Tuesday, 3 April 1984

The PRESIDENT (the Hon. F. S. Grimwade) took the chair at 3.4 p.m. and read the prayer.

FISHERIES (ABALONE LICENCES) BILL

This Bill was received from the Assembly and, on the motion of the Hon. R. A. MACKENZIE (Minister for Conservation, Forests and Lands), was read a first time.

CONSTITUTION (COUNCIL POWERS) BILL

This Bill was returned from the Assembly with a message relating to amendments. It was ordered that the message be taken into consideration later this day.

QUESTIONS WITHOUT NOTICE

PRISON PRE-RELEASE PROGRAMME

The Hon. HADDON STOREY (East Yarra Province)—Will the Attorney-General inform the House whether it is a fact that a guideline laid down by the Minister for Community Welfare Services in respect of the early release programme is that no prisoner should be released where the sentencing judge has indicated that the programme should not apply to that prisoner; if so, has the Minister for Community Welfare Services, through the Attorney-General or otherwise to his knowledge, sought the views of any of the sentencing judges in respect of the prisoners who are currently being considered for early release?

The Hon. J. H. KENNAN (Attorney-General)—As I understand it, the relevant legislation empowers a judge to veto an early release proposal. I am unable to say whether there has been any communication by either my department or the Department of Community Welfare Services in relation to the matter raised. However, I have not had communications with sentencing judges, and I do not believe any officer of my department has done so.

VICTORIAN DAIRY INDUSTRY REVIEW COMMITTEE

The Hon. B. P. DUNN (North Western Province)—Has the Minister of Agriculture received a report from the Victorian Dairy Industry Review Committee; if so, what are its major recommendations; will the Minister release it to Parliament; and does the Government intend to introduce a Bill to deal with matters raised in the report?

The Hon. D. E. KENT (Minister of Agriculture)—Three days ago, I received the report referred to by Mr Dunn. It will be available to the public later this week and the recommendations contained therein will be the subject of discussion with the industry. Although a number of suggestions are made, no dramatic changes in direction of the dairying industry are recommended. However, the report does advocate the adoption of an entitlement scheme for dairy farmers. The recommendations and the information contained in the report will be available for discussion, and, after consultation with the industry, the Government will consider whether it is necessary to introduce proposed legislation.

ENVIRONMENT PROTECTION ACT

The Hon. J. E. KIRNER (Melbourne West Province)—My question without notice to the Minister for Planning and Environment is directed both to celebrate the second anniversary of the magnificent victory of the Labor Government in 1982 and to ask—

The Hon. N. B. Reid—The Minister of Education in waiting!

The Hon. J. E. KIRNER—That is better than being a lady in waiting! In asking the Minister whether the Government intends to introduce major changes to the Environment Protection Act, I direct his attention to the comment in the Age that those changes will include proposals for scheduling premises for licensing purposes.

I ask the Minister for Planning and Environment what types of industries can be expected to be included in these schedules.

The Hon. E. H. WALKER (Minister for Planning and Environment)—It is my intention to introduce a major Bill later today to amend the Environment Protection Act.
At present, all discharges to the environment are required to be licensed, unless exempted by an order of the Governor in Council. As a result, it has been necessary to develop lengthy and complex exemption lists and procedures which it has been very difficult to administer.

The Government proposes to schedule premises so that only major industries and factories which have the potential of polluting the environment will be required to have a licence. There will be scheduled and non-scheduled premises.

Premises which produce significant discharges or emissions of waste to the atmosphere will be scheduled and the following are typical of this type of industry: Abrasive blasting works, coal processing works, cement works, ceramic works, chemical works, dyeing and finishing works, ferrous metal works and galvanizing works.

Another schedule will list premises which produce significant discharges to land or water. The following are typical of this type of industry: Abattoirs, beverage manufacturers and processing works, cement works, chemical works, fertilizer manufacturing works, fish farms, food manufacturing and processing works, and sewerage treatment and/or disposal operations. Premises which emit significant noise will also be included.

A major change is proposed. The Government will be introducing a highly practical measure which will dramatically reduce the number of premises that will be licensed in the traditional sense. As will be indicated later, significant steps will be taken to control pollution.

UNION MEMBERSHIP

The Hon. CLIVE BUBB (Ballarat Province)—In relation to the barrage of notices which have been put out by the Division of Industrial Relations to public sector employees relating to union membership—one circular spelt out the Government’s policy on union membership, another on union participation in induction procedures, another relating to lists of employees’ names to be given to unions, and a final one from the Department of the Premier and Cabinet over the name of a deputy secretary. Mr Jack, requires employees to lodge an objection to their names being given to those unions—I ask the Leader of the Government: What guarantees will the Government give that compulsory unionism in the public sector is not imminent?

The Hon. E. H. WALKER (Minister for Planning and Environment)—Mr Bubb asks a detailed question which should more properly be answered by the Premier and perhaps the Minister for Industrial Affairs. I will have the question transferred to them and an answer prepared.

NATIONAL SOIL CONSERVATION PROGRAMME

The Hon. B. W. MIER (Waverley Province)—I ask the Minister for Conservation, Forests and Lands to advise the House of the role the Government is taking in the national soil conservation programme.

The Hon. R. A. MACKENZIE (Minister for Conservation, Forests and Lands)—That is a glorious question. I congratulate my Federal colleague, the Minister for Primary Industry, the Honourable John Kerin, for initiating this programme. The Federal Government accepts that land degradation is a serious community problem of national proportions which requires the development of a long-term national strategy. It is an unfortunate fact that the Commonwealth level of involvement in the soil conservation policy up to now was allowed to fall into ruin and become fragmented under the previous Federal Government.

A national soil conservation programme is about to be undertaken, which indicates the willingness of the Labor Administration to tackle what is an enormous problem not only in Victoria but also throughout Australia. Victoria has been included in this programme, which this year has been allocated $1 million, and Victoria’s share, under the current tax-sharing arrangements, will be $127 800.

The funds will be used for a vast range of projects which will help farmers and Victoria generally. Those programmes will deal with the problems of dry land salting and will assist salt-affected areas such as Benambra and Benalla. They will include a programme on minimum tillage in extensive cropping areas to reduce the type of wind erosion that occurred as a result of a storm over Melbourne last year.
This is the first time that a national soil conservation programme has been instigated. Victoria hopes to receive between $4 million and $5 million for the project. At present my department is considering the initiatives to be taken for that programme. The project indicates to the honourable member and to the House that the Government is committed to forestalling the degradation that has occurred over many years through soil conservation problems in Victoria.

FREEDOM OF INFORMATION ACT

The Hon. B. A. CHAMBERLAIN (Western Province)—Is the Attorney-General aware that at least one of his Ministerial colleagues is refusing to allow his staff to carry out the terms of the Freedom of Information Act? Information in response to requests by members of Parliament is not being made available in conformity with section 23 of the Act—in other words, it is not being made available in the form requested. Will the Attorney-General take action to ensure that the Act is complied with in all respects?

The Hon. J. H. KENNAN (Attorney-General)—If the honourable member will provide me with details of the case to which he is referring, I shall examine the matter.

RIVER IMPROVEMENT TRUSTS

The Hon. W. R. BAXTER (North Eastern Province)—I ask the Minister of Water Supply: Is the eighth report of the Public Bodies Review Committee, which is the third report to be styled a final report by the committee, a final report under the terms of the Parliamentary Committees Act as interpreted by the Solicitor-General? If so, what action does the Government propose to take in this session on recommendations affecting river improvement trusts, bearing in mind that the first anniversary period referred to in section 4p (4) of the Act comes into operation on 24 May and those organizations will go out of existence?

The Hon. D. R. WHITE (Minister of Water Supply)—It is the intention of the Government to move a motion in the House during this sessional period which will enable the Government to extend its deliberations on the recommendations of the eighth report affecting river improvement trusts so that a task force can be established to examine the merits of the recommendations and provide further advice to the Government before any steps are taken. It is proposed also to have an Order in Council in respect of it.

The Hon. W. R. Baxter—Is this the final report?

The Hon. D. R. WHITE—It is. Based on the advice of the Solicitor-General, the Government intends to take the course that I suggested of moving a motion that will enable the Government to have further time prior to the implementation of the recommendations of the committee.

MEAT PRICES

The Hon. G. A. SGRO (Melbourne North Province)—Is the Minister of Agriculture aware of recent reports that meat prices are set to soar? If so, will the Minister explain the situation?

The Hon. D. E. KENT (Minister of Agriculture)—I am aware of reports last week which suggested that meat prices were set to soar in the near future. I do not know who inspired those reports. One can only believe the meat industry is endeavouring to condition consumers to a rise in the price of meat, for which there is no justification.

It is clear to those who have followed livestock market reports over recent weeks that there has been some fluctuation in prices for both cattle and sheep but no general rise and that, seasonal conditions being what they are, with large numbers of sheep and cattle in fat condition, there is no reason to believe there will be any scarcity of animals for slaughter.

Furthermore, the capacity of white-meat industries, such as poultry and pig production, to provide meats at reasonable prices, particularly in view of the reduced cost of stockfeed, should ensure that there is no justification for any spectacular rise in the price of meat to consumers.

Restructuring of Department of Conservation, Forests and Lands

The Hon. R. I. KNOWLES (Ballarat Province)—In relation to the restructuring of the Department of Conservation, Forests
Questions without Notice

and Lands, can the Minister for Conservation, Forests and Lands indicate whether a cost-benefit analysis has been carried out and, if so, will he make a copy of that analysis available to honourable members? If a cost-benefit analysis has not been carried out, why not?

The Hon. R. A. MACKENZIE (Minister for Conservation, Forests and Lands)—The restructuring of the department, as Mr Knowles would be fully aware, was brought about by the Government’s concern at the overlapping of activities of the three major agencies concerned. It is quite apparent, without any cost-benefit analysis being required, that when many people are performing exactly the same tasks, cost benefits would certainly be derived from the amalgamation of those areas.

It is also apparent, when one examines the structure of those three agencies, that although there are distinctive differences, there is a duplication of many of the services, such as personnel, finance, administration and electronic data processing sections. By combining the three electronic data processing sections, the department has found that instead of purchasing three computers at a cost of $1.4 million, it can buy a single computer to service the whole department for less than $1 million. It is apparent, without any cost-benefit analysis being undertaken, that cost benefits that will be derived from the restructure will not only create more efficiency but also effect cost benefits. When that position is finally ascertained, I will provide Mr Knowles with a copy of what the department has done.

LICENCE FEES FOR UNUSED ROADS AND WATER FRONTAGES

The Hon. D. M. EVANS (North Eastern Province)—I refer the Minister for Conservation, Forests and Lands to the increasing sums of money that are being gained by the Government through increased licence fees for unused roads and water frontages. Those funds were previously paid into trust accounts. The trust accounts were taken out of existence by legislation which went through Parliament twelve months ago, but a promise was made that the same purposes would be funded by funds gathered in similar ways to when trust funds were in existence.

Can the Minister assure the House that money raised from rents received from unused roads and water frontages are used for the same purposes, which I understand covers work by river improvement trusts and rivers and streams grants to landowners?

The Hon. R. A. MACKENZIE (Minister for Conservation, Forests and Lands)—The funds derived from rents for unused roads and water frontages were previously paid into a trust fund and I assure Mr Evans that the Government has abolished the idea of trust funds and that, where possible, the money is paid into the consolidated revenue which provides for more flexibility and control. The moneys received in that way are returned to the department for use in those areas to ensure that streamside reserves and other activities, such as the clearing of noxious weeds on unused roads where licence fees are paid, can be carried out.

With the additional funds it is the Government’s intention, together with the amalgamation of the department and the use of a larger resource of exempt staff, to improve the work that is being carried out. Under the Commonwealth employment programme the Government has received about $4 million for this type of activity. This will enable the department to catch up with and carry out the work for which those funds were set aside.

SALE OF LAND ACT

The Hon. M. J. ARNOLD (Templestowe Province)—Can the Attorney-General advise the House how the amendments to the Sale of Land Act which came into being on 1 May 1983 providing for cooling-off periods and vendor disclosures are working?

The Hon. J. H. KENNAN (Attorney-General)—I am very grateful for the penetrating question from the honourable member; it has taken me somewhat by surprise, but I shall do my best to answer it.

The important amendments to the Sale of Land Act are working satisfactorily. Honourable members will be aware that the amendments proposed a three-day cooling-off period and a caveat vendor rather than a caveat emptor. Honourable members will also be aware that it was this House that, in a further night of disgrace to the laws of this place, imposed that extraordinary provi-
sion which made it ethical for solicitors to act for both sides in terms contracts inside the metropolitan area, but unethical for them to act for both sides outside the metropolitan area, a point that should be remembered when one speaks about obstructionism in this House.

The Hon. B. A. Chamberlain—It was vice versa.

The Hon. J. H. KENNAN—The transition from caveat vendor to caveat emptor has been far less complicated than was envisaged, and purchasers of property have been able to receive an early indication of the various interests on the title. The cooling-off period allows three days to rescind the contract; that has worked satisfactorily and has not been abused, and professional bodies are satisfied with the amendment.

I refer honourable members to an article in the December issue of the Real Estate and Stock Institute journal by a Mr Stokes, the chairman of what is described as the RESI Search Committee, which indicates that fears in relation to the amendments have proved groundless.

The PRESIDENT—In the light of the Minister's answer, I remind honourable members that Standing Order No. 130 states:

No Members shall use offensive words against either House of Parliament; nor against any Statute unless for the purpose of moving for its repeal.

PLANNING OF WESTERNPORT REGION

The Hon. A. J. HUNT (South Eastern Province)—Mr President, thank you for your warning!

I ask the Minister for Planning and Environment whether he is aware of the problems and uncertainty that have arisen from his failure to make a clear announcement on arrangements for the planning of the Westernport region, and whether he will as quickly as possible to remedy that situation with a statement relating to the maintenance of the Westernport Catchment Co-ordination Group until its successor is appointed; ensure the continued funding for the Westernport Awareness Programme, the creation of a Ministerial council and also the nature and timing of any legislation that is proposed.

The Hon. E. H. WALKER (Minister for Planning and Environment)—Mr President, if your advice was addressed to me, I shall endeavour to avail myself of it as well!

It is of interest that Mr Hunt shows an interest in the Westernport Committee and the Westernport Catchment Co-ordination Group, since it was the previous Liberal Government that elected to get rid of the previous body, the Westernport Planning Authority.

There are two bodies—the Westernport Committee, which is a committee that advises me on planning issues, and the Westernport Catchment Co-ordination Group, which is a committee under the Premier's control. Those two committees are to be amalgamated and a significant amount of work has been done in that regard. There must be some resolution of the matter of boundaries with the Melbourne and Metropolitan Board of Works.

Although that is not far off, it is not possible for us to finalize the matter unless the boundaries within the Melbourne and Metropolitan Board of Works area on planning controls are established.

I should indicate that the existing staff from the Department of the Premier and Cabinet—that is, the staff of the Westernport Catchment Co-ordination Group—have been transferred to the Ministry for Planning and Environment, and are now within my purview. Funding is being sought in the next Budget for the bringing together of those two committees. It is intended that there should be a Ministerial council, as Mr Hunt suggests. With regard to the last point, approaches have been made to the Treasurer to continue funding for the project officer of the Westernport Awareness Programme.

The amalgamation of those two important bodies is close. I cannot put a time on it, other than to say that it is hoped it will occur just prior to the presentation of the next Budget. That will be well budgeted for, but the problem of boundaries within the Board of Works area must be resolved before that issue can be finalized.

ENVIRONMENT PROTECTION (REVIEW) BILL

The Hon. E. H. WALKER (Minister for Planning and Environment), by leave,
moved for leave to bring in a Bill to amend the Environment Protection Act 1970 with respect to the constitution, powers, duties and functions of the Environment Protection Authority, to establish the Environment Council, to make further provision for the protection of the environment, to amend the Planning Appeals Board Act 1980 and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

**EXTRACTIVE INDUSTRIES (RENEWAL OF LEASES AND LICENCES) BILL**

The Hon. D. R. WHITE (Minister for Minerals and Energy)—By leave, I move:

That I have leave to bring in a Bill to make further provision with respect to the renewal of leases and licences under the Extractive Industries Act 1966, to amend that Act and for other purposes.

The PRESIDENT—The question is that the Minister has leave to bring in this Bill.

The Hon. W. V. HOUGHTON (Templestowe Province)—No.

The PRESIDENT—I think the Ayes have it.

The motion was agreed to.

The Bill was brought in and read a first time.

The Hon. D. R. WHITE (Minister for Minerals and Energy)—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 PRESIDENT—The question is that the Bill be printed and, by leave, the second reading be made an Order of the Day for later this day.

The Hon. W. V. HOUGHTON (Templestowe Province)—No.

The PRESIDENT—I think the Ayes have it.

The motion was agreed to.

The Hon. W. V. HOUGHTON (Templestowe Province)—I raise a point of order, Mr President. A motion was just moved, by leave, but my understanding is that the Standing Orders of this House require that any member of the House may refuse leave on such an occasion. I should like you, Sir, to clarify the point.

The PRESIDENT—Order! The motion was that the Minister have leave to bring in a Bill. I understood Mr Houghton to have opposed the motion. In this sense, it is not seeking leave of the Council to move a motion; the motion seeks leave to bring in this Bill. I am sorry that it is confusing.

The Hon. W. V. HOUGHTON—On that point, Mr President, I do not wish to disagree with your ruling, but the motion of the Minister is that he have leave to move, by leave. If he seeks leave to move, by leave, then any member of the House may refuse that leave.

The Hon. A. J. HUNT (South Eastern Province)—Mr President, I think Mr Houghton is seeking to draw attention to a custom of the House as well as the point of order, and the custom of the House as between the parties has been that leave will always be favourably considered, providing it is discussed with the Leader of the Opposition and the Leader of the National Party or the shadow spokespersons concerned. There has been a habit lately of this not occurring.

I think Mr Houghton does the House a service by drawing that to attention. On the point of order, strictly, the motion, as I understand it, was that, by leave, the Minister moves, by leave. Therefore, any refusal of leave refuses the right even to present the motion in the first instance.

The Hon. E. H. WALKER (Minister for Planning and Environment)—On the point of order, Mr President, I would not like the House to think that Mr Hunt's statements are entirely correct. The Bill that I sought leave to introduce at an earlier stage—the Environment Protection (Review) Bill—was a Bill I have discussed with the Opposition and, this morning, I telephoned the Opposition and asked its permission.

The Hon. Haddon Storey—But it was not challenged.

The Hon. E. H. WALKER—that is correct, but Mr Hunt made it seem that the practice had fallen out of use.

The Hon. A. J. Hunt—In some instances.
The Hon. E. H. WALKER—That is better. I suspect that Mr Houghton is probably correct in his comments.

The PRESIDENT—Order! I have had sufficient time to re-examine the context in which the motion was moved. The first part of the motion that was moved was:

By leave, I move . . .

