a plantation, I believe that is in line with the policy of the government, or I thought it was. The amendment spells that out clearly.

The amendment was negatived, and the appendix was agreed to.

The code of practice was reported to the House with amendments, and the amendments were adopted.

The Hon. B. T. PULLEN (Minister for Housing and Construction)—I move, as an amendment to the motion for ratification:

That the following words and expressions be added to the motion:

", and that the code of practice be amended as set forth in the schedule attached to that code".

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

It was ordered that a message be sent to the Assembly acquainting them that the Council have concurred with the Assembly and have ratified the Instrument of Approval and, having considered the code of practice of May 1989, have made amendments to that code and desire their concurrence therein.

PAPER

The following paper, pursuant to the direction of an Act of Parliament, was laid on the table by the Clerk:

Statutory Rules under the following Acts of Parliament:

Police Regulation Act 1958—No. 109.

Public Account Act 1958—No. 110.

Superannuation Board—Report and financial statements for the year 1987–88.

On the motion of the Hon. HADDON STOREY (East Yarra Province), it was ordered that the report tabled by the Clerk be taken into consideration on the next day of meeting.

BUSINESS OF THE HOUSE

The PRESIDENT—Order! I have to report that the Legislative Assembly will be varying amendments made by the Council to one Bill and that it may be some little time yet before a message comes back to this Chamber from the Assembly. I shall therefore resume the chair when the bells ring.

The sitting was suspended at 4.49 *a.m. until* 5.33 a.m.

LAND (MISCELLANEOUS MATTERS) BILL

This Bill was returned from the Assembly with a message intimating that the Assembly had agreed to the amendments made by the Council and had made the following consequential amendments:

Assembly's consequential amendments:

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 to 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".

On the motion of the Hon. B. T. PULLEN (Minister for Housing and Construction), the amendments were agreed to.

JOINT PRINTING COMMITTEE

The message from the Assembly transmitting the resolution relating to the Joint Printing Committee was taken into consideration.

On the motion of the Hon. E. H. WALKER (Minister for the Arts), the resolution was agreed to.

FOREST PRACTICES FOR TIMBER PRODUCTION—INSTRUMENT OF APPROVAL AND CODE OF PRACTICE, NOVEMBER 1988

The Hon. B. T. PULLEN (Minister for Housing and Construction)—I move:

That the following Order of the Day, Government Business, be read and discharged:

Forest Practices for Timber Production—Instrument of Approval and Code of Practice, November 1988—Motion to ratify Instrument of Approval—(Hon. B. T. Pullen)—Resumption of debate. (Hon. Marie Tehan).

and that the motion be withdrawn.

The motion was agreed to, and the motion for ratification was withdrawn.

ADJOURNMENT

The Hon. E. H. WALKER (Minister for the Arts)—I move:

That the Council, at its rising, adjourn until a day and hour to be fixed by the President, which time of meeting shall be notified in writing to each honourable member.

The motion was agreed to.

The House adjourned at 5.37 *a.m. (Saturday)*

QUESTIONS ON NOTICE

PAYMENTS TO CONSULTANTS

(Question No. 8)

The Hon. M. A. BIRRELL (East Yarra Province) asked the Minister for Industry, Technology and Resources, for the Treasurer:

(*a*) Did the Treasurer approve the expenditure of public funds, as follows: (i) $49 745 for Hassall and Associates to undertake a study on importing Scandinavian sheep breeds to Victoria; (ii) $5000 for Mrs Neelam Maharajas to develop a framework for government support for festivals; (iii) $11 000 for Davy, McKee Pacific Pty Ltd to provide estimates of the capital and operating costs of methanol productions; and (iv) $24 000 for Holding Redlich to provide advice on the establishment of major joint ventures?

(*b*) Were tenders called for each of those consultancies; if so, when and how?

(*c*) What was the specific reason for each consultancy and when were reports provided on each project?

The Hon. D. R. WHITE (Minister for Industry, Technology and Resources)—The answer supplied by the Treasurer is:

(*a*) The Treasurer approved of the proposals to engage the consultancy services of Hassall and Associates, Davy, McKee Pacific Pty Ltd, and Holding Redlich, following the recommendations of the Effectiveness Review Committee.

Under Effectiveness Review Committee guidelines, the Department of Management and Budget was not required to seek the recommendation of the Effectiveness Review Committee for the engagement of Mrs Neelam Maharajas. The guidelines at that time allowed a department to seek the approval of the Minister responsible for that department for the engagement of consultancies for less than $10 000. As Mrs Maharajas was engaged at a cost of $5000, the Department of Management and Budget sought the approval of the Treasurer in his role as Minister responsible for the administration of the Department of Management and Budget.