Therefore, leave of the House is required to move the substantive motion, which was:

That I have leave to bring in a Bill . . .

Therefore, the point of order is correct. Leave was refused, and the Council was not entitled to set down as an Order of the Day a matter that was so challenged.

The Hon. D. R. WHITE (Minister for Minerals and Energy)—In that case, Mr President, I desire to give notice that, on the next day of meeting, I shall move:

That I have leave to bring in a Bill to make further provision with respect to the renewal of leases and licences under the Extractive Industries Act 1966, to amend that Act and for other purposes.

MELBOURNE CRICKET GROUND BILL (No. 2)

The Hon. R. A. MACKENZIE (Minister for Conservation, Forests and Lands), by leave, moved for leave to bring in a Bill to facilitate the construction of floodlight towers and the operation of floodlight towers at the ground known as the Melbourne Cricket Ground, to amend the Melbourne Cricket Ground Act 1933, and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

LEGAL AND CONSTITUTIONAL COMMITTEE

Delays in courts

The Hon. JOAN COXSEDGE (Melbourne West Province) presented a preliminary report from the Legal and Constitutional Committee upon delays in courts, together with appendices and minutes of evidence.

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

ECONOMIC AND BUDGET REVIEW COMMITTEE

Royal Southern Memorial Hospital

The Hon. G. P. CONNARD (Higinbotham Province) presented a report from the Economic and Budget Review Committee on the Royal Southern Memorial Hospital, together with appendices and minutes of evidence.

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

PAPERS

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

Education Act 1958—Resumption of land at Windsor—Certificates of the Minister of Education (three papers).


Motor Accidents Board—Report for the year 1982-83.


Statutory Rules under the following Acts of Parliament:

Chiropodists Act 1968—No. 63.

Historic Shipwrecks Act 1981—No. 60.


Pharmacists Act 1974—No. 62.

Public Service Act 1974—PSD No. 13.

Racing Act 1958—No. 68.

Victoria State Emergency Service Act 1981—No. 53.

Water Act 1958—No. 64.


On the motion of the Hon. A. J. HUNT (South Eastern Province), it was ordered that the reports be taken into consideration on the next day of meeting.

OCCUPATIONAL HEALTH AND SAFETY BILL

The Hon. D. R. WHITE (Minister for Minerals and Energy)—I move:

That this Bill be now read a second time.
The purpose of the Bill is to provide for the health, safety and welfare of persons at work in Victoria.

Honourable members will be aware of the costs of work-related injury and disease, compensation premiums, the cost of retraining of workers and loss of productivity. The victims of these accidents and diseases are only too aware of the impact on themselves, their families and their friends.

Improved standards of health and safety and a reduction in injury and disease caused by, or related to, work, will benefit all Victorians. To achieve this goal, the Bill establishes a framework for involving employers and employees in formulating and implementing health and safety standards and in decisions which affect their own health and safety. It is a framework which will enable those most directly concerned to tackle the causes of work-related injury and disease at their source.

The current legislation is absolutely inadequate. At present there are a multitude of Acts and regulations which set inconsistent standards and penalties. Many sections of the work force are left unprotected and many existing and potential hazards are unchallenged. This Bill covers all workplaces in the State. The Government has also begun the process of rationalizing the public administration of occupational health and safety in Victoria.

Existing legislation does not provide adequately for participation by employees and employers either in the setting and monitoring of standards of occupational health and safety or in the workplace itself. Further, it does not impose adequate duties on those responsible for the workplace or on those responsible for the articles and substances used in them. It has also failed to provide for adequate penalties for breaches of health and safety standards.

Victoria is not alone in the move to consolidate, reform and improve its legislative framework and administrative structures. Canada and the United Kingdom have introduced reforms in recent years. In Australia, the Governments of New South Wales, South Australia and Western Australia are all addressing the same issues as indeed is the Federal Government.

The Bill establishes an Occupational Health and Safety Commission which will consist of five representatives from unions, five from employers, three persons with particular expertise and a full-time chairperson. It will recommend regulations and codes of practice to cover all aspects of occupational health and safety. It will be responsible for disseminating information about occupational health and safety issues throughout the community. It will also monitor the effectiveness of the legislation.

Underlying the establishment of the commission is the Government's firm belief that the involvement of the key interested parties is essential to any improvement in health and safety standards. The commission will establish its own advisory committees to cover particular industries or hazards.

The commission will provide a formal structure for unions, employers and others to co-operate in the development of improved standards and to advise the Government. Every effort will be made to ensure that this vital function is conducted in as open a way as possible and that the commission is resourced sufficiently to ensure its independence.

The Government is currently undertaking an amalgamation of occupational health and safety Public Service functions into the Ministry of Employment and Training. A single, unified administration will result in better use of existing resources, and will mean that occupational health and safety stays high on the list of priorities of this and future Governments.

Employers have primary responsibility for conditions in the workplace. The Bill provides a general duty on them to provide and maintain so far as is practicable a working environment that is safe and without risks to health.

The Bill also includes specific duties relating to the provision of safe and healthy plant and equipment, information about hazards, handling and operating instructions, facilities for monitoring the health of employees and for consultation with employees. Similar duties are also imposed on occupiers, the self-employed, designers, manufacturers, suppliers, importers, installers and erectors.

The Government has sought to define the extent of the duty as precisely as possible by providing a definition of practicability in
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the Bill. The severity of any hazard or risk, the state of knowledge about it, the availability or suitability of technology and the cost of removing or reducing it shall all be taken into account.

The Bill obliges employees to take all care so far as they are able for their own health and safety and for that of other persons who may be affected by their acts or omissions in the workplace. In addition, the Bill provides that employees shall not recklessly interfere with safety equipment or wilfully jeopardize the health and safety of other persons. The Government considers that such levels of responsibility are commensurate with the level of power exercised by employees in the workplace with respect to health and safety.

The Government is committed to a preventive approach to occupational health and safety. Vital to this approach is the provision of a mechanism whereby work constituting an immediate threat to the health and safety of any person can be stopped before an injury results.

The Bill therefore establishes a framework for the exercise of the right of an employee to refuse to perform unsafe work. On refusing to perform unsafe work the employee will immediately notify the employer and the health and safety representative. They will then investigate the circumstances of the work refusal.

If the matter is not resolved the employer must immediately notify an inspector, who shall attend the workplace as soon as possible. While these matters are not resolved an employer shall not direct another employee to undertake the work that is subject to a refusal.

The Bill provides health and safety representatives with rights to inspect the workplace, to adequate training, to be consulted on changes to the workplace which may affect occupational health and safety problems.

The involvement of employees also ensures their co-operation in the promotion of health and safety by making them more conscious of hazards. Employees will be more motivated to comply with health and safety rules and procedures if they have been involved in setting them. Employers who have adopted this co-operative approach will vouch for its effectiveness.

Co-operation between employees and employers can be achieved only if it is based on as equal a partnership as possible given the nature of the employment contract. This Bill will ensure that the views of employees are taken fully into account.

The Bill provides for employee involvement through various provisions concerning health and safety representatives and health and safety committees. In the first instance such involvement is to be largely organized through trade unions.

Trade unions are the traditional organizations of employees and their legitimate role in representing employee interests has long been recognized and encouraged by Governments in Australia.

In England, health and safety representatives are union-appointed. Despite the initial warnings of employers, representatives in that country have exercised their powers responsibly and no large-scale industrial disputation or abuse has resulted. In many other countries, including Belgium, Italy and Sweden, representatives are union-appointed or elected.

The Bill provides that trade unions may conduct elections from among their members in a workplace for one or more health and safety representatives. If an employer is concerned that more representatives than necessary have been elected, he can apply to the Industrial Relations Commission. In considering such an application the commission shall consider the number of employees, their occupations and the hazards in that workplace.

With regard to non-unionized employees, the Bill provides power to make regulations covering the powers, duties and functions of health and safety representatives representing non-unionized employees. On its establishment, the Occupational Health and Safety Commission will be requested to seek the views of non-unionized employees in the development of these regulations.

The Bill provides health and safety representatives with rights to inspect the workplace, to adequate training, to be consulted on changes to the workplace which may affect occupational health and safety and to
relevant information. These provisions will be effective tools in improving workplace standards.

The Bill also provides health and safety representatives with the right to issue provisional improvement notices, should any provisions in the Act or regulations be contravened.

An employer may appeal to an inspector against a provisional improvement notice. On being notified of an appeal, an inspector will attend the workplace as soon as possible but before the day specified in the notice. The inspector will examine the circumstances leading to the issue of the provisional notice and decide whether it should stand or whether it should be modified.

Health and safety representatives will also be empowered to require their employer to establish health and safety committees.

The role of health and safety committees will be to facilitate co-operation between employers and employees in the development and implementation of health and safety at the workplace. They will be responsible for formulating, monitoring and disseminating to all employees the standards, practices, rules and procedures relating to occupational health and safety which are developed.

The Bill provides that an employer can apply to the Industrial Relations Commission of Victoria for the disqualification of a health and safety representative. The three grounds provided for disqualification are as follows:

If the representative has performed a function or exercised a right provided in the Bill with a sole intention of harming the employer;

secondly, if the representative has issued a provisional improvement notice with the intention of causing harm to the employer and in circumstances outside those provided in the Bill; and

finally if the representative has used information obtained from the employer with the intention of causing harm to the employer and for purposes not connected with the performance of the representative's rights and functions.

In line with overseas practice, the Bill provides Government inspectors with the power to issue improvement and prohibition notices. The purpose behind this measure is to encourage a preventive approach to workplace health and safety which does not rely on prosecutions and legal sanctions in the first instance.

An improvement notice is essentially a device advising an employer of his legal obligations and requiring conformity with these obligations within a specified period. Prohibition notices stopping an activity will be used only when there is an immediate risk to health and safety. Appeal provisions against the notices are included in the Bill.

The Bill contains penalties which are realistic and reflect today's values. With the increase in penalties, proceedings for breaches of the Act will be heard by the County Court. Minimum penalties are provided for particularly serious breaches of the legislation. Serious offences include obstruction and assault of an inspector, wilful repetition of offences and victimization of employees. The power provided under current legislation which enabled unions and employer associations to prosecute for breaches of the Act is not retained. It is the Government's responsibility to prosecute offences. However, any individual may request reasons from the Minister for a failure to prosecute. If the individual is not satisfied with the reasons, he may request that the matter be referred to the Director of Public Prosecutions who shall advise the Minister whether a prosecution should be brought. The Bill provides that the Minister will issue guidelines on the prosecution of offences and these guidelines will be published.

The Bill seeks to achieve an equitable balance between the rights of employers and employees to have access to information which has implications for either the working environment under their control or their own health safety, and the necessity for confidentiality of certain information.

Consultation on the Bill has been especially important because of the significance of the proposals for employees, employers and indeed the whole Victorian community. The views expressed during this consultation process have been persuasive in some significant areas. Proposals outlined in the original policy discussion paper were varied to take account of these views, where the Government has been convinced of the appropriateness of such change.
The Bill represents a major and long-awaited social reform. It brings Victoria into line with overseas countries in this regard and is consistent with developments at a Federal level and in other States.

In summary, the Bill provides a basis for meeting the occupational health and safety challenges of the future. It provides for a tripartite commission and the effective involvement of interested parties in ongoing efforts to improve the maintenance of health and safety in the workplace. It has the substantial support of concerned and responsible people throughout Victoria. I commend the Bill to the House.

On the motion of the Hon. P. D. BLOCK (Nunawading Province), the debate was adjourned.

It was ordered that the debate be adjourned until Tuesday, April 17.

CONSUMER AFFAIRS (ITEM PRICING) BILL

The Hon. J. H. KENNAN (Attorney-General)—I have vetted the second-reading speech, and there does not appear to be in it anything that is derogatory to this House or to other legislation. Therefore, I move:

That this Bill be now read a second time.

The aim of the Bill is to ensure that the current price information available to consumers in all supermarket style outlets will be maintained in future. Most consumers nowadays acquire their household and grocery needs from supermarkets, which have displaced the many traditional labour-intensive corner stores.

Individual item price marking has become an essential part of the self-service operation on all but high turnover lines, providing the most efficient method by which the check-out operator may verify the article price. However, new electronic equipment developed overseas now enables check-out operators to obtain price information from a computer memory bank, either by manually pressing code numbers memorized or printed on the grocery item, or automatically by using laser scanners which can identify products by reference to bar codes printed on each product label. The need for retailers to retain individual item prices therefore disappears with the introduction of this new equipment.

The Government recognizes that this new technology has considerable advantages for the retail industry. The benefits to retailers are likely to be improved inventory controls, improved check-out productivity, price accuracy and generally accelerated and increased information processing. The main benefit to consumers will be in the more informative receipt tape which will be made possible by the new electronic equipment.

Claims have also been made that consumers will benefit by a faster check-out operation and that their waiting time at the cash register will be reduced. However, this is not necessarily the case as supermarkets may use fewer operators and check-out points to process the same number of customers.

It is also doubtful at this stage whether the computerized check-out systems will result in improved price accuracy. A report presented by an interstate working party to the Standing Committee of Consumer Affairs Ministers in September this year stated that:

A scanning computerized check-out system will be 100 per cent accurate if there is no human error in regard to price integrity procedures (viz. maintenance of shelf labelling and price look-up file). However this is unlikely to be the case. Therefore a scanning computerized check-out system, while not subject to a diminution of price integrity to the same degree as a key-entry system, is subject to the same degree of human error as item pricing systems, and does eliminate (for those consumers who wish to do so) the ability to check the integrity of the price at the point of sale with that at the point of selection where item pricing is removed.

The report concluded that the “disadvantages to consumers are likely to be the loss of item pricing and diminution in in-store price comparison ability”.

The conclusions reached by the working party are supported by numerous representations which were received from a wide range of consumer groups, community organizations and church welfare groups, such as the Women’s Action Alliance, the Knox Prices Action Group, the Uniting Church in Australia, Synod of Victoria, the Shop, Distributive and Allied Employees Association, the West Coburg Progress Association, the Australian Consumers Association, the Sunshine Christian Community Services, the Combined Pensioners Association and the Municipal Association of Victoria,
just to name a few. In addition, there was a constant flow of correspondence from individual consumers asking for Government action to ensure that item pricing should not be allowed to disappear as otherwise it would lessen the consumers' right to have all reasonable information necessary to make an informed purchase choice.

The Hon. W. R. Baxter—What rubbish!

The Hon. J. H. KENNAN—One letter was from Mr Alan Hunt of Mornington, so this attitude has been supported even by members on the other side of the House!

In difficult economic times, with the household budget being stretched to its absolute limit, price awareness is extremely important.

A code of practice has been prepared by the Australian Retailers Association for stores which introduced the computerized check-out systems, but this code assumed the elimination of item pricing. The Australian Retailers Association submitted an application to the Trade Practices Commission for authorization of the code under the Trade Practices Act.

Again, there was considerable opposition from consumer and welfare organizations throughout Australia to the granting of such an authorization. The extent of the opposition was such that instead of risking refusal of authorization, the Retail Traders Association withdrew its application on the grounds that further research and trial applications of the code were to be done.

The Government is not convinced that this code will be adhered to. A number of supermarkets which have adopted the new technology have been surveyed, but although claims have been made that these stores were complying with the code, in reality there was very little compliance.

Despite negotiations with representatives of the major supermarket chains and trade associations, there was a general trend to remove item pricing. Traders rejected the Government's call to voluntarily maintain item pricing while these negotiations and various studies continued. The Government is therefore convinced that legislative action is now required.

The effect on employment is another important aspect which must be carefully considered. Initial studies indicate a detrimental effect on employment with the removal of item pricing. The Government has commissioned further research to assess the present and likely employment impacts. The research is to be conducted by a committee on the employment implications of new technologies in the retail sector in conjunction with the Ministry of Employment and Training.


Proposed section 13AB contains a number of definitions necessary to give effect to the legislation. Particular attention should be given to the definitions relating to "grocery store", "self service form" and "small grocery store". In general terms, the Bill is to apply to every self-service grocery store or a grocery department within a general self-service merchandise store where the store does not come within the definition of a "small grocery store".

Proposed section 13AC prescribes that the price is to be marked on each item of goods in a self-service store. This new section is also intended to establish the current status quo of item pricing by listing a number of broad categories of goods which are exempt from the operation of the proposed legislation.

In addition, the new section provides for regulation-making powers which will allow for further exemptions should it be found to be necessary. This proposed section also provides for a defence to a charge where reasonable precautions have been taken to comply with the item pricing requirements. However, this defence is withdrawn where twelve items or 25 per cent of the items—whichever is the lesser—of a line of goods are not item priced.

Proposed section 13AD exempts the small store, as defined, from the operation of the legislation. Further stores can be exempted on a selective basis by regulations.

Proposed section 13AE provides that shelf prices must be used whenever goods are exempted from item pricing. Such shelf labels are to be conspicuously displayed in such a way as to identify the price with the goods concerned. It goes without saying that this requirement will not limit the retailer's right
to attach shelf labels to shelves displaying goods with item pricing.

Proposed section 13AF requires goods to be sold at the lowest price marked. Proposed section 13AG deals with the regulation-making powers under this Bill.

The Bill is not intended to prevent the introduction of computerized check-out systems into supermarkets. Its intention is to protect consumers in a period of technological change and to prevent the erosion of their basic right to have access to price information which will enable them to shop on a selective basis.

In this respect, the proposed legislation is intended to retain the status quo of item pricing by maintaining current practice of item pricing as it operates in the majority of supermarkets. I commend the Bill to the House.

On the motion of the Hon. A. J. HUNT (South Eastern Province), the debate was adjourned.

It was ordered that the debate be adjourned until Tuesday, April 17.

CRIMES (CRIMINAL INVESTIGATIONS) BILL

The debate (adjourned from March 28) on the motion of the Hon. J. H. Kennan (Attorney-General) for the second reading of this Bill was resumed.

The Hon. HADDON STOREY (East Yarra Province)—The Bill arises out of the provisions of section 460 of the Crimes Act and the interpretation that has been given to those provisions by the courts in this State. For many years it has been the practice of police to interview people suspected of committing crimes and to continue interrogation after a decision has been taken to charge people over certain crimes in order to obtain more information and to ensure that the police have conducted as full an investigation as possible of the crimes and to place that material before the courts in due course.

Section 460 of the Crimes Act requires that every person taken into custody shall be brought before a justice or a Magistrates Court as soon as practicable after he has been taken into custody and the view was always taken that that meant within a reasonable time after the accused had been taken into custody. That is the way in which the police have conducted their affairs and for many years it appeared satisfactory.

However, in 1983 decisions were made in the courts that the words “as soon as practicable” should be interpreted “as soon as possible” and that really meant that the moment the police had arrested a person and taken him into custody they would have to take him before a justice or Magistrates Court forthwith. They were not able to continue the interrogation or to ask about other possible offences or possible crimes that may have been committed and, generally, to obtain the information that they were used to obtaining. The view of the police on this was that it interfered with them carrying out their functions on behalf of the community and they made public their views. As a result, the Government set up a committee to examine this matter.

The Government was very slow about setting up the committee because it had been aware of the problem for some time and it was only after there were public complaints about the effect this was having on the administration of justice that the Government did establish this committee. The committee examined the matter and made a recommendation which really represents a compromise between the importance of police being able to conduct proper questioning in investigations and the right of a person who has been charged with an offence not to have to answer questions and not to face any further interrogation from the police.

The committee stated plainly, as set out in the Minister's second-reading speech, that it is quite unacceptable for the police not to have an opportunity for reasonable questioning of persons under arrest. Once it is accepted that this is unacceptable, it is necessary to amend section 460 of the Crimes Act to provide a reasonable opportunity for this questioning to take place.

The Bill attempts to do that by setting out a procedure under which the police are required to take a person before a justice or a magistrate within 6 hours of the person having been taken into custody. However, there is available a fixed time period during which the police must conduct their questioning and at the end of that time they must take the person in custody before a justice or a magistrate.
The Bill also provides that that period may be extended for a further 6 hours on application to a Magistrates Court and that there can be further extensions, if that is considered appropriate. In those cases, extensions are only available where the person in custody is prepared to consent to those extensions. Although that provision may be of benefit in some cases, if the police have a person in custody who is concerned that by further questioning his or her wrongdoing is ascertained, that person would not consent. In that situation, the police would not be likely to obtain that person's consent for a further extension.

The Bill, as it stands, draws a distinction between cases of homicide and other crimes. There is a provision concerning homicide; that the person in custody must be taken as soon as practicable to the nearest police district headquarters and that the 6 hour period operates from the time the person has been taken to the nearest police district headquarters. In other cases, the 6 hour period commences as soon as the accused has been taken into custody. As the Attorney-General has a proposed amendment on that provision, I will not go into further detail. However, in both cases it is clear that a limited period is given to the police in which to conduct their questioning and that that time can be considerably eroded by the necessity of bringing the person in custody before the justice or magistrate within 6 hours. I could imagine the case of a person being taken into custody in the country and it takes several hours to travel to the nearest justice or magistrate to comply with the proposed amended section 460. There will be occasions when that 6 hour period will be inadequate for the police to conduct the type of questioning that they want to conduct.

The Opposition is concerned about the ability of the Police Force to carry out its functions at a time when there is increasing crime and increasing strains placed on the Police Force. The Opposition is concerned that section 460 should be amended to enable the police to carry out their duties consistent with the general liberty of the suspect. The view of the Opposition is that the Bill barely does that. In other words, it does not provide sufficient opportunity for the police to carry out their functions. It does provide an opportunity that has not been present under the existing interpretation of section 460, which has been recently taken in the courts. For that reason, although the Opposition remains concerned about the problems of dealing with crime in the community, it does not oppose the Bill. However, there are questions about the detailed provisions of the Bill that will be raised in the Committee stage and amendments may be proposed on those matters. I will reserve my detailed comments on the clauses until the Committee stage.

The Hon. W. R. BAXTER (North Eastern Province)—The National Party does not oppose the Bill, although it is far from happy with the provisions contained in it. I agree entirely with Mr Storey that the Government has been tardy in introducing the measure into the House following the recommendations of the committee, bearing in mind that the deficiency in the existing section 460 of the Crimes Act came to light some considerable time ago.

The provisions in the Bill are defective and will prove unworkable in practice, and Parliament will be compelled to re-examine the matter in a short time. Although the National Party will support the Bill at the second-reading stage, I will propose some amendments in the Committee stage which will inject some common sense into the measure.

It is unfortunate that the Interpretation of Legislation Bill was not in force last year as that measure contains provisions for judges to have the right to have regard to extrinsic material when determining or interpreting Acts of Parliament. I am sure if the judges had taken note of the intent of Parliament when section 460 of the Crimes Act was enacted, they could not have come to the conclusion that "as soon as practicable" meant "as soon as possible". That is an impossible situation for the police to find themselves in because they are therefore compelled to charge a person at the earliest possible moment. The community would not for one moment want that situation to persist.

The Victoria Police Force is an excellent body in whom the community has much confidence and to whom the community desires every assistance be given to help apprehend criminals and to arrest the soaring crime rate that seems to go hand in hand.
with the standard of living enjoyed in Victoria today.

The provision to give the police a 6 hour period to question suspects is far too short. It can be claimed that in 80 per cent of cases—and the committee that examined this matter made the claim—a period of 6 hours is sufficient. I certainly do not contest that that is true, but what about the other 20 per cent of cases? Surely the latter cases would include the most serious crimes where extra investigation is required.

If the police apprehend a suspect in the course of a bank robbery—they catch him red-handed—and they receive information from bank security cameras that there is good reason to believe the person had been involved in fourteen other bank robberies and they want to search his home to ascertain whether they can locate clothes that will identify the person involved in the other armed robberies that they are investigating, 6 hours is not enough time. It will be claimed that they have the right to go to a Magistrates Court and obtain an extension of time, but if one studies the Bill, one sees that clause 4 (8) states:

No order shall be made under this section without the consent of the person against whom the order is sought.

That provision makes a farce of the whole situation. What is the point of going to the Magistrates Court to seek a 6 hour extension if it can be given only with the consent of the suspect. If the suspect does not give his consent, the magistrate is not empowered to approve an extension. If the suspect does give his consent, what is the point in going to a magistrate to gain an extension?

There is no point in requiring the consent of the suspect to be given because it makes the provision unworkable. If the police have to obtain consent for them to have access to prisoners in Pentridge Prison before carrying out further investigations, the provision would never work. Can honourable members imagine anyone in Pentridge Prison voluntarily giving consent to allow himself to undergo further investigation by the police? It is farcical if one believes that will happen.

The Government is proposing to overcome one anomaly in the Crimes Act by replacing it with another anomaly. I foreshadow that during the Committee stage I shall move an amendment to delete subsection (8) of proposed new section 460. This is the only way in which the Bill could be made workable.

The National Party is also concerned at the situation that may prevail in the far flung areas of the State. In other debates in the House I have stated that the Government should apply the test referred to by the honourable member for Gippsland East, the Bendoc test, which asks, "How would the proposed legislation affect the people living in Bendoc?" It is all very well for the Government to say that the proposed legislation will work in either Melbourne or Shepparton, but how would the provisions of the Bill work in a far flung place like Bendoc? Is the proposed legislation practical?

I know Mr Long would agree with me that the Bill would not be practical in the apprehension of a suspect in Bendoc and his appearance before the magistrate 6 hours later. It could not apply during a holiday period when the magistrate, who lives in Sale, could be away on holidays anywhere in the State. The same situation could apply to other designated classes of persons.

Therefore, I foreshadow an amendment, which, if agreed to, would provide that, in areas located more than 100 kilometres from the General Post Office, a justice of the peace could also be described as an authorized person. Honourable members could say, "Why do you not include justices of the peace across the State?" I was tempted to foreshadow an amendment that would include that provision but I know full well from the tenor of the Ministerial statement of two or three weeks ago that the Government does not have much time for justices of the peace and that the Government is intent on phasing them out. Therefore, the foreshadowed amendment will go only half way in requiring that a justice of the peace be an authorized person in the more far flung areas of the State. I have foreshadowed an amendment to assist the Government in creating more practical legislation. Without that foreshadowed proposed provision there is no way that the Bill could work.

If the House passes the Bill without accepting the foreshadowed amendment, members of the Victoria Police Force will
be constrained in solving crimes. The Bill would be little different from the present section 460 of the Crimes Act which, on interpretation by the court, has proved to be ineffective. The community is demanding that the Parliament give the Police Force every opportunity and assistance to curb the crime rate. However, the Government has introduced a half-baked proposal. The National Party is prepared to support the Bill because it is better than what presently exists, but it is nowhere good enough. I shall be looking forward to a quick rethink by the Government and the introduction of proposed legislation that will be far more workable.

The Hon. N. B. Reid (Bendigo Province)—I support the comments made by my colleague, Mr Storey. The Bill is a result of a decision that was handed down in the Supreme Court by Mr Justice McGarvie, which revealed a loophole in the law in respect of the laying of charges against multiple offenders and the conviction of those multiple offenders.

Concern has been expressed to me by members of the Victoria Police Force that the interpretation of that decision has made the task of apprehending and questioning criminals extremely difficult.

There is a rising crime rate in Victoria. In the past twelve months more than 200,000 major crimes were committed in Victoria. The decision by Mr Justice McGarvie was handed down in June 1982. The situation created by the decision was highlighted when a number of persons escaped from Pentridge Prison and one of those escapees was Mr Wright. The police attempted to charge Mr Wright on a number of offences but they could charge him on only the first of the alleged offences because he was placed in custody at Pentridge Prison before police had adequate time in which to question him.

The Government has taken a long time to address the problem. The Assistant Commissioner of Crime, Mr Paul Delianis, has been reported in the press as expressing concern on this matter and then disquiet at the gag moved by the Government on senior officers of the Police Force. This in turn led to a decision by the Police Association to move a motion of no confidence against the Premier on the gag that was applied to both the Chief Commissioner of Police and senior officers in expressing concern on community matters. The Assistant Commissioner of Crime, Mr Delianis, believed at the time he had a duty of leadership and a duty to the community to inform the public on the problems and dangers involved in this situation. The Police Force has held continuous discussions with the Government on this problem. The Government referred the matter to a committee to determine what course of action should be taken. It has taken a long time for the Bill to come before the House to correct the situation I have described.

A travelling time problem is involved in persons taken into custody being brought before an authorized officer or a Magistrates Court within 6 hours. One of the major concerns of the Police Force is that related to drug-related crimes perpetrated in remote areas of the State. Extensive travelling time could be involved in investigating and apprehending suspects involved in these crimes. Indeed, often after suspects have been apprehended considerable time is involved in searching thoroughly to locate the whereabouts of the drugs. I have been told by members of the Police Force that it can take up to 4 hours to locate drugs hidden in a house.

If, for example, a drug-related crime occurred somewhere along the River Murray, extensive travelling time could be involved in transporting the suspect to police headquarters for questioning. Earlier today I tried to contact the Assistant Commissioner of Crime, Paul Delianis, to ascertain what his response would be to any changes to the travelling time involved in taking a suspect before a Magistrates Court.

I have been unable to do so. I will be interested to hear the comments of the Attorney-General on the matters I have raised that are of considerable concern to the Victorian police. I have asked when something could be done about the matter on a couple of occasions. The police are undermanned in Victoria and experience extreme difficulties because of the interpretation that is being made by the courts, particularly the interpretation of the ruling that was made by Mr Justice McGarvie.

One factor that has exacerbated the problem has been the shortage of prison accommodation in Victoria. In many instances
prisoners are held in police cells unlawfully for periods of up to fourteen days. The police were uncertain of the exact status of those prisoners and do not know whether they can continue to question them during the period in which they are held in those cells. The police are vitally concerned that they be given the powers to perform the duties that are discharged to them by the Government and to do what the Victorian community expect of them.

The 6-hour period seems to be a short time. It would be easy for police to solve many simple crimes in that time and, apparently, in 80 per cent of police interviews involving crime, police can charge an offender within the 6-hour period. However, as Mr Baxter mentioned, the other 20 per cent of difficult and serious crimes cause police much concern. Those crimes may include multiple armed robberies, burglaries, fraud or homicide.

I shall make further comments in the Committee stage when the Attorney-General has the opportunity of responding to me.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2

The Hon. J. H. KENNAN (Attorney-General)—In reply to the matters raised by Mr Storey, Mr Baxter and Mr Reid, I remind the Committee that the Bill resulted from the findings of a committee that was composed, in a representative manner, of Mr Frank Vincent a most distinguished criminal barrister at the Victorian bar; Brian Rolfe, an experienced solicitor in the criminal area; Michael O'Brien, member of the Legal Aid Commission of Victoria; Kelvin Clare, a Chief Inspector of Police in charge of prosecutions, who holds an honours degree in law representing the Victoria Police Force; Mr Arthur Bassett, a legal officer of the Office of Corrections; and Mr John Dee, a prosecutor for the Crown and the Director of Public Prosecutions. It could hardly be said that it is anything but a competent and balanced committee. Its findings were unanimous.

As Mr Storey said, those sorts of issues always involve a degree of compromise because they must balance the interests of the police and prosecution with the interests of the accused and citizens' rights. The 6-hour period was slightly longer than had been canvassed in some quarters where 4 hours was thought to be appropriate. As previous speakers have indicated, 6 hours covers most police investigations. An extension of this 6 hour period must be with the consent of the person in custody. That was a unanimous recommendation of the committee which, I remind the Committee, included the Chief Inspector of Police, a prosecutor for the Queen and the Director of Public Prosecutions. I suggest to the Chamber that none of them is unmindful of the proper needs of the Police Force. I have made it clear at all times that it is necessary to pass the proposed legislation this sessional period because it contains retrospective elements to pick up cases in the pipeline.

The proposed legislation is new and, because of that, may involve changes in some police practices. The Government is pleased to note how it will work in practice and to consider further amendments in the spring sessional period. I remind the Chamber that the Phillips committee is considering other matters of police powers, including compulsory finger printing, suspect line-ups, medical examinations and so forth. I will receive further reports before the spring sessional period. The Government is prepared to approach the matter on an empirical basis. I do not claim that this is a perfect Bill with all the answers. It involves compromises and if aspects of it appear to be unworkable or deficient in practice, the Government will be open-minded about it.

Following representations from police officers, I have given careful consideration to travelling time and have included a provision for the Homicide Squad in the Bill. The Homicide Squad is centralized in Melbourne, and is sent to the scene of the crime from Melbourne. Other crimes, including serious crimes of violence and sex, are investigated at the regional level so that problems of travelling time for police do not arise. The Government endeavoured to ameliorate the position by inserting in the Bill a requirement that a person be taken as soon as practicable to the nearest district police headquarters.

I have had discussions with the President and Secretary of the Victoria Police Associ-
ation about the matter and my officers have had discussions with Paul Delianis. It appears that the Homicide Squad would prefer the provision not to be in the Bill because problems are envisaged in being obliged to take the person to the nearest police district headquarters, which may not be open at the relevant time; there may be nearer police stations available. The police would prefer that the provision on travelling time be not included at this stage.

The Homicide Squad considers that the attempt to help them with travelling time will make their position worse, rather than better. For that reason, I have foreshadowed amendments that will remove those provisions. The Homicide Squad therefore will be in the same position as any other squad. That may mean that some homicides that are committed considerable distances from Melbourne, and which were previously investigated by Melbourne police officers, will now have to be investigated at a regional location, rather than having the Homicide Squad travel from Melbourne.

In many larger provincial cities and towns there will be police officers who have previously served in the Homicide Squad. Many policemen have had experience in different divisions of the Police Force, and it is not as if any of those policemen will be incompetent or inexperienced. It is just that homicide cases have previously been dealt with from a central location. This has caused particular difficulties because of drafting problems dealing with travelling time.

It is a matter to which the Government will give careful consideration during the winter recess of Parliament and it will be prepared to re-examine the problems during the spring sessional period.

The Hon. N. B. REID (Bendigo Province)—The Attorney-General indicated that the section of the Bill relating to every person taken into custody in connection with what appears to be a case of homicide should be removed.

The Hon. J. H. KENNAN (Attorney-General)—I move:

Clause 4, sub-clause (1), page 2, lines 5 to 7, omit all words and expressions on these lines.

This is the principal amendment, and it deletes the requirement included in clause 4 dealing with section 460 of the principal Act, which requires police officers to take suspects connected with homicide cases to the nearest police district headquarters as soon as practicable. The following proposed amendments are consequent upon that amendment. It has been indicated to me that, according to the Homicide Squad, this provision makes its position worse rather than better. The squad would prefer it to be removed from the Bill because problems may arise in getting a suspect to the nearest district police headquarters.

Some police district headquarters are not open except in ordinary working hours. The Homicide Squad would not want this restriction imposed on it. The Government included this provision because it wanted the police officers to make the provision for 6 hours to begin from the time the person arrived at the police district headquarters. The Police Force wishes this provision to be removed from the Bill.

I reiterate that the Government will be careful to scrutinize the effect of this provision during the winter recess and will consider amending legislation, if it is necessary, during the spring sessional period. The Government may well be considering amending other police powers after consideration of the Phillips committee report on matters such as fingerprinting. It may be
convenient to tidy up other provisions later in the year.

The Hon. N. B. Reid (Bendigo Province)—The Attorney-General has me at an advantage because he has introduced a number of amendments which I have not had the opportunity of canvassing with the Victoria Police Force. Serious changes which the Attorney-General has not really explained are being proposed to the Bill. He has not explained what will replace the term “as soon as practicable”. The honourable gentleman should report to the Committee on that provision.

The Hon. J. H. Kennan (Attorney-General)—I am sorry if I did not make the effect of the amendment clear. The Government proposes removing the provision relating to travelling time. The Government replaces the expression “as soon as practicable” with a scheme that only requires police officers to take a person before a court within a prescribed period, that prescribed period being 6 hours. The scheme of the Bill remains the same, apart from the changes made by amendments.

The expression “as soon as practicable” does not appear in the legislation. The requirement in the Bill is to take a suspect to police district headquarters within 6 hours, after which there could be an extension. The Government introduced the expression “as soon as practicable” in dealing with homicide cases only. It wanted to make a provision relating to travelling time so that the clock would not start to tick until the person had been taken to the nearest police district headquarters. All other non-homicide cases would begin their prescribed 6-hour period from the time of the arrest or from the time the person was taken into custody.

The Government tried to provide an extension for homicide cases so that the 6-hour period would begin from the time the person was taken to the police district headquarters. Therefore, a requirement was needed for the police officers to take suspects in homicide cases as soon as practicable to the nearest police district headquarters. All other non-homicide cases would begin their prescribed 6-hour period from the time of the arrest or from the time the person was taken into custody.

If it is removed, the position will be that the obligation on police officers in all cases, including homicide, will be to take a suspect to a magistrate or a court within 6 hours. It is not as soon as practicable within 6 hours.

The police will now have 6 hours from the time of the arrest of a suspect. The amendment treats the Homicide Squad the same as in all other cases. The effect of the amendments will be that the obligation will rest on the police in homicide cases to take the suspect as soon as practicable to any police district headquarters or any police station. The time will start from the time of the arrest.

The answer to the point raised by Mr Reid on the expression “as soon as practicable” is that it has been effectively replaced by 6 hours.

The Hon. W. R. Baxter (North Eastern Province)—I am not opposed to the amendment but it is further evidence that the Bill is unworkable and that the 6 hours is far too short a time unless there is a workable provision for an extension of that period. Of course there is provision for the accused to give his consent but that negates the provision to obtain an extension.

I welcome the assurance by the Attorney-General that the proposed legislation is not to be taken as definitive and that amending legislation may be introduced during the spring sessional period. I look forward to that.