(*b*) (i) Yes—seven agricultural firms were approached to tender in writing. This consultancy was sought by the Department of Agriculture and Rural Affairs. The consultancy was funded by Department of Management and Budget.

(ii) Tenders were not sought because Mrs Maharajas had particular knowledge of the project, having undertaken work for the Department of Management and Budget previously.

(iii) Yes—three firms were requested to tender in writing in June 1987.

(iv) Yes—three legal firms tendered for the project in writing in November 1987.

(*c*) (i) A feasibility study on the importation of Scandinavian sheep breeds to Victoria. The reports were forwarded to Department of Agriculture and Rural Affairs in October and November 1986.

(ii) To develop a framework for government support for festivals. The report was forwarded in October 1987.

(iii) The provision of advice on capital and operating costs of methanol production. The report was forwarded in November 1987.

(iv) Advice on the establishment of major joint ventures. As the consultancy was ongoing advice was forwarded on a continuing basis.

METROPOLITAN IMPROVEMENT FUND

(Question No. 76)

The Hon. B. A. CHAMBERLAIN (Western Province) asked the Minister for Local Government, for the Minister for Water Resources:

In relation to the amount collected by the Melbourne and Metropolitan Board of Works as Metropolitan Improvement Fund rates:

(*a*) What amount was collected in the financial years 1986–87, 1987–88 and what is the estimated amount for 1988–89?

(*b*) What amount was expended on the development and maintenance of metropolitan parks in those years?

(*c*) What amount was advanced to municipalities from the fund for the development or acquisition of parks in those years?

(*d*) What was the net amount held by the board after deducting the amounts in paragraphs (*b*) and (*c*) in those years and where are those net amounts invested?

The Hon. M. A. LYSTER (Minister for Local Government)—The answer supplied by the Minister for Water Resources is:

(*a*) 1986–87 $30·3 million
1987–88 $33·1 million
1988–89 $35·5 million (estimated)

(*b*) 1986–87 $8·6 million
1987–88 $10·8 million
1988–89 $12·8 million (estimated)

(*c*) 1986–87 $0·8 million
1987–88 $0·4 million
1988–89 $1·3 million (estimated)

(*d*) The net amount after deducting (*b*) and (*c*) from (*a*) in each case is not held by the Board of Works but is contributed towards the costs of the Melbourne underground rail loop and metropolitan planning, in accordance with the provisions of the Transport Act 1983 and the Town and Country Planning (Transfer of Functions) Act 1985.

WATER RESOURCES BUDGET ALLOCATIONS

(Question No. 83)

The Hon. K. I. M. WRIGHT (North Western Province) asked the Minister for Housing and Construction, for the Minister for Water Resources:

With respect to State Budgets for revenue and works and services accounts for the past ten years, what amount and percentage were allocated to water resources for each year?

The Hon. B. T. PULLEN (Minister for Housing and Construction)—The answer supplied by the Minister for Water Resources is:

WATER RESOURCES

Year	*Recurrent Expenditure*	*% of Total (R/C)*	*Works and Services Expenditure*	*% of Total (W/S)*	*Total Expenditure*	*% of Total*
	$	%	$	%	$	%
1988–89	91 890 620	1·09	47 023 000	2·31	138 913 620	1·32
1987–88	88 914 080	1·18	49 402 000	2·47	138 316 080	1·45
1986–87	91 508 000	1·31	45 895 000	2·32	137 403 000	1·54
1985–86	100 639 555	1·54	59 106 000	3·19	159 745 555	1·91

Year	*Recurrent Expenditure*	*% of Total (R/C)*	*Works and Services Expenditure*	*% of Total (W/S)*	*Total Expenditure*	*% of Total*
	$	%	$	%	$	%
1984–85	97 788 600	1·67	61 750 000	3·46	159 538 600	2·08
1983–84	93 595 223	1·78	61 967 750	4·50	155 562 973	2·34
1982–83	91 319 000	2·01	62 683 000	5·36	154 002 000	2·69
1981–82	39 860 100	1·69	34 319 100	2·27	74 179 200	1·91
1980–81	36 369 600	1·68	29 831 700	3·04	66 201 300	2·10
1979–80	31 415 979	1·60	25 180 694	3·18	56 596 673	2·05

* Figures based on estimated expenditure from Budget summaries.