However, I advert to the remarks he made regarding clause 2. He suggested that the clause was being taken out of the Bill at the request of the Police Force, but that it would not matter much because members of the Homicide Squad had been transferred to other parts of country Victoria and they, presumably, could handle homicides in those parts.

Be that as it may, it means a lessening of the expertise in homicide investigations in those parts of Victoria. The persons being forced to carry out the investigation because of the 6-hour time restriction will not be up to date with the latest background information and latest techniques as they are not current members of the Homicide Squad based in Melbourne. In some respects, they will be working at a disadvantage compared with their colleagues who may be investigating a homicide in the city.
area where the specialist squad can be called in to give a matter its utmost attention.

I place on record my apprehension regarding the matter because, as Mr Reid has already stated, some homicides are carried out in the most remote parts of Victoria, particularly drug-related murders, and it will be doubly difficult for the police to carry out sufficient investigations within the 6-hour period unless they have a definite prospect of obtaining an extension of time.

The Hon. N. B. Reid (Bendigo Province)—The Government has moved a long way from its original stance on this proposed legislation. The assurances given by the Attorney-General have not totally satisfied me in respect of the 6-hour limit, and I presume that he will examine how the proposed legislation will work and whether it will be effective. I seek from the Attorney-General an assurance that, during the spring sessional period, he will undertake to furnish a report on how the Bill is working and whether it is achieving its objectives for the Victoria Police.

The Hon. J. H. Kennan (Attorney-General)—I am happy to accept the suggestion. It is desirable that the Chamber receive a report on how the proposed legislation is working, and I am happy to make that undertaking.

The amendment was agreed to.

The Hon. J. H. Kennan (Attorney-General)—I move:

Clause 4, page 2, line 8, omit “(3)” and insert “(2)”.
Clause 4, page 2, line 16, omit “(4)” and insert “(3)”.
Clause 4, page 2, line 23, omit “(5)” and insert “(4)”.
Clause 4, page 2, line 31, omit “(6)” and insert “(5)”.
Clause 4, page 2, line 40, omit “(7)” and insert “(6)”.

The amendments were agreed to.

The Chairman (the Hon. K. I. M. Wright)—Order! I indicate to the Committee that I will call on Mr Baxter to foreshadow his amendment before the Committee is called upon to vote on the amendment to be proposed by the Attorney-General.

The Hon. J. H. Kennan (Attorney-General)—I move:

Clause 4, page 3, line 1, omit “(8)” and insert “(7)”.

The Hon. W. R. Baxter (North Eastern Province)—I foreshadow my proposed amendment which states that:

Clause 4, page 3, lines 1 and 2, omit all words and expressions on these lines.

Having foreshadowed the proposed amendment, am I, Mr Chairman, at liberty to state my case?

The Chairman—Order! That should be done, because if the amendment moved by the Attorney-General is carried, that would dispose of the proposed amendment to be moved by Mr Baxter. It is at this stage that Mr Baxter should impress the Committee with the logic of his case.

The Hon. W. R. Baxter—I seek your guidance, Mr Chairman. I find it difficult to understand how, having accepted a number of consequential amendments from the Attorney-General and the amendment just moved by the Attorney-General appearing to be precisely the same, it impinges on my rights.

The Chairman—Order! If Mr Baxter’s proposed amendment is negatived the Attorney-General cannot propose to omit the expression “(8)”.

The Hon. W. R. Baxter—I understood you, Mr Chairman, to say that the amendment moved by the Attorney-General was to be put ahead of mine. I now understand you to say that my proposed amendment is to be tested and the Attorney-General’s amendment will then proceed.

The Chairman—Order! Mr Baxter will have the opportunity of putting his case in full, but after he has done that, the amendment moved by the Attorney-General will then be put. That will have the same effect. Mr Baxter will have the opportunity of presenting his case.

The Hon. W. R. Baxter—I do not wish to be argumentative, but the amendment moved by the Attorney-General simply relates to renumbering. I should have thought that the words I propose to omit would remain in any event notwithstanding the renumbering and, therefore, I should have the right to seek their omission by vote of the Committee.
The CHAIRMAN—Order! If Mr Baxter's proposed amendment is carried, there will be nothing to renumber because the number will not exist.

The Hon. W. R. BAXTER—The only way that the Bill can be made workable is by the Committee carrying the proposed amendment to delete the words that are specified in sub-section (8), which provides for the consent of the person to be obtained before the magistrate or authorized person can grant an extension of time as applied for by the police officer. It is a farcical situation if one is going to require consent. If the person gives consent, there is then no point in going to the magistrate. One may as well continue the interrogation because consent has been given. However, if consent is not given, there is likewise, no point in going to the magistrate because he is not in a position to grant an extension as the Bill debars such a course unless consent has been given. I suspect the Attorney-General will claim that my proposed amendment affects the rights of the accused, and he spoke of it as being a compromise. I dare say that any legislation before this Chamber is a compromise. I would have thought that the compromise of the insertion of this subsection is all on the side of the accused and not on the side of the community, whom the police are trying to protect.

Adequate protection is given to the accused because, on application to the magistrate or authorized person, the police officer seeking the extension must convince the magistrate that he has a justifiable case for the extension. The police officer must put the case; the magistrate then makes a decision on the facts and evidence presented to him in exactly the same way as he makes any other decision on matters before him. I cannot see that the rights of the accused would be unduly interfered with. If this subsection remains in the Bill, a farcical situation will be created.

No point exists in seeking an extension because, without consent being granted, an extension cannot be given and if consent is granted, why not proceed in any case? I invite the Committee to support my proposed amendment.

The Hon. J. H. KENNAN (Attorney-General)—The point comes back to the fact that the recommendation was that the period could only be extended after 6 hours if the person in custody consented to the extension. I remind the Committee that the representative ad hoc committee convened by the Director of Public Prosecutions was made up of a number of distinguished lawyers including Mr Frank Vincent, QC, Mr Brian Rolfe, a solicitor, Chief Inspector Kelvin Glair, Mr Michael O'Brien of the Legal Aid Commission, Mr John Dee, Prosecutor for the Queen, and Mr Arthur Bassett, a legal officer with the Community Welfare Services Department.

Mr Baxter stated that this provision is a farce which suggests all of those persons who signed the report of the committee are wrong. I ask the Committee to rely on the accumulated wisdom of the committee which amounts to more than a century of experience in one aspect or another of the law.

The point about the period of 6 hours is that for most investigations it is a very substantial period.

The Hon. W. R. Baxter—It is in the important investigation, the serious crime that the period is insufficient.

The Hon. J. H. KENNAN—The length of some investigations is not always in proportion to the maximum penalty for the offence involved. A complicated investigation can result over a relatively minor matter and a relatively simple investigation can relate to a serious matter.

It is a matter of record that many homicides are confessed to by persons who have not offended against the criminal law before and will not offend again. Mr Justice Kirby in his book, Reform the Law, points out in relation to confessions that people will always confess for a variety of reasons. It is usually the professional criminals who do not confess and will never confess under any circumstances, whether they are given half an hour or 26 hours. The point is that the law provides that it is only voluntary confessions that are admissible. If a person has made a voluntary confession and is taken before a magistrate and the police want more time to investigate the matter, that person may well consent to the extension of time.

People confess for all types of reasons—very often because they are not calculating criminals but people who have got into
trouble because of circumstances beyond their control. Those people are honest and are convicted as a result of those confessions. Those persons will, in many cases, consent to the extension of time.

If a person has not made a voluntary confession within 6 hours he may refuse an extension but there is not much point in extending the time anyway because only voluntary confessions can be taken into account by the court. I do not believe this Committee or any Parliament would suggest that confessions or admissions obtained under duress or under the promise of favour are admissible. Only voluntary confessions are admissible.

If a person has not made a voluntary confession within 6 hours he will not consent to an extension of time even if an extension is given without his consent. An extension of time would not be of assistance to the police because that person would not make a confession anyway. To suggest this makes the provision a farce or unworkable is not the view of the representative committee that presented the report.

Perhaps greater use of the tape recording of interviews and confession needs to be made in future and more typists provided to type the records of interview. The Government is investigating the additional resources and the changes that may be needed to make the 6-hour period more useful than under the customary method of police typing their own records of interview. One must remember that a large proportion of the 6 hours is taken up by manually typing the questions and answers. For all of those reasons, the Government rejects the amendment moved by Mr Baxter.

The Hon. W. R. BAXTER (North Eastern Province)—The Attorney-General sets out to misrepresent my argument. I do not intend to impugn the reputations of the learned gentlemen of the committee but I am not bound to swallow what they come up with and what the Attorney-General has admitted is a compromise.

I was elected to protect the people I represent and that is what I am doing in moving the amendment. I am endeavouring to give the police sufficient and adequate power to protect the people I represent. I am not merely talking about the time that is necessary to obtain confessions—and I am certainly not advocating that confessions ought to be obtained under duress—I am seeking adequate time for the police to carry out the necessary investigations in order to obtain a case against the accused.

I repeat the example I gave during the second-reading debate of a bank robber apprehended in the course of a robbery. The police may have good and sufficient reason to suspect that he was also the culprit in a number of other bank robberies. The police may well have had photographs from the bank security cameras which perhaps showed a back view of a person robbing the bank. The police may have reason to believe, if they searched that person’s home, they would locate the clothes that were worn by the person in the photograph which would enable them to solve other bank robberies at the same time. Surely it is in the interests of the community that that should be the case. Obviously that bank robber would not consent to an extension of time so, therefore, the magistrate would not be able to order an extension.

Those are the reasons why I am endeavouring to have the words omitted from the Bill. It in no way trammels the rights of the accused. It gives the community I represent fair and reasonable opportunity to have the crime rate lowered in this State. I will be disappointed if the Opposition does not support me in this case.

The CHAIRMAN (the Hon. K. I. M. Wright)—The question is: That the expression proposed to be omitted stand part of the clause.

I point out that the Committee should negative this question in view of the fact that the amendment is in actual fact what is proposed and desired by both Mr Baxter and the Attorney-General. It is at the next question that the disagreements will occur.

The Hon. W. R. BAXTER (North Eastern Province)—On a point of order, I am having a great deal of difficulty in grasping the procedure that is being used. Mr Chairman, are you asking the Committee to vote on my amendment; that the words be omitted, or on the Attorney-General’s amendment; that the expression “(8)” be omitted with a view to inserting “(7)”?

The CHAIRMAN—Order! For a start, I am putting the Attorney-General’s amendment and to assist the Committee I am putting the question in two parts. The first part
should meet the agreement of all parties. It is when I put the second part that the disagreement will occur.

The Hon. W. R. BAXTER—I am obviously in favour of the Attorney-General's amendment to change it from "(8)" to "(7)", because I have already agreed to the deletion of clause 2. Therefore, I am not opposing the Attorney-General's amendment but I want the opportunity to test my amendment. I am afraid that I am going to miss out.

The CHAIRMAN—Order! As I said, if the question is negatived it will be what all parties are desiring and it will preserve the rights of all honourable members.

The question is that the expressions proposed to be omitted stand part of the clause. The noes have it.

The further question is that the expression proposed to be inserted be so inserted. If that is carried, Mr Baxter's foreshadowed amendment is lost and the Committee will proceed.

The Hon. W. R. BAXTER (North Eastern Province)—With respect, the amendment of the Attorney-General is to change the numbering from "(8)" to "(7)". That in no way impinges on my amendment dealing with the omission of lines 1 and 2. Surely the amendment of the Attorney-General has nothing to do with lines 1 and 2 which I want to omit.

The CHAIRMAN—The Chair is trying to preserve every honourable member's right. If Mr Baxter's amendment is put first, that could remove lines 1 and 2 and the Minister would not have the opportunity of moving his amendment. In the official record, Mr Baxter's amendment will appear as a test.

The Committee divided on Mr Kennan's amendment (the Hon. K. I. M. Wright in the chair).

Ayes : 36
Noes : 3

Majority for the amendment 33

AYES
Mrs Baylor  Mr Chamberlain
Mr Birrell  Mrs Coxedge
Mr Block  Mrs Dixon
Mr Bubb  Mr Granter
Mr Butler  Mr Guest

Tellers:
Mr Murphy  Mr Pullen
Mr Radford  Mr Reid
Mr Sandon  Mr Sgro
Mr Storey  Mr Walker
Mr White

The Hon. W. R. BAXTER (North Eastern Province)—Mr Chairman, I believe there is a defect in the rules of procedure of this Committee if I am denied the right, as I have just been, to have an amendment tested, and in my view it ought to be referred to the Standing Orders Committee for investigation.

The CHAIRMAN—Mr Baxter's amendment was foreshadowed and it has been tested by the Committee.

The Hon. W. R. BAXTER—On a point of order, I do not believe the amendment was tested. The Committee voted on the renumbering of the clause and did not vote on the substance of my argument. Nevertheless, I shall not pursue the matter. I apologize for putting you, Mr Chairman, in a difficult position, but I am very concerned about what has just occurred. I move:

Clause 4, page 3, line 21, after "section" insert "and in relation to an application by or in relation to a person who is in custody at a place more than 100 kilometres from the General Post Office at Melbourne includes a justice".

I informed the Committee earlier, as did other honourable members in their contributions to the debate, of the difficulty that will be experienced in isolated areas of the State in locating a justice or authorized person. The Bill notes that an authorized officer is a clerk of a Magistrates Court who has been appointed as an authorized officer for the purpose of the Act.
I cite an instance of a person taken into custody at Mallacoota. The nearest magistrate may be at Sale; there may be an authorized officer at Bairnsdale, but if it is during the holiday period that officer may be absent and I can foresee cases where the police will have a great deal of difficulty in locating a magistrate or authorized officer, and the 6-hour period provided to locate a person could be dissipated very quickly.

I believe provision should be made in the Bill for a justice of the peace in such circumstances to be an authorized officer within the terms of the Act.

It would have been very easy to make my amendment include justices of the peace throughout the State. I know the Government, for various reasons, wants to lessen the use of justices in the administration of the law, and I am not arguing that case at this stage, but I believe in Melbourne or within 100 kilometres of Melbourne it would be convenient to locate a magistrate or a properly authorized officer in the Magistrates Court. Such a case is not likely to arise, but beyond that 100-kilometre radius, particularly at certain periods of the year, it could be difficult to locate such a person and I think the safeguard ought to be inserted into the Act by allowing justices to be authorized officers for the purposes of the Act.

The Hon. B. A. CHAMBERLAIN (Western Province)—Can the Attorney-General spell out the Government's intentions, because, as Mr Baxter indicated, some practical problems arise. In the case of the town in which I live the magistrate resides 100 kilometres away. Does the Attorney-General intend as a matter of course to authorize all clerks of Magistrates Courts to be authorized officers?

If the Attorney-General could spell this out it would assuage many of these fears.

The Hon. J. H. KENNAN (Attorney-General)—The Government has given careful consideration to the practicalities of this Bill. It intends to authorize as many clerks of courts as are necessary in any particular area, and in some country areas that may well mean authorizing all clerks of courts.

The Hon. B. A. Chamberlain—The Government has closed 50 courts so there are not so many of them now.

The Hon. J. H. KENNAN—There are not as many courts, but the number of hearings in country Victoria is the same. I do not know how often I have to make that point. Mr Baxter is right; the Government has approved in principle legislation to take justices of the peace off the bench in criminal matters while retaining their functions in relation to the swearing of documents and bail applications.

I was pleased this morning to receive a letter from a justice of the peace who had long considered himself unfit to sit on the bench. His application has just been renewed, but he considers himself and some of his peers to be unfit for that function, so many justices support that move.

The Government is confident that this measure will succeed. It has had discussions with the Police Force, and the opinion of police officers is that they would prefer to deal with a magistrate or clerk of courts than a justice of the peace. It is an important function, and I remind honourable members it is unlike some other functions that may be important because they deal with extensions of time, not just in the sorts of cases over which they have jurisdiction even at the moment, because in many instances they are dealing with indictable offences such as armed robbery or homicide. It is a very important function, and their decision whether or not to extend the time may well affect the outcome of the case in either event.

If the justices of the peace refuse the application it may well affect it; if they impose certain conditions or refuse to grant multiple extensions it may well affect the police investigation, or if they accept the application and the decision is later challenged in some way, that may well affect the ultimate disposition of the case.

The Government is of the view it is a power that should be exercised by people with professional qualifications or who are as highly qualified as we can reasonably expect, and that means magistrates, but as there are not enough of them to go around, the Government has extended that power to clerks of courts who by and large have had some training—and some have had comprehensive training—in the legal system. The Government proposes to appoint as many of those clerks as are necessary in the country areas, in particular, to meet all
the problems that may arise in isolated areas.

The Hon. W. R. BAXTER (North Eastern Province)—I do not accept the reasons given by the Attorney-General for not supporting the amendment.

The honourable gentleman spoke about the matter of experience. I agree that magistrates are experienced and that some clerks of courts are experienced, but some clerks are very junior officers, particularly in outlying areas of the State, and the justices of the peace in those areas would be far more experienced than those clerks, so I do not believe the Attorney-General's arguments are valid. If the Act is to have any practical application and workability it is essential that extra categories of persons be included as authorized officers. I believe justices are the appropriate extra category and I invite the Committee to support that amendment.

The Hon. J. H. KENNAN (Attorney-General)—I am very surprised at Mr Baxter's assertion about the experience of justices of the peace. The overwhelming number of justices never sit on the bench. Almost three-quarters of them are more than 65 years of age and half are more than 72 years of age. A substantial proportion are between 75 and 85 years of age. The retirement age of magistrates is 65 years and, indeed, the proportion of justices who sit on the bench who are under 65 years of age and who fall within the same age group as magistrates, would be very small.

I remind the Committee that it is a small percentage of the 5000 justices who ever sit regularly on the bench, and to say they have more experience than clerks of court whether or not they sit on the bench is simply not correct. Clerks of court, in many cases—particularly the clerks carrying out the sorts of duties that are required of them in country areas—have to look after two or three courts, are likely to have been in the service full time for ten years or more and are likely to have undertaken some course of study in the area.

I should have thought that the proposition, which the Government will be authorizing, that clerks of court are more qualified in this area than justices of the peace, is an overwhelming proposition and amply demonstrable. I remind the Committee that the clerk of courts will be exercising very important functions.

The Committee divided on the question that the words proposed by Mr Baxter to be inserted be so inserted (the Hon. K. I. M. Wright in the chair).

<table>
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<th>Ayes</th>
<th>Noes</th>
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Majority against the amendment

AYES

Mr Dunn

Tellers:

Mr Baxter

Mr Evans

NOES

Mrs Baylor

Mr Kent

Mr Birrell

Mrs Kirner

Mr Block

Mr Knowles

Mr Bubb

Mr Lawson

Mr Butler

Mr Long

Mr Chamberlain

Mr Mackenzie

Mr Connard

Mr Murphy

Mrs Coxedge

Mr Pullen

Mrs Dixon

Mr Radford

Mr Granter

Mr Reid

Mr Guest

Mr Sandon

Mr Hayward

Mr Sgro

Mr Henshaw

Mr Storey

Mrs Hogg

Mr Ward

Mr Houghton

Mr Hunt

Tellers:

Mr McArthur

Mr Kennan

Mr Kennedy

Mr Mier

The Hon. J. H. KENNAN (Attorney-General)—I move:

Clause 4, page 3, lines 22 to 29, omit the interpretation of “Prescribed period” and insert: “Prescribed period” means the period of six hours immediately after the person has been taken into custody.

The amendment was agreed to, as was a consequential amendment.

The Hon. HADDON STOREY (East Yarra Province)—Clause 4 (2) provides:

The provisions of section 460 (2) of the Principal Act as enacted by this Act apply to statements made and to inquiries and investigations carried out whether before or after the commencement of this Act.

I raise this point basically because of the statements of the Attorney-General in his second-reading speech about the clause, when he stated:
This is not a retrospective provision in so far as it does not make unlawful acts which were previously lawful. Rather it deals with a bubble that has occurred in the law as a result of a new interpretation being adopted by some judges in respect of a long-standing provision in a statute.

I wish to quibble with the Attorney-General on his statement of criteria of whether the provision makes unlawful acts which were previously lawful as the test of retrospectivity. That is too narrow a view of what constitutes retrospectivity, and I should think that this is a retrospective clause.

My Leader, Mr Hunt, says that it is not retrospective but rather retro-activity, because it restores a condition which previously existed and from which the courts departed as a result of legal interpretation of the words that are now being sought to be restored.

I support the provision but I do not think it is correct to imply that retrospectivity applies where someone makes unlawful an act which was previously lawful. Retrospectivity can do more than what is being done in this case, which is to change the right of the accused person to contend that a statement is inadmissible. It is a right he has until the Bill is passed but subsequently he will not have the same ground. I believe that is the correct result.

The Hon. J. H. KENNAN (Attorney-General)—I agree entirely with what Mr Storey says. Of course, the provision is retrospective. In the second-reading speech I said it was not retrospective in the way that it made a lawful act unlawful. Indeed, that is the purpose of the urgency of the Bill. It depends, in relation to the point made by Mr Storey, on whether a person's right was taken away in relation to a ground of possible objection, and it depends on which judge one draws.

The clause, as amended, was agreed to.

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

ALBURY-WODONGA AGREEMENT (COVENANTS) BILL

The debate (adjourned from March 21) on the motion of the Hon. D. R. White (Minister for Minerals and Energy) for the second reading of this Bill was resumed.
mended that residential land development should be undertaken predominantly by private developers. The corporation has developed 1534 fully serviced lots and in Victoria 681 lots have been developed, the majority of which have been sold.

The emphasis is to have the private sector fully involved in the activities, but a technical problem has arisen. Although the corporation may assist a company in a project of selling the land, the corporation has not been able to impose positive covenants. Victorian law permits restrictive covenants to be registered on titles to bind successors in titles, but the corporation has not been able to impose positive covenants where it chooses to sell the land to a company for development. There are a number of projects where current negotiations are in train, for instance, with Jennings Industries Ltd. The extensions to Willow Rise Estate and other projects will release additional land for private home building. The corporation is doing what it has been doing in the past; it is selling the land subject to covenants which bind the purchaser to prepare a plan of subdivision and develop it in stages.

However, the Titles Office practice and the common law failed to recognize such a positive covenant as being able to bind future owners of that property. The Bill proposes to allow the corporation to venture into that area.

Clause 4 proposes the insertion of a new section 15A and provides, inter alia:

(2) Where the Corporation sells any land on terms and conditions relating to the development, redevelopment or use of the land by the purchaser, the Corporation may sell the land subject to a covenant by the purchaser which binds the purchaser as to the manner and method of development or redevelopment and the time within which the land will be used or with respect to both the development or redevelopment and use of the land.

Proposed sub-section (3) provides the manner in which that covenant will affect both the Transfer of Land Act land and general law titles so as to bind successors in ownership.

Precedents exist for that sort of activity. I understand that, under other legislation, the Minister of Housing, the Geelong Regional Commission and various bodies established under the Urban Renewal Act, as well as the Latrobe Regional Commission, have power to sell land that is subject to positive covenants which set out a scheme of development and which will bind future owners of that property.

The Opposition believes these proposals are reasonable and wishes the corporation well in its progress in Albury-Wodonga. I commend the Bill to the House.

The Hon. D. M. EVANS (North Eastern Province)—Mr Chamberlain correctly referred to the report of the Public Bodies Review Committee, which was recently tabled in this House and which was favourable to the Albury-Wodonga Development Corporation in the way it carried out its objectives, the results it was achieving and the manner in which those results were achieved. That favourable report must influence the House in deciding to give increased powers to the Albury-Wodonga Development Corporation, as intended by the Bill.

An examination of what the corporation is attempting to do may help honourable members to understand why the Bill has been introduced. The corporation's charter is to develop a major inland city based on the twin cities of Albury and Wodonga. Part of the development requirements must be the provision of adequate land and adequate services, at the most economic cost, given the planning requirements and the philosophy of development of an inland city with a good quality of life.

Clearly, if land can be developed and made available for housing and industrial purposes on a planned and regular basis and with the minimum amount of wasted headworks or expenditure on areas for development which are not developed quickly enough, a more economic and efficient development of that land must take place.

When the project was first put on the statute-books in the rather heady days of 1971, 1972, 1973 and 1974, the proposal was for a city of some 300 000 people by the year 2000. With the agreement of all political parties and all Governments involved, including the Commonwealth Government and the Victorian and New South Wales State Governments, an ambitious land purchase programme was undertaken. Considerable areas of land were purchased, especially on the Victorian side of the border, and it was intended that the corporation would develop that land to a serviced
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block stage and then either lease out or sell it to private purchasers for home blocks, industry or whatever. It was intended that the purchasing of land, its development and subsequent sale or lease would become a viable business operation and at the end of a period, if I recall it correctly, of thirteen years, it was anticipated that the "roll-over" funds would be adequate to make the scheme itself and the Albury–Wodonga Development Corporation area self-financing.

However, having purchased extensive areas of land with substantial amounts of Commonwealth money within two or three years of operation of the corporation, particularly its Victorian section—the money, incidentally, was on loan to the States for their administration, with the States bearing the final responsibility for the viability of the project—changed conditions made it necessary to revise the objective population of the complex downwards from 300 000 in the year 2000 to approximately 150 000 in that period.

It may be said that too much land was purchased for the revised requirements. That placed some strain on the viability of the project itself. The self-financing and "roll-over" aspects at the end of the thirteen years were no longer attainable and the Commonwealth Government has entered into negotiations with the State Governments concerned so that the Commonwealth may eventually—I am not sure that it has yet taken place, but it is the plan—take over the loan debt from the States and regard the financial advances that were necessary to purchase land as their investment in the corporation area. Nevertheless, because the amounts of money coming forward in recent years have been nowhere near the amounts that came forward in previous years, it is necessary to obtain finance from other sources. It is therefore reasonable for the corporation to involve private developers and private capital in the development to an increased degree for the servicing of the land for industry and housing. If investment in the growth areas and the developing areas is to be carried out in the most efficient way, it is important that headworks, road services and services such as electricity and even shopping areas, public transport and schools must be undertaken in the most economical and efficient way so that the development of land is on a planned basis and that scattered development does not occur with fill-in development taking place too slowly. Therefore, it is essential that all the land in each new area be developed quickly. If the corporation desires to involve private capital in the development of land, it is likely to require either a joint development project or the sale of the land outright to private interests. Once that occurs, the corporation loses control over the pace at which development takes place.

The intention of the covenants to be placed on this land is to ensure that development takes place at a proper rate. This is a reasonable and sensible way to go about the business of obtaining the most effective and economical results. That is the reason behind the Bill. It seems to the National Party a reasonable and sensible way of going about the business in hand.

At this stage, I thank the Minister who has charge of the Bill in this House for having agreed last week to an additional period for consideration of the measure. The National Party was concerned that adequate consultation should take place between the three municipal councils most directly affected by the Bill prior to its coming before this House and its eventual approval, as I have no doubt it will be approved.

I am assured by the Shire of Yackandandah and the Rural City of Wodonga that they are in agreement with the measure. The Rural City of Wodonga was originally concerned to ensure that the Bill was appropriate and that it would not be likely to cause clashes between that body and the corporation. It has now assured me that, having had its lawyers examine the Bill, it believes it will be comfortable with the Bill.

The Shire of Yackandandah agrees also, and the Shire of Tallangatta, to which I forwarded a copy of the Bill, is happy with it. The National Party believes the measure should pass.

The fact that Parliament is prepared to agree to the measure and the terms in which all honourable members have spoken on the Bill underlines the reputation that the Albury–Wodonga Development Corporation has won for itself, which was emphasized in the report of the Public Bodies Review Committee. I hope the passage of the Bill will lead to an even better result for the development of Albury–Wodonga, to a more efficient use of the finances available.
and to a better marriage between public expenditure and investment and private entrepreneurial skill and investment. If this is the way in which the general direction of development goes in the future, it will be even more pleasing to the National Party.

The Hon. D. K. Hayward (Monash Province)—Mr Chamberlain has indicated already that the Opposition supports the Bill. I have had a long personal knowledge of and experience with the Albury-Wodonga Development Corporation spanning a number of years which started when I was engaged in the manufacturing industry and proposals were made to the firm of which I was then a director to establish a manufacturing operation in the area. I went to Albury-Wodonga on various occasions, making inspections, reviewing plans, and so on. My interest in the area persisted and last year I paid it another visit and saw the recent developments. As both Mr Chamberlain and Mr Evans mentioned, the Albury-Wodonga Development Corporation has done an excellent job. Undoubtedly, it has helped the development of the area considerably.

The Albury-Wodonga Development Corporation is a very special case and I do not think Parliament should consider repeating this type of development in other areas. Albury-Wodonga is a special case because of its strategic geographical location. Although it had been very well planned and managed, there is no question that large and excessive costs have been involved, including the cost associated with the excessive land that was purchased.

Problems of costs occur inevitably in Government-planned operations. These operations should be entered into with considerable caution. Without doubt, the most effective way to achieve these developments is to let the growth opportunities appear and to facilitate such development by private firms, because if there is a real opportunity then the incentive will be there for development. Often it becomes counterproductive to have such development planned and undertaken by a Government organization because of excessive costs.

The time is rapidly approaching when the Government must consider whether the Albury-Wodonga Development Corporation should continue indefinitely or whether a sunset clause should be placed on it. I do not think there is need for it to continue indefinitely. I believe the stage has been reached where some assessment should be made on a cost-benefit basis of the corporation's operations to determine whether it would not be possible in a certain time for the corporation to phase down its operations and for those operations to be carried out in the normal way by normal business enterprises. A cost-benefit analysis would show that undoubtedly, despite the very considerable incentive that has been provided in the area, it is still a considerable cost to the taxpayer.

The point I am fundamentally making is that in future the Government should allow opportunities for development through a natural course rather than through a Government planned course. The function of Government basically should be to provide essential infrastructure in the most efficient and cost-effective way. That will not necessarily happen by setting up a special type of operation; it can happen effectively through the normal operation of local government and other associated bodies.

The real risk is that by setting up these special corporations one attracts not only additional costs but also creates inflexibilities in an inevitably changing economic and industrial environment.

Certainly, the Opposition supports the Bill and the excellent work that has been done by the corporation in the past. However, the Government needs to look to where it should go from here.

The Hon. W. R. Baxter (North Eastern Province)—I call again, as I have on many occasions in Parliament, for the lifting of designation from land that is now outside the development area because there is no reason for the term "designation" remaining on that land. It has no legal basis and it is very difficult to explain to prospective buyers from other parts of Australia that it has no legal meaning and that it does not mean a restriction on the land.

For example, a farmer, perhaps in the Yackandandah valley, may wish to put his farm on the market. He may have a prospective buyer from Gippsland who likes the farm and is prepared to pay the price asked but who suddenly discovers on inquiry that it happens to be in an area called the Albury-Wodonga designated area. That immediately sets the alarm bells ringing and
the buyer will be reluctant to proceed with the sale.

The corporation concedes that there is no reason for the land outside the development area to remain designated. I have had numerous assurances from several Ministers in both this and the previous Government that that designation will be lifted but I and the people whom I represent in that area still wait in vain. Again, I implore the Minister to take whatever action is necessary to remove the encumbrance of designation from that land which is outside the development area.

Mr Hayward noted that some mistakes have been made in the development of Albury-Wodonga and that the corporation had made mistakes and that perhaps this project should not be repeated. I agree mistakes have been made and, with the benefit of hindsight, one wonders why they were, but account needs to be taken of the political realities of the time.

One of the worst mistakes made was the designation of too large an area. Further, an open invitation was given to people who were interested in selling to negotiate with the corporation. The upshot was that after a period the corporation owned pieces of land all over the place here and there but by coincidence did not own the land in the very place the corporation desired to start work, in the Baranduda to Middle Creek area.

Thinking back, one wonders why priority areas were not identified and acquired first and other people given an indication of when their properties were likely to be acquired, bearing in mind the circumstances of the time. I was certainly involved almost from the beginning, from my first election to Parliament in 1973, and there was a lot of apprehension in the district on compulsory acquisition of land and a lot of fears as to what the corporation would do.

I remember attending a very fiery meeting at the Wodonga High School in 1973, which was addressed by the then Minister for State Development and Decentralization, the Honourable Murray Byrne. I also attended another meeting at the Wodonga Civic Centre in February 1974, chaired by the Honourable Keith Bradbury, which was addressed by the Honourable Rupert Hamer. Sir Rupert Hamer gave an under-taking to those in attendance that if they wanted to sell their properties, the Albury-Wodonga (Victoria) Corporation was willing to purchase but he would require the corporation to negotiate with them. That was a fair political response to the pressures that were existing at the time.

Although, with hindsight, it has turned out to be a less than adequate direction to the corporation, I do not hold Sir Rupert Hamer responsible for that because of the pressures and representations that he was receiving between 1972 and 1975. Certainly, as I have stated in the House on previous occasions, my failure to be re-elected in 1976 had something to do with my perceived support of the corporation, and I do not resile from the support I gave the corporation. The corporation proved that it was possible in the most urbanized nation in the world, through the provision of adequate planning and suitable incentives, to establish a viable inland city in Australia.

As Mr Hayward has already indicated, if an inland city was to be successful, it would be Albury-Wodonga. The reason why it would be successful was not only because of its strategic location between the two capital cities on the main highway and main railway of the nation, but also because of its accessibility to a good water supply, pleasant climate and recreational facilities on Lake Hume and Lake Dartmouth, the snowfields, tourism centres such as Bright, and the wineries. Albury-Wodonga had everything going for it in terms of being an attractive place for people to live, yet for so long there was enormous difficulty convincing people that they should move from Sydney and Melbourne to provincial cities.

This was a genuine and bold attempt by the Government to achieve that objective. When one considers the fact that it involved three Governments, the Federal, New South Wales and Victorian Governments, and that it straddled State borders with all of the difficulties concerning various State laws, the corporation has continued remarkably smoothly. Even the legal technicalities of setting up the corporation which, as Mr Chamberlain has explained, involved three corporations, the Federal corporation, the New South Wales corporation and the Victorian corporation—was no mean feat of draftsmanship and co-op-
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eration between the three Ministers, Mr Uren, Sir John Fuller and Mr Murray Byrne, and their officers. That co-operation really set the scene.

I do not disagree with Mr Hayward that perhaps it was not appropriate to do something similar elsewhere, but the evidence exists that if governments are sincere about decentralization and are prepared to put sufficient funds and effort into it, decentralization can be achieved.

When I commenced electioneering in Wodonga in 1972, it had a population of 5000 but twelve years later the population was 20,000. That is certainly a remarkable growth rate. Wodonga has gone from a town that the residents of Dean Street, Albury, called "Struggle town" to become an attractive city. It is not only the corporation and the Rural City of Wodonga that have helped to achieve that but also the community has certainly played its part. The corporation has been instrumental in improving the lifestyle of Wodonga through the layout of its subdivisions and the planting of trees. More than 1 million trees have been planted on the Victorian side of the Albury–Wodonga Development Corporation area and that is of tremendous benefit to the future population of Albury–Wodonga.

I often admire the pioneers who planted some of the trees in Melbourne and commend them for their foresight. I am sure that future residents of Wodonga will look back on some of the activities of the corporation with a good deal of pride and satisfaction on activities that were undertaken, in many cases, against much opposition. Some of that opposition was justified, but some was not because it was based on a misunderstanding or suspicion of what the corporation was all about.

In Albury–Wodonga there is now a shortage of building blocks and I hope the Bill, which provides for the addition of convenient titles on land, is the reason why the corporation has been a little slow in putting additional blocks on to the market in recent times. It has needed the measure to enable it to overcome this problem in the most appropriate way. Real estate agents in Wodonga have told me that only 22 residential blocks are presently vacant and available for sale. That is certainly not enough. I would expect that development at Baranduda is not far away and I look forward to that with anticipation.

I call on the Minister to take action to convene a Ministerial council meeting in Wodonga without delay. Ministerial council meetings are unique affairs because they occur so seldom. I do not for one moment overlook the difficulty of arranging a Ministerial council meeting to fit in with the programmes of three Ministers in separate Governments. Of course, there are difficulties in obtaining synchronization; it is a long time since there has been a meeting. A pressing matter will come up concerning the reappointment of the chairman of the Albury–Wodonga Development Corporation, Mr Gordon Craig, whose term expires on 30 June 1984 and I believe Mr Mel Read's term also expires on that date. It is essential that the Ministerial council meeting take action to reappoint those gentlemen for another term of office, not just twelve months, which is the term for which officers have been recently appointed in other organizations.

I place on record my appreciation of the work of the chairman of the Albury–Wodonga Development Corporation. I have had many arguments with him over the years. He is a very persuasive arguer, although he does not win all of them. Mr Craig has been able to stick to his task after many changes in directional policy and despite working under many Ministers. He has had about nine Federal Ministers and a bevy of State Ministers from New South Wales and Victoria. I note with appreciation his contribution to Albury–Wodonga in the same way that I note with appreciation the support given by Mr Read of the Albury–Wodonga (Victoria) Corporation and other senior officers, such as Mr Graham Andrew and Mr Warwick Creighton to whom I have made representations on behalf of the constituents.

The Bill involves the provision of covenants on titles. Covenants generally do not appeal to me in that they certainly restrict the rights and freedom of owners of freehold land. I want to express a fear that has been put to me by a well-known critic of the Albury–Wodonga (Victoria) Corporation on covenants. He stated,

It is fair comment to state that a covenant is "restrictive" and therefore damages the free capability of a registered proprietor to utilise the land in "such man-
That is fair comment, but the only types of covenants that the corporation is proposing to place upon its land prior to sale are along the following lines: In the case of an individual purchasing a residential lot: That it be a requirement to build within three years. In the case of an industrialist purchasing a lot: That it be a requirement to build within an appropriate time. In the case of a land developer: That it be a requirement to construct an estate within an appropriate time and in accordance with a concept—layout plan.

It would appear that those types of covenants are not especially restrictive. Presumably they will be entered into by negotiations between the parties, the corporation as the vendor of the land and the person purchasing the land. To that extent I am satisfied that no undue restrictions will be placed upon the future use of the land.

However, I believe it would be desirable that in proposed section 15A (2) after the words “Where the Corporation sells any land” the words “within the development area” should be inserted. I am not proposing to move an amendment along those lines but I should like the Minister to consider such an amendment or at least give an assurance that it will not be the intention of the corporation to impose covenants on land it sells outside the development area.

I am satisfied that covenants are appropriate within the development area. Covenants are inappropriate on the land the corporation still owns outside the development area but which it proposes to dispose of progressively over the next few years. The National Party will be satisfied if the Minister gives the House an assurance that it is not the intention of the corporation to place covenants on that particular land. However, the National Party will be even happier if the Minister is prepared to insert the words I suggested.

The motion was agreed to.

The Bill was read a second time.

The Hon. R. A. MACKENZIE (Minister for Conservation, Forests and Lands)—I move:

That this Bill be now read a second time.

Honourable members may recall that during the debate on the Fisheries (Fees) Bill in the Legislative Council late last year, the previous Minister for Conservation, the Honourable Evan Walker, indicated that the Government was considering the most appropriate methods of permitting the transfer of abalone licences and that any substantial increase in fees for this fishery would not be implemented prior to finalization of the above procedures. The amendments to the Fisheries Act which are
currently before honourable members are required to implement the new management regime for the Victorian abalone fishery alluded to in the above debate.

By way of background, the Victorian abalone fishery has been managed on a restricted basis since 1968 and virtually no additional licences have been issued since that time. It is an export-based industry which employs some 90 licensed divers and a similar number of assistants with an annual catch valued at approximately $5 million. The existing mechanism for achieving a turnover of divers, based largely on natural attrition, has been ineffective because of the profitable nature of the fishery. Licences are now being retained by a large number of low effort, inefficient, operators. As a result, long standing applicants for licences have been unable to gain entry to the fishery. A significant number of inactive divers have also retained their licences in the hope that licence transferability would eventually be introduced thereby providing them with substantial windfall gains.

Given that the resource is already fully exploited to replace less active divers with highly motivated efficient operators would place the resource itself at risk as the stocks cannot support 90 fully active divers. Active and efficient divers are currently earning very high returns through exploitation of what is a common property resource.

The new management package involves all existing licences being made transferable on a two-for-one basis. That is, incoming divers must acquire licences from two current divers to gain entry to the fishery.

Consolidated licences would then be transferable on a one-for-one basis. This would however eventually lead to a halving of the number of operators which is likely to over-compensate for the expected increases in average effort per diver associated with transferability. The Government is therefore planning to closely monitor the state of the resource and will issue additional licences by public tender where appropriate to ensure that the resource continues to be fully and efficiently utilized.

The package includes the imposition of a licence transfer fee of $10,000. In addition, the Government intends to increase annual licence fees substantially commencing in 1984. The fee in that year will be $2,500 and it will move to a figure of $5,000 over the next five years based on current abalone prices. This recognizes the public nature of the resource upon which the fishery is based. A substantial part of the increased appropriation is to be used to upgrade research and enforcement leading to better management of the abalone fishery.

The question of licence transferability has been the subject of discussion with industry for several years and virtually all divers now support licence transferability. There is also general industry support for the two-for-one concept as the best mechanism for limiting effort expansion in all three zones of the fishery.

The Government also intends to review current levels of enforcement, and penalties, together with the methods which will be used to enforce the legislation which applies to this fishery.

In summary, the Bill will end the long-standing deadlock over abalone licensing. It provides a workable strategy for achieving a turnover of abalone licences whilst protecting the abalone resource. This is achieved by making all existing abalone licences transferable on a two-for-one basis and subsequent licences transferable on a one for one basis and increasing Government appropriations to finance improved biological and economic research and enforcement with respect to the Victorian abalone fishery. I commend the Bill to the House.

The sitting was suspended at 6.30 p.m. until 8.4 p.m.

The Hon. R. I. KNOWLES (Ballarat Province)—In the second-reading speech on the Bill, the Minister outlined the changes proposed for the abalone industry. The three major aspects of the Bill are that it allows for the transfer of abalone licences, for the consolidation of those licences and for a transfer fee which must be met to allow for the transfer of a consolidated licence. As the Minister indicated, there are approximately 90 licensed abalone divers in the State. Although that is a small number, they represent an important export industry, which earns about $27 million for Australia per annum. Victoria represents about $5 million of that national figure.

For the purposes of management of the fishery, the State is divided into three zones, namely, the eastern, western and central
zones. Each of those zones has a specified number of fisheries. Under the existing management, many licences are not utilized to their full extent. Part of that situation is accounted for by the fact that no new divers have entered the industry since 1968. Over the years, the age of the divers has increased and the same effort is not able or desired to be exerted by the individual divers. If the Government had allowed for transferability on a one-for-one basis, the new divers entering the industry would put in considerably more effort than the divers who are leaving the industry.

The consequence would be that the abalone fishery would be depleted, and this would create long-term management problems. The Government has resolved that issue by allowing for a consolidation of the existing licences on a two-for-one basis, which, if logically followed through, will mean that at some stage in the future there will be only 45 abalone divers. The Government has recognized that the fishery requires more effort than the 45 divers could make and has provided the opportunity for additional licences to be issued and sold by public tender. For the privilege of that transferability of licence, the Government has imposed a fee of $5000 on each licence. A new diver will pay the sum of $10 000 to the Government for the privilege of entering the industry, in addition to the price paid to the two relinquishing divers.

It is difficult to conceive any circumstances in which the transfer of a licence could possibly cost the Government $10 000. It is clearly nothing more than a taxation measure by the Government. It concerns the industry that this aspect is over and above the decisions the Government has already made to increase the annual licence fee to a figure which, on the basis of their calculations, will represent about 10 per cent of the gross turnover of the industry. That represents a draconian resource rent tax, which has created considerable concern in the industry. It will place burdens on any new, young diver entering the industry. Not only will he need to purchase two existing licences and pay $10 000 for the transfer of the licences, but also he will have to meet an annual licence fee, which is geared to represent 10 per cent of his gross income. I consider the Government is placing an outrageous burden on an important export industry.

The difficulty the Opposition has is that the Bill that allowed the power to increase the annual licence fee has already been passed.

The matter is one for annual Government administration. I appeal to the Minister to be more flexible in his approach to the annual licence-fee which, as I said earlier, will create a greater burden on new divers entering the abalone industry.

I shall draw to the attention of the Government a couple of administrative matters which relate to the implementation of the measure. At present it is proposed that the consolidation of the licences will be done on an individual zone basis. That may create significant problems, given that the numbers are so small, and it may well be that only one seller may be in a particular zone. Therefore, the purchaser of that licence will be unable to have it transferred to his or her name and to use it until he or she can purchase an additional licence. That provision gives the opportunity of distorting the value of those individual licences and also creates a potential financial problem.

A young person wishing to enter the industry may purchase a licence for approximately $70 000 or $80 000. The young person who may outlay that amount of money for a licence is then obliged to meet the annual licence-fee, which will increase to $5000 within a couple of years, but is unable to use the licence. That person has no capacity, therefore, to earn an income despite the outlay of $70 000 or $80 000 and the annual commitments to the Government. There is room for the Government to use greater flexibility. I cannot understand why the Fisheries and Wildlife Division will not allow the purchase of two licences anywhere in the State, yet may allocate that licence to a particular zone. The provision will not completely solve the problem but could allow greater flexibility.

The Minister should also consider making a commitment that the annual licence-fee will not have to be paid unless the licence is being used. I shall quote another example. A diver dies and, according to the Bill the licence he held will become a possession of the estate and can be sold. If it is the only licence for sale, perhaps no one will be prepared to outlay the money until the purchase of an additional licence can be ne-
negotiated. It will be unfair and wrong if the estate cannot hold on to that licence, which will not be used, yet must pay the annual licence-fee.

These matters are a couple of the practical difficulties that I envisage will occur if the Bill is passed in its present form and with provision for the establishment of transferability of abalone licences. The Opposition does not oppose the Bill, which is supported by both the industry and those who aim to enter the industry. I do not like the principle of a piece of paper issued by the Government taking on such a high value. Clearly, the Bill will allow that to happen. The licence will now have a value of $70 000 or $80 000.

The principle is not good and the industry will not be well served by those entering it on the basis of their ability to purchase that piece of paper.

An opportunity exists for the Government to be more creative by allowing those best qualified to enter the industry rather than people entering it because of their ability to pay for a piece of paper. The Government has made the decision to allow the transferability of abalone licences.

I have attempted to address some of the problems that may flow from that decision. I should appreciate it if the Minister would address those issues and give the House a firm undertaking on the matters I have raised.

The Hon. D. M. EVANS (North Eastern Province)—Already the scope, size and types of problems faced by the abalone industry have been well sketched out. As Mr Knowles and the Minister said during the second-reading debate, the industry is small, with only 90 people involved in it. Many of those involved in the industry are old because it has been a closed industry for almost twenty years. A need exists for transferability in the industry to bring into it new blood and people with a greater degree of efficiency.

It is interesting to compare the situation in the abalone industry to similar situations that exist in some industries, particularly the tobacco industry, which is concentrated in north-eastern Victoria and which faces similar problems. It faces the problem to which Mr Knowles referred of the philosophical issue of whether a piece of paper should be worth such an amount of money. The abalone industry is export-orientated, with 98 per cent of its product going overseas; the Japanese market is keen for the product. A considerable amount of the product goes there.

The industry wishes to maintain the closed shop situation. Considerable pressure will be brought to bear on the abalone resources in Victorian waters, if new and more efficient fishermen, as the Minister described, enter the industry. Even 90 operators will be too many for the resource, which will be reduced in value and yield. If there is not an expensive piece of paper nor control of the industry, clearly it will become over-used and over-exploited. The product will be reduced in value. That is one reason for the piece of paper.

Whether the industry remains a closed shop or becomes totally open, those who invest considerable sums of money in the abalone industry in equipment, boats or other areas of expenditure, will be faced with a need to recoup sufficient income to make their investment viable and to allow them to receive a return on their investment so they can make a living.

Regrettably, when one sees that situation in almost any industry involving primary production—and fishing is a primary production industry—one finds greater and greater pressure to over-exploit the resource. I am quite certain that many of the problems with soil degradation in Australia have been caused by the economic pressures on people in an industry where they have been forced to try to get more and more from a resource in order to make a living and get a return on an investment and, in many cases, to recoup an investment.

Clearly, some degree of control is an advantage. The industry has agreed to the form of control that, before a licence can be passed on to a newer, younger, presumably more efficient operator, two licences must be combined into one, which will, over a period, reduce the number of abalone licences from 90 to 45. I take the point made in the Minister's second-reading speech that, if the resource proves to be capable of supporting more than 45 operators, additional licences can be issued, and I presume that any fees gained in that direction would be paid directly into the consolidated revenue.
The other issue of great concern is that of the passing of a licence from a father to a son. In many cases, a son can work with his father under his direction and, ostensibly, the father may be the licence-holder, but in practical terms the son is doing the work. If the father dies, a son who has become involved in the industry then finds himself with half a licence. He must then purchase an additional licence. That issue has not been addressed in any of the comments made in the House, and it is an important and human issue.

Consideration needs to be given to a restriction on the passage of a licence between an old and a new licence-holder, giving a man who takes over from his father first option to purchase the new licence. That may be the way to do it. If one is going to reduce the numbers, it is difficult to do it in any other way. If the licence is passed on from a father to a son, the desired reduction in the licence holders will not be achieved.

The other area of concern, and Mr Knowles referred to this, is the costs involved in renewing or transferring a licence. Those costs are extremely severe. I am informed that the abalone season can be extremely short—a few days only with high returns for a few days fishing each year. Although the returns may appear to be high, the net return to one operator is not all that great. Mr Knowles pointed out that approximately 10 per cent of the total gross figure earned by an abalone operator is expended on licence fees to the State Government.

It has also been clearly pointed out that, at this stage, there appears to be no formal mechanism for translating that income into research within the abalone industry. During question time today, I asked the Minister a question on the issue of whether moneys previously paid into a trust fund for unused roads and water frontages licences could now be channelled into the purposes for which the funds were originally raised and for which the trust funds were established. The Minister answered that the money was paid into the consolidated revenue and that money would be paid out into areas that would appear to be appropriate and in some way connected with the source of the income. No guarantee exists that it will all be paid up or even what percentage will be paid up.
abalone fishermen who sell their boats and equipment will not get a fair value in return for the sales. The piece of paper allows them some opportunity of recouping and retaining the original investment. That is why the piece of paper needs to have a value and that is why it does have a value.

The Hon. R. I. Knowles—But they paid nothing to get into the industry.

The Hon. D. M. Evans—They have been in the industry for a long time.

The Hon. R. I. Knowles—And earn quite a lot of money.

The Hon. D. M. Evans—But the amount of money they can earn is only a reflection of the danger and risks involved in the industry and the amount of investment that is required. They will earn money, and so they should, because they work hard and take a lot of risks.

The Hon. W. V. Houghton—Come on!

The Hon. D. M. Evans—While they are going, they are working hard.

The Hon. W. V. Houghton—An abalone fisherman who works hard must be mad.

The Hon. D. M. Evans—I hope abalone fishermen will understand that remark when the interjection is recorded in Hansard. The National Party believes there are good reasons for the necessity to have a value on that piece of paper. It protects the investment of people in the industry and it is a reasonable way of going about it. However, I thank honourable members for their assistance in helping me to make my speech. I have indicated that the National Party generally supports the Bill and has no objection to its passage.

The Hon. B. A. Murphy (Gippsland Province)—I support the Bill and I thank honourable members opposite for their general support of the principles of the Bill. I know they are aware of the industry and I am surprised to hear Mr Houghton denigrate the abalone fishermen.

The Hon. W. V. Houghton—I did not denigrate them; I said that they did not work hard.

The Hon. B. A. Murphy—I would like honourable members to understand what licensed abalone fishermen do. In this case, they have had a boat and equipment for approximately twenty years. They have put a lot of money and effort into the industry over a period and every time they go out to sea they risk their lives. They face all the elements of weather and take the risk of being eaten by sharks.

The Bill will allow for the consolidation of the abalone industry so that experienced divers who wish to leave the industry can transfer their licence to another person who may wish to enter the industry. This will be done on a two-for-one basis—in other words, two licences will be transferred at a cost of $5000 each so that the consolidated licence will cost $10 000. The result will be that instead of 90 divers operating off the coast of Victoria, we will end up with a more efficient industry consisting of 45 divers.

The Government intends to introduce an annual licence fee of $2500 increasing to $5000 over the next five years. This will be beneficial to the industry because a percentage of the money received from the licence fee will be used for research purposes and to enforce the regulations. A fair amount of poaching has taken place over the past few years and it is necessary to ensure that the abalone that is caught is caught by members of the industry so that taxes are paid.

Gippsland has a large abalone industry which relies mainly on the Japanese market. The Mallacoota co-operative works efficiently and its members have imposed a limit on the amount of abalone that can be caught each day. I had the pleasure of going out with an abalone fisherman who explained the ramifications of the industry and pointed out that abalone fishermen catch up to nine boxes of abalone a day. That limit has been set because they realize that if there is no limit on the abalone caught, there will be none to be caught in future. These regulations will ensure that the industry is self-sustaining; that a resource which belongs to Victoria stays in Victoria to be used for the benefit of Victorians.

The fishermen agree that the industry needs to be consolidated. There may be differences about the amount of money that should be paid, but I understand that the consolidation of licences and the actions taken by the Government under this measure have the support of the abalone fishermen.

The motion was agreed to.
The Bill was read a second time and committed.
Clause 1 was agreed to.

Clause 2

The Hon. R. A. MACKENZIE (Minister for Conservation, Forests and Lands)—I thank Opposition members for their support of the Bill. The Government is most appreciative of that support and also of the concern that has been raised. Honourable members are fully aware of the complicated nature of the measure inasmuch as it is a very complicated industry with which the Government is trying to deal. I know that my colleague, the Minister for Planning and Environment—whose efforts formulated this measure—spent a great deal of his time in negotiations on all aspects of the industry.

The measure involved wide debate and variation of opinion not only in the industry but also among members of Parliament. It is complex inasmuch as we are dealing with an industry which began sixteen years ago and the pioneers of that industry are still in business. Those men started diving when very little was known about the effects of diving on the health of human beings, or the breeding habits of the abalone and where abalone are located.

It would be unjust if some recompense were not made to these men for all the mistakes that were made in those early days and all the health problems that were suffered then and are still being suffered by those pioneer divers. That is why this industry is different from other fishing industries.

I take up the point raised by Mr Knowles about the worth of a piece of paper. He is right, in some ways, that a piece of paper is not a desirable thing to have. In this case the Government is trying to ensure that the pioneers of the abalone industry get some return for their efforts when they leave the industry. The second generation of divers will benefit immensely from the work and the mistakes of the pioneers.

I assure those honourable members who have spoken that the Government will monitor the measure and its effects. Some loose ends have to be watched. The Government wants to ensure that the right people enter the industry. The Government also wants to ensure that processors do not get control of the industry by financing the sale of licences.

A great deal of work must be done to control poaching. At present 300 people wish to enter an industry that can only accommodate 90. The Government intends to reduce that number to 45 and to ensure that over the ensuing twelve months measures can be adopted and introduced to control poaching. The Government has been looking at the legislation currently in operation in Western Australia to control poaching. It should be possible to control an industry of which 95 per cent of its product is exported.

Mr Knowles raised several matters in regard to administration which he felt would create some problems. The main area of concern was what would occur if a new entrant could purchase only one licence initially and have difficulty in buying the second licence, or if a member of the family of a deceased diver had to pay a licence-fee.

I can assure the honourable member that it is not the Government’s intention to charge a licence fee for a person who is unable to dive. A licence-fee will not be charged until a diver has a working licence and is able to earn a living.

The Hon. R. I. Knowles—There will be no fee charged?

The Hon. R. A. MACKENZIE—There will be no fee charged. That is the only fair way to deal with it.

Mr Evans referred to the transferability of a licence from father to son. I have sympathy with that idea, although it is not prevalent in other industries. The Government does not intend to take that into account in the Bill before the Committee but I have had discussions about it and I intend to pursue the matter because some justification for that exists.

I know that in the farming industry often one generation builds up the farm and another generation takes over. Most fathers would like to see the fruits of their labour and industry passed on to another family member regardless of whether that labour involves abalone fishing or wheat farming. The Government will examine that aspect to ascertain what can be done.

I thank honourable members for their support of the Bill. I have given an assur-
ance to the divers that, although the previous legislation provides that the licence fee is to rise, it will rise from $2500 to $5000 in the next five years. Although this is a large licence fee, it must be seen in the context that fishermen are using a public resource. The State requires finance to protect and manage that resource. This occurs in the scallop fishing industry which has a bag limit and in the timber industry where royalties must be paid.

A need exists to investigate the possibility of a more equitable way of setting the fee so that the fee is spread out and those divers who dive and harvest more abalone will pay more for the reserves they take. That is due to be examined in the next twelve months.

I thank Mr Houghton for his second short speech today. If one asked abalone divers to make a similar comment about politicians, they would probably say the same thing. I thank honourable members opposite and Mr Murphy for their support of the Bill. I give an assurance that more work will be carried out in the ensuing twelve months to make sure the abalone industry will become viable and will return a fair profit to the divers as well as a fair return to the State.

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

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

GROUNDWATER (RESERVES) BILL

The debate (adjourned from March 21) on the motion of the Hon. D. R. White (Minister of Water Supply) for the second reading of this Bill was resumed.

The Hon. R. J. LONG (Gippsland Province)—It seems to me that any Bill that deals with water supply, water conservation or the drainage of land is extremely difficult to understand. To understand the Bill, it is necessary to go back in history. Under the provision of the Groundwater Act 1969, a person has to apply for a construction permit before he or she can construct a bore. That is often referred to in common parlance as an exploration bore. The next step before extracting the groundwater for other than domestic use or for the watering of stock is to obtain a groundwater licence.

This amending Bill authorizes the Governor in Council on the joint recommendation of the Minister for Minerals and Energy and the Minister of Water Supply—I remind the House that on this occasion that is the same person—in respect of an area or any particular aquifer in an area to specify the annual reserve volume of groundwater. This reserve volume can be used only by the State Rivers and Water Supply Commission or a water authority. It is important to remember that.

The reservation of the volume will not affect the extraction of water for domestic use or the water for stock or the existing entitlements under the groundwater licence. However, the amending Bill provides that in addition, in an application for a groundwater licence, the commission is required to consider the annual reserve volume specified by the Governor in Council except in the case of a water authority.

In other words, the way the Bill is currently drafted, a water authority would be able to use—in the words of the Act—that reserve volume. I should add also that under the Groundwater Act 1969 it is necessary within seven days of the completion of a bore to prepare a report for the Minister. If the Minister is satisfied that that person has observed the provisions of the construction permit, he will issue a completion certificate.

The amended Act will provide that within six months of the issue of the certificate one must apply for a groundwater extractor licence. I sound a note of warning to honourable members because if a person puts down a bore and does not apply for a groundwater licence within the specified period there is no way that a groundwater licence can be issued.

Clause 8 provides that if a person fails to pay the licence fee within 30 days of being requested to do so, the licence can be revoked. That is an important provision. The Bill, as currently drafted, provides that a water authority or the State Rivers and Water Supply Commission can use the whole of the annual reserve volume within the aquifer. In other words, it can pump it out, and if that happened it would leave other people who are entitled to use the groundwater without water. Water Commission officers have told me that is not intended by the amendments in the Bill.
They want to retain an annual reserve volume for safety reasons. As a result of that I understand the Minister of Water Supply proposes to move an amendment which will preserve the annual reserve volume for the future. Even taking the amendment into account I am still concerned that the Minister may not achieve what he hopes to achieve with the Bill.

In the second-reading speech the Minister said that an application for a licence to extract groundwater must not be issued unless the issue of the licence would adversely affect an existing bore.

Clause 7, which amends section 51, contains exactly the same provision as the existing section 51 of the principal Act, with one difference, that the commission has to take into account the annual reserve volume which is specified by an Order of the Governor in Council.

If one takes as an example a city like Ballarat one sees that under the Groundwater Act there is provision for action to be taken by the Governor in Council to declare a groundwater conservation area. If the Governor in Council exercised those powers it could reduce the volume of water that all holders of groundwater licences are entitled to take. They could then leave a much larger reserve which could be passed over to the Ballarat water commissioners. It could then use all that water for its own purposes and the farmers and potato growers in that area who rely on water would be excluded from using it. I am not certain whether the Minister would agree that that is likely to happen. I hope the Minister can give an assurance to the House that it will never happen. That is the sort of thing about which members of the Opposition have expressed great concern.

It is interesting to note that the Minister of Water Supply has already taken steps to refer the Gellibrand River area to the Natural Resources and Environment Committee for investigation. It seems strange to me that there is a Bill before the House particularly for the purpose of protecting the Geelong water supply system and yet the Gellibrand system, which will be used extensively by the Geelong waterworks system, has now been referred to the committee for investigation. I strongly urge the Minister to consider not proceeding with the Bill but instead referring it to the committee for report and consideration.

If the House has to wait for a report from the Natural Resources and Environment Committee on the Geelong environmental area, which is vital to Geelong, bearing in mind that it is one of the motivating forces behind the Bill, the Minister ought to consider referring the Bill to that committee for its consideration.

I urge the Minister to consider those matters. The Opposition does not oppose the Bill.

The Hon. W. R. BAXTER (North Eastern Province)—Groundwater is a very valuable resource in Victoria, not only traditionally in arid areas to provide stock and domestic water through the use of windmills in earlier times, and, now, to some extent, through the use of electric pumps, but it is also a valuable resource in supplying quite large urban areas. The town of Portland is entirely serviced by underground water.

The Hon. F. J. Granter—So is Sale.

The Hon. W. R. BAXTER—Yes, that is so. A proposition is being examined at the moment that the water supply to Geelong be augmented by groundwater rather than by harnessing the water resources in the Otway Ranges, which should more appropriately be used for western Victoria.

It has also been suggested that groundwater be used to augment the water supply of Warrnambool. In some cases the extraction of groundwater has been encouraged as a salinity control measure.

If one looked at the situation in the Shepparton irrigation areas, one would see that the first phase of the installation of irrigation groundwater pumps are highly successful in reducing the water table and thus the likelihood of salinity denigration of land. The success of that project encouraged private landowners to install groundwater pumps for the dual purpose of water table lessening and augmenting their own water supply by the use of shandy water. That scheme has been successful to the extent that the State Rivers and Water Supply Commission has been able to amend its proposal to phase "B" and to cut down substantially the number of publicly owned pumps, because the situation has been ca-
tered for by privately installed and operated pumps.

The extraction of groundwater needs to be encouraged in those particular circumstances, but the National Party recognizes the need for some means of control. As I understand it, the current Groundwater Act virtually obliges the Water Commission to issue a licence on a first-come, first-served basis, regardless of the reserves that might be there for future use.

Mr Long alluded to the conservation areas that are listed in the present Groundwater Act. As I understand the situation, this applies only when a crisis has been reached and there is a depletion in the draw-off from the bores. Something has to be done and, therefore, a conservation area has to be declared. As I see it, the intent of the Bill is to provide a mechanism to reserve groundwater before that crisis situation is reached and, to that extent, there is a logical justification for it.

Nevertheless, I have some reservations regarding the Bill. I am pleased, for example, that it does not preclude an application for a licence for stock and domestic purposes, and that the current situation will prevail. However, in terms of an applicant who may wish to use it for purposes of a more extensive nature, such as for irrigation, the Minister of Water Supply is able to call an investigation with a view to reserving a volume of water for the future use of an authority.

Although I do not object to the reserving of a volume of water for future use, I have some concerns about reserving it for the use of an authority. It seems to me that this will unduly restrict it. It could well deny quite a productive and valuable use of groundwater in future by an individual or a corporation who may wish to use it for irrigation or industry. I hope to canvass in the Committee stage the view that the reserved water be more widely available in future to an individual or a group, rather than just to an authority, which means that it is to be used basically in the urban water supply area.

I am also concerned that there is no provision in the Bill requiring the inquiry to be ordered under proposed section 49B (1) to be carried out expeditiously. Therefore, during the Committee stage, I will to seek, with the Minister’s concurrence, to insert an amendment that will provide that that be carried out in six months’ time, so that the advice of the investigation, the paper work and so on, cannot be used as an ongoing reason for not dealing with that application. I see no reason why such a requirement cannot be made. If the inquiry cannot be completed within six months, perhaps because of the nature of the inquiry, I am prepared to agree to some other time frame, provided some time period is specified in the Bill.

The National Party has a great deal of reluctance regarding the Bill. It considers it to be potentially a device to restrict licences unnecessarily. However, it is prepared to recognize that there is a need for a provision to enable groundwater reservations to be made for the future. I indicate that, during the Committee stage, I propose to move several amendments which will distinctly improve 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. D. R. WHITE (Minister of Water Supply)—I thank honourable members for their contributions to the second-reading debate and for their support of the measure. Mr Baxter has foreshadowed that he proposes to move a number of amendments to the Bill and the Government would like to have the opportunity of giving consideration to them. As a result of discussions, the Government has had foreshadowed to it some amendments which are being prepared by Mr Long, and which might be more appropriately and best dealt with on the next day of meeting.

For those reasons, I suggest that progress be reported and that leave be sought for the Committee to sit again.

Progress was reported.

MELBOURNE CRICKET GROUND BILL (No. 2)

The Hon. R. A. MACKENZIE (Minister for Conservation, Forests and Lands)—I move:

That this Bill be now read a second time.
Its purpose is to authorize the construction and operation of floodlights at the Melbourne Cricket Ground. I am certain that honourable members will agree that provision of floodlighting at the ground is essential if this major public resource is to fully maintain its role as one of the best cricket grounds in the world. The floodlighting will enable the ground to be used for day and night cricket matches, which have become an integral part of the cricket scene. It is proposed that the ground be the venue for the 1985 World Cup matches, which require floodlighting of the arena.

Mindful of the effect of the floodlighting on nearby residents, the visual impact imparted by the towers which support the floodlights and the noise of vehicles entering and departing Yarra Park at night, the Government has provided control measures in the Bill. No more than six towers are permitted to be built at the ground, the height of the towers is limited to 78.5 metres above ground level and the design and location of the towers must be approved by the Minister for Conservation, Forests and Lands and the Minister for Planning and Environment.

The Bill provides for the operation of the floodlights on no more than ten days for the playing of cricket at the ground during the period from November each year until 31 March the following year. However, the Government recognizes a need to have a provision in the Bill which would allow it, in special circumstances, to permit use of the floodlights on any particular day or days for any activities. Accordingly, provision has been made in the Bill for such approval by way of an Order of the Governor in Council. Specific authority in clause 3 (5) of the Bill will permit the playing of cricket within the aforementioned limits without the need to obtain approval from the Governor in Council.

The Government also intends that the floodlights be switched off at 10.30 p.m. on any day on which they are in operation, except in exceptional circumstances. The Bill provides for the hours during which the floodlights may be operated to be determined by regulations made by the trustees in their role as managers of the ground. The Government will closely monitor the times of operation of the floodlights.

To protect nearby residents and, in particular, the children in the Berry Street Child and Family Care Home from being disturbed by the noise of vehicles at night, vehicular entry into and exit from the Yarra Park Reserve by way of Vale Street after 5 p.m. will be prohibited on any day when the floodlights are to be used. Furthermore, no parking will be allowed within 50 metres of Vale Street on those days.

As honourable members are aware, the Government has reached agreement with the Melbourne Cricket Club as to the design of the proposed floodlighting towers. The towers are to be solid tapered circular masts similar to the design of those at the Sydney Cricket Ground. The tapered masts will be more visually and environmentally pleasing than the open tubular framed tripod towers which the club had originally desired to erect at the ground.

To accommodate the new design and a safety barrier for the tower proposed to be erected at the Brunton Avenue side of the ground, the Bill provides for a small area to be added to the ground. The additional land is shown on the plan in the schedule to the Bill. 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 the next day of meeting.

STATE INSURANCE OFFICE BILL

This Bill was received from the Assembly and, on the motion of the Hon. E. H. Walker (Minister for Planning and Environment), for the Hon. D. R. WHITE (Minister for Minerals and Energy), was read a first time.

ANNUAL REPORTING (AMENDMENT) BILL

This Bill was received from the Assembly and, on the motion of the Hon. E. H. Walker (Minister for Planning and Environment), for the Hon. D. R. WHITE (Minister for Minerals and Energy), was read a first time.

FOOD BILL

The debate (adjourned from March 27) on the motion of the Hon. D. R. White (Minister for Minerals and Energy) for the second reading of this Bill was resumed.
The Hon. G. P. CONNARD (Higinbotham Province)—The Food Bill (No. 2) has been presented to Parliament following the many submissions the Minister received after introducing Food Bill (No. 1) some months ago. Indeed, I compliment the Government in producing what is mainly a good Bill. Because of the number of submissions made by many concerned organizations, the Minister has acted wisely and has presented this as a new Bill because the original Bill would have required some 200 amendments to put it into the order of this Bill.

Although the Bill is perceived with some concern, in the main the Opposition thoroughly supports the purpose of the Bill, which is to enact in Victoria food legislation based upon model food legislation drafted by the joint Commonwealth State-Territories working party which was initiated in 1975 by the Liberal Party in both the Commonwealth and in the States. It has taken a great deal of time for the Bill to come to fruition and, in general, it is sound.

In the world in which we live, members of the community are entitled to know, on nutritional grounds, what they are consuming and at the same time they require to know that their foods are prepared in proper, hygienic conditions through to the point of sale and the Bill, quite properly, addresses itself to those issues.

The Opposition, together with the National Party in another place, suggested several amendments to improve the Bill, and I understand the Minister will be taking up these issues in preparing amendments to the Bill. One of these issues concerns the reference to the National Association of Testing Authorities. A second issue is the analysis by those authorities, and a third issue is the technical advisory committee which the Opposition and the National Party consider as a necessity and which is also of concern to the bread industry in the narrow clause in which the Government originally had the industry. I understand the Government will be introducing amendments to those segments.

On 27 February 1984, the Food Technology Association of Victoria expressed its concern to the Minister about the importance of retaining the traditional defence based on “all reasonable precautions”. I indicate that the Opposition will be proposing amendments in the Committee stage and my colleague, Mr Birrell, will, at the appropriate time, inform the House of those amendments.

The Hon. B. P. Dunn—You are not moving those amendments?

The Hon. G. P. CONNARD—No, Mr Birrell will be moving those amendments. The Opposition strongly believes the defence of all reasonable precautions is valid for the industry. The House will recollect the report of the Statute Law Revision Committee, which was presented to the Parliament on 15 November 1973. Although that was some time ago, there are members of the House who served on that committee. Indeed, you, Mr President, were associated with that committee.

The Hon. B. P. Dunn—Mr Grimwade was.

The Hon. G. P. CONNARD—That parliamentary committee examined the possible change of section 291 of the Health Act which includes a “reasonable precautions,” to enable manufacturers of food to cover themselves properly in case of an undetected accident involving the adulteration of food. Section 291 (1) (a) states:

... that having taken all reasonable precautions against committing an offence he had at the time of the alleged offence no reason to suspect that there was in regard to the same any contravention of the provisions of this Part; and

The committee at the time debated that issue and one of the conclusions on page 7 of that report, was that the committee believed the Victorian health officers could operate under section 291 and convictions could be successful where manufacturers were at fault and, therefore, the committee recommended that the section should remain in the Health Act 1951.

The Opposition says that, having examined the relevant part of the existing legislation, that clause should be retained. The simple result of inserting such a provision into the Bill would be to give manufacturers protection from such unreported and undetected accidents. The large majority of manufacturers do everything possible to ensure that their products reach the consumer in good condition, but there are such things as manufacturing sabotage and genuine accidents, despite such precautions.
It is by no means easy for a manufacturer to be charged with the adulteration of food but, irrespective of the finding of the court, untold damage to the credibility of the manufacturer and the public image of his product will ensue. However, there is no doubt in the minds of members of the Opposition that offenders who knowingly breach the law should be dealt with with the severity that the law allows, but there is a difference between that situation and the situation where an offender has genuinely tried to comply with the provision relating to food preparation but, because of circumstances beyond his control, has failed to do so. The Opposition feels most strongly that a manufacturer or processor should be given the opportunity of making a defence of reasonable precautions.

The penalties for convictions are heavy in practical terms but particularly, and as well as, in publicity terms. If a court finds that an offender is innocent on the ground of reasonable precautions, that offender will still suffer heavy punishment because of the adverse publicity. I stress that there is little legislation on the statute-book that provides for absolute and strict liability, and the Opposition believes manufacturers should be given that latitude.

One area in which the Government has departed from the model legislation is that it has deliberately left the health surveyor’s responsibilities with local government. The Opposition endorses that action as the network of municipal health surveyors are skilled and competent, and that provision should remain in the Bill.

I understand that the National Party, with the support of the Opposition, will move further amendments. The Opposition will endorse those amendments. It endorses the many good provisions contained in the Bill, but anticipates introducing amendments at the appropriate time to secure the inclusion of a provision to allow a manufacturer who is charged to launch a defence of reasonable precautions.

The Hon. B. P. Dunn (North Western Province)—A number of Bills before the Parliament have dealt with the important area of food standards and who should enforce those standards and controls in Victoria. The whole process in the evolution of the Bill leaves much to be desired and it indicates that the Government is prone to rushing into action and failing to fully consult with the people on whose behalf it is drawing up proposed legislation. The Bill is a perfect example of that situation.

In another place, a Bill was introduced and because of the large number of amendments proposed—from memory, approximately 70 or 80; it was almost another Bill—the Minister withdrew that Bill and reintroduced a revised version.

The Bill now before the House is a result of that type of process. It was substantially amended in another place before it came here, and I know that, before the Bill passes through all its stages in this House, there will be another long list of amendments. Honourable members do not mind amendments if they improve the Bill, but a lesson to the Government in these types of issues is to consult with the people involved and not rush Bills into the House, particularly if it intends to introduce 70 or 80 amendments; that amounts almost to a rewrite of the Bill.

Legislation currently exists to control food standards in Victoria and I think it is reasonably successful. No one opposes the need to have a high standard in this area. There can be no greater risk to the community than sub-standard food preparation areas. People have always feared that the food they are purchasing and eating may be of an unsatisfactory standard, and someone must police that without fear or favour to ensure that the public is protected. Individuals in the community cannot wander into the food preparation areas of hotels and the like to examine the standard of hygiene; that must be left to other people to do effectively, without fear or favour.

Nowadays, with the enormous trade in take-away foods, processed foods and, as the Minister said, pre-prepared and pre-packaged foods, there must be strong controls to ensure that safety and high standards are adhered to at all levels.

On that basis, the National Party supports the operation of strong legislation in these matters. It is also fair to say that there are few offenders in the community and a high standard is maintained largely by the people serving the community with foods and other matters that come under the Bill. The difficulty lies in being able to identify and deal with offenders under the Bill.
The Government intends to pursue this matter one step further and to ensure that basic information is given to the consumer by a more extensive system of labelling which requires the basic nutritional information to be provided on various packages containing foodstuffs.

That is a good idea where it is practical. In some cases it is not absolutely practical. However, it is a valuable guide to the consumer to know what he is buying and the quantity of various preservatives, additives, and so on that contained in the foodstuff. A fair degree of adulteration takes place and people should at least have that basic knowledge so that they can make a free choice on to what they purchase.

The Bill will be matched by complementary State legislation. Basically it originates from a meeting of health Ministers of the Commonwealth and the States in 1975. That meeting established a joint working party and in 1980 the health Ministers, through the work of that working party, agreed to recommend the introduction of compatible measures in each State.

There are three major areas of departure in the Bill. One, mentioned by Mr Connard, is the retention of the system of inspection operated largely through local government. It is a wise provision. Local councils appoint health surveyors under the Health Act and, basically, this will be continued under the Bill. These people have a good and extensive local knowledge and they are accountable on a local level. I have not had a great deal of experience in metropolitan municipalities, but, certainly, in country municipalities the work of health surveyors is highly commendable. The National Party is pleased that this practice will continue.

The second departure is that Victoria will retain warranty provisions. It is difficult if a retailer buys a product in good faith and a problem occurs because the retailer would then be liable and would have committed an offence because of a failure of the manufacturer or supplier. The retailer could be totally unaware of that breach of the law. Rightly, the Government has retained the warranty defence to overcome that situation. The proposed legislation will build a warranty into every contract of sale of food for resale and voids any term in a contract that purports to exclude, restrict or modify any such warranty.

The third major departure is that Victoria will retain a Food Standards Committee. It will be substantially different from the previous Food Standards Committee which had much wider powers. Under the Bill, this committee will be only an advisory body to the Health Commission. It is a widely representative body and it should be of great assistance to the Minister. I foreshadow that the National Party intends not to increase the membership by one but to further define its membership in the form of an amendment to which I shall refer later.

In the past, the committee has been able to prescribe certain regulations and has had a wide and extensive power. While the committee is being retained, the Government is taking away its substantial responsibilities and powers. The first Food Standards Committee was established in the State under the Pure Food Act of 1905. The committee has served the State reasonably well with the laws and regulations it has brought into effect over a long period and I hope the advisory system under this Bill will work.

There has been some comment on the issue of reasonable precautions. This matter was raised by the Opposition, which foreshadowed that it would move an amendment during the Committee stage of the Bill to include a provision of reasonable precautions. The National Party will support the foreshadowed amendment as it believes the case for the amendment has been well established.

The National Party has received material from many people vitally involved in the industry. The Food Technology Association of Victoria, the Bread Manufacturers Association of Victoria and the Australian Hotels Association are three bodies which have made extensive representations and which have done considerable work on the measure. The Food Technology Association of Victoria, which tried desperately on many occasions to see the Minister and was only partially successful in ensuring a meeting with the Minister to discuss these issues, has made it clear that it wants the retention of the reasonable precautions defence. It indicates that the defence has existed in health legislation for nearly 80 years.

This view was substantiated by a report of the Statute Law Revision Committee in 1973, to which Mr Connard referred also, which said that the committee was of the
opinion that it would be unjust to convict a person of a criminal offence who satisfies the onus of proving that he has taken all reasonable precautions to avoid committing an offence. It is easy in this area for a person to commit an offence even though he has taken every possible precaution. Sabotage is one aspect but there is a whole range of issues that the Bread Manufacturers Association has outlined excellently in its submission. The Food Technology Association at page 3 of its submission states:

We see the real merit in the retention of the defence to lie in two simple propositions:

(a) the innocent person or corporation which has taken all reasonable precautions against committing the offence charged should not be convicted of such an offence as the onus is difficult to discharge and it is just and proper for there to be a means of avoiding conviction where an innocent mishap may have inadvertently caused an unavoidable happening where proper procedures and processes are being employed; and

(b) the presence of the defence is a very positive incentive to food manufacturers to achieve a very high standard in all aspects of production of food (including composition of the food hygiene quality control etc.) so as to both produce a high standard product and to maintain a good record should some inadvertent mishap occur.

The Bread Industry Association gives real examples of the problems its members faced where even if they take all reasonable precautions they can still be in a position of being prosecuted. One may say that the first time around may not be too severe but a subsequent offence can occur easily and it is a severe offence. The association lists foreign bodies which can come in with ingredients during a run to maintain the standard. A problem arises if the industry has to be specific in the labelling of ingredients.

Victoria also states, such large quantities of flour and other ingredients.

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... the employment of highly qualified and organized, pest control agents has effectively solved the problems which used to exist years ago in relation to vermin.

Moths have also been mentioned, but to a large degree the insects and vermin problem has been eliminated. Another risk involves what the association calls "sabotage". It states:

This is usually the only explanation of an adulteration or foreign body occurrence.

That risk may not be widespread, but an example is given. It states:

What troubles, or should trouble, the food industry is that under this legislation disgruntled employee may clandestinely place perhaps a piece of plastic in food at a stage in the production line.

I do not necessarily say that will happen, but a piece of plastic can easily find its way into food. It is not easy to detect but it is an adulteration, and the manufacture becomes liable for prosecution. Even though one takes every precaution, those little things cannot be assured 100 per cent. The National Party believes the reasonable precaution provision should be a part of the Bill and when the Opposition's amendment is proposed, the National Party will support it on a division so that it will be included in the proposed legislation. I hope the Government will accept that concept.

Another important area involving the bread industry concerns ingredient labelling and the degree to which the ingredients of a product are to be fully listed on the product. The bread industry has difficulties in this area, as it is pointed out in the submission:

Variations also exist in many other ingredients such as meals, grains, gluten and yeast. Apart from ingredients the doughmaker has to take into account the temperature of his ingredients and of the bake-house...

The association states further:

The whole baking process is so finely monitored and adjusted that there could be a change in the formulation during the run of production of any one variety of bread and there are many varieties.

Victoria has a good bread industry and to maintain that high standard, the bread industry has perfected the operation to a point that it even alters the quantities and ingredients during a run to maintain the standard. A problem arises if the industry has to be specific in the labelling of ingredients.
The association believes the Bill is too definitive. It would be impossible to include an exact account of the ingredients included in the bread and there should be a tolerance or a range in which to work.

In another place when the Bill was being debated, the National Party moved amendments which would have given effect to that proposal. The idea was to ensure that there was a range in which ingredients could be listed. The National Party proposed that the words “no less than a specific quantity or proportion” should be inserted into the clause which would mean that there would be a range in which the ingredients could be listed. That proposal met the requirements of the bread industry and would give it the flexibility that it desired. Parliament would really be helping the bread industry to maintain the high standards that already exist.

I understand the Government is prepared to consider the amendments that will give effect to the proposal which was put forward by the National Party in another place. I had amendments prepared that would do that, but if the Minister will indicate that the Government has amendments that are satisfactory to it and that achieve the purpose, I will not proceed with my proposed amendments. The National Party will consider the Government’s amendments relating to that provision. It would certainly be of assistance to the bread industry and to other industries where there needs to be a degree of tolerance concerning ingredient labelling.

Another matter I raise concerns the hotel industry. Honourable members should be aware of the extent of the hotel industry in the Victorian food industry. In correspondence I have received, the Australian Hotels Association has indicated:

The industry employs in excess of 40,000 staff and has a capital investment exceeding $1 billion. It also provides approximately 50 per cent of the meals and food served to the public in Victoria.

That is certainly a large slice of the food trade market. Honourable members should be aware of the extent of the hotel industry in the Victorian food industry. In correspondence I have received, the Australian Hotels Association has indicated:

The proposed Food Standards Committee shall consist of eleven members of whom one— who shall be the chairman— shall be a medical practitioner; one shall be the Director-General of Agriculture; one shall be a medical officer of health chosen from a panel of three names submitted to the Min-

Food Bill
ister by the Municipal Association of Victoria; one shall be a health surveyor; one shall be a person appointed by the Governor in Council on the nomination of the Minister after consideration of a panel of not less than three names submitted to the Minister by the Food Technology Association; one shall be a person appointed in a similar manner, from a panel of names submitted by the Australian Nutrition Foundation; one shall be appointed by the Governor in Council on the nomination of the Minister administering the Consumer Affairs Act 1972; one shall be nominated from a panel of not less than three names submitted to the Minister by the Victorian Chamber of Manufactures; one shall be appointed in a similar fashion after consideration of a panel of names submitted to the Minister by the Victorian Trades Hall Council; and two shall be appropriately qualified persons appointed by the Governor in Council on the nomination of the Minister. It would not be unreasonable for one of those two persons to represent the Australian Hotels Association.

Such a nomination would not increase the membership of the proposed committee but it would enable representation of the Australian Hotels Association, which covers a large proportion of the food industry. I foreshadow that during the Committee stage the National Party will move an amendment which, if agreed to, will mean that the Australian Hotels Association will be represented on the Food Standards Committee.

The Bill needs some fine tuning. The National Party supports the thrust of the measure. I foreshadow that the National Party will support the amendment foreshadowed by the Opposition on the insertion of the term “all reasonable precautions”.

The Hon. A. J. HUNT (South Eastern Province)—I desire to deal only with the thrust of the measure. I foreshadow that the National Party will support the amendment foreshadowed by the Opposition on the insertion of the term “all reasonable precautions”.

The Hon. B. P. Dunn (South Eastern Province)—They hardly consulted some of these industry areas.

The Hon. A. J. HUNT—There was a model Bill and later a Bill was introduced into the Assembly upon which comments
could be made, but as the process proceeds there will always be further representations. I know it becomes difficult for a Government to keep giving consideration to further representations that arise a long while after a Bill has been initially released, but nevertheless, it is a course that a wise Government will undertake, for it does result in further improvement of the measure. It is still not too late for the Government to make some further improvements.

The defence of "all reasonable precautions" has been referred to by both Mr Connard and Mr Dunn. That provision has been entrenched in law for the whole of this century and a little of the last century. It is there for a good reason. It is there because a manufacturer who sets out to observe the law and to provide the best possible product should not be found guilty of an offence if something beyond his comprehension and anticipation occurs and there is a technical breach which, as I heard suggested by way of interjection, may even result from deliberate sabotage. It is quite unreasonable in those circumstances that someone should be guilty of an offence.

When it was first suggested that this defence, which has existed in Victorian law for a long time, should be restored, the argument arose that that would depart from uniformity. With great respect, I have to point out to the House that that suggestion is nonsense because the Bill seeks only to provide a compatible framework between one State and another. It is important that the standards be the same and that the labelling requirements be the same so that one will not have the problem which has been faced to date by a manufacturer in one State who seeks to sell goods in another State which has different requirements.

There is no reason why the administrative provisions of the Bill from State to State cannot differ in accordance with the requirements, organizations, traditions or history of the States. The defence of "all reasonable precautions" can exist here without in any way prejudicing the aim of uniformity on the question of standards and labelling requirements.

That is a fair defence, which is designed to provide a safeguard for the honest, diligent person who takes all reasonable precautions. The full facts for that defence will be explained much more fully during the Committee stage and it has many elements. With that explained, the House will understand precisely how reasonable it is and how essential it must be in the interests of justice to restore that defence to the legislation so that the measure will not only operate in the spirit in which it is intended, but also with equity.

The Bill does other things that are worthy and commendable. It restates the law in modern form and in an understandable way. That is something I could not say previously of the health division and the Health Act. I do not consider anyone in this House could claim that those provisions were anything but a jumble that was difficult for manufacturers to follow and impossible for the public to follow. It was difficult even for lawyers, other than those who specialize in that field. The Bill is modern, readable and consistent. It is hoped it will be a Bill that is compatible with those in other States. I wish the remaining States would assist the process of uniformity by coming forward with similar Bills.

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 Planning and Environment)—I thank honourable members on the opposition side of the House for their contributions and, in some cases, for their warm support of the Bill. I do not look forward to the task ahead of me in handling the Bill, as the Minister for Minerals and Energy is not able to be present because he is not well.

I understand that the issues Mr Dunn canvassed will be dealt with by way of amendment. I will respond to those matters in due course. I agree with Mr Hunt that the Bill is an important measure, is well prepared and will make a substantial difference to the business of food and food marketing.

The clause was agreed to.

Clause 3

The Hon. E. H. WALKER (Minister for Planning and Environment)—I apologize for the state of the circulated amendments. There was a slip up in the preparation of amendments. They are readable, but they
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would have been in better form had they been processed earlier.

I move:

Clause 3, page 3, after line 10 insert:

“(7) Notwithstanding section 50 (5), where proceedings for an offence in respect of food have been commenced under the Health Act 1958 or under this Act before the commencement of section 50 (5), a certificate of analysis carried out for the purposes of those proceedings shall not be inadmissible as evidence by reason only of the analysis having been carried out in premises other than premises accredited by the National Association of Testing Authorities.”

The amendment will insert a new transitional provision dealing with proceedings that are under way at the time the Food Act is brought into operation. During debate in another place, I understand the Government moved amendments to the Bill which will have the effect of requiring analyses to be carried out in laboratories accredited by the National Association of Testing Authorities, known as NAT A. An assurance was given to that House by the Minister of Health that adequate time would be provided for laboratories to obtain accreditation. I am happy to confirm that assurance. However, the Minister also undertook to ascertain whether a saving provision should be introduced. Advice given to the Minister is that it is doubtful whether a certificate of analysis given by a non-accredited NAT A laboratory prior to the commencement of the relevant provisions of the proposed legislation would be admissible after they had been brought into operation.

The savings provision to be inserted by the amendment is designed to ensure that any certificate of analysis issued in respect of proceedings commenced under the Health Act or before the commencement of section 50 (5) of the Food Act is not invalidated only because an analysis was carried out at a non-NAT A accredited laboratory.

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 4 to 13.

Clause 14

The Hon. E. H. WALKER (Minister for Planning and Environment)—I move:

Clause 14, line 13, omit “statement” and insert “list”.

The amendment reflects concerns raised by the National Party, as outlined by Mr Dunn, and supported by the Opposition in another place, on behalf of the Bread Manufacturers Association of Victoria. The clause, as drafted, requires that a package of food bear a label setting out a “statement of the ingredients present” either in the prescribed manner or, if there is no prescribed manner, in descending order of their relevant proportion by mass. The view of the bread industry is that the requirement would be difficult to comply with because of the many variations that can occur in bread manufacture.

Those changes include changes in the qualities of ingredients, temperature and humidity of the dough room, loss of moisture in the baking, cooling and distribution processes and so on. After consultation with the industry, the Government proposes to resolve the problem by amending the clause so that it refers to a “list of ingredients”, rather than a “statement of ingredients”. That is achieved by the amendment and consequential amendments to clause 14 (2) to change the word “statement” to “list”.

The amendments outlined have been discussed with the Bread Manufacturers Association of Victoria, which is satisfied that the amendments will meet the requirements of the industry. It should be noted that amendment No. 7 will make a related amendment to clause 63, which contains the heads of power to make regulations under the Act.

Paragraph (c) of clause 63 (1) enables the Governor in Council to make regulations prescribing the maximum and minimum quantity or proportion of a specified substance that may be used in the preparation of or present in food. The effect of amendment No. 7 is to amend the paragraph to refer to (a) the maximum or minimum, and (b) the maximum and minimum quantity or proportion of a specified substance. In other words, the regulations will be able to prescribe the maximum, minimum or maximum and minimum parameters.

The Hon. B. P. DUNN (North Western Province)—I thank the Minister and the Government for taking the matter further and agreeing to introduce these amendments which give effect to similar amendments I had drafted and which the National Party felt would have achieved the same purpose. The bread industry made it particularly clear that it was not possible for it to
be able to outline exactly the ingredients, and, in particular, the mass of ingredients, used because they varied from time to time.

As I said during the second-reading debate, the ingredients may vary during a run according to the various problems that confront the dough maker. The amendment will be of great assistance to the industry. The National Party thanks the Government for taking up the issue which it brought to the attention of the Minister. Victoria's bread industry is efficient. I trust the amendment has the support of the Committee.

The amendment was agreed to, as were consequential amendments, and the clause, as amended, was adopted, as were clauses 15 and 16.

Clause 17

The CHAIRMAN (the Hon. K. I. M. Wright)—Order! Before Mr Birrell commences, the effect of his amendment No. 1 being agreed to will be that his amendment No. 2 will also be agreed to. As amendment No. 2 is a substantial amendment, I invite Mr Birrell and other honourable members to canvass both amendments at the same time.

The Hon. M. A. BIRRELL (East Yarra Province)—I move:

Clause 17, page 14, line 10, after “17” insert “(1)”.

I will also canvass my second amendment. The Opposition believes the defence of "all reasonable precautions" should be preserved in Victoria as against the strict liability that is suggested in the Bill. The defence of "all reasonable precautions" has existed in health legislation in Victoria since 1905 when it was introduced as section 32 of the Pure Food Act 1905.

No evidence exists to suggest that its existence has in any way lessened the health standards of Victoria and, unfortunately, the second-reading speech of the Minister is silent on the Government's reasons for believing that that might be the case. The Opposition believes that the defence of "all reasonable precautions" is essential for the fair and just handling of a claim against a food manufacturer.

Further, the existence of this defence is an incentive for a manufacturer to conduct his affairs in a proper manner, predicated on the desirability of reaching high production standards and also maintaining stringent quality control. It is also important that there be a defence for a manufacturer that allows for the situation where something totally beyond his control happens in the workplace. It has been suggested that sabotage is such a possibility.

Some manufacturers have argued that sabotage has happened in the past. The defence of "all reasonable precautions" would allow the manufacturer to avoid the implications of sabotage in that circumstance and is one reason for keeping it. It is not unreasonable for the manufacturer to have that right and it is a defence available to other people in many other areas of the law.

The defence of "all reasonable precautions" can be successful only on a number of limited and restricted grounds. It is important to realize that the defence is not overly generous. It is one restricted to the needs of the situation. The defence can be successful only if the defendant can satisfy the court after taking an oath and being subject to cross-examination that, firstly, all reasonable precautions have been taken against committing the offence; secondly, that at the time of the offence, he had no reason to suspect that there was anything wrong with the food in question; thirdly, that he acted innocently at all times; fourthly, that on demand of the relevant investigating officer he handed over all information in his possession with respect to the person from whom he had obtained the food; and fifthly, that he also gave the prosecution seven days' notice in writing of his intention to use his special defence. They are the five heads of that defence.

Honourable members would, therefore, appreciate that the defendant must discharge a heavy onus of proof before he can take advantage of the defence. It is important to understand the defence in that light and not in any way to misconstrue the defence as being unduly broad or in any way assisting anyone to "get off" from a breach of the law that they have committed.

The Hon. A. J. Hunt—It cannot help the guilty escape.

The Hon. M. A. BIRRELL—It certainly cannot. It is also not an uncommon right in both Victoria, interstate and, as I will explain, overseas. In the Victorian Acts like the Consumer Affairs Act of 1972, the Weights and Measures Act 1958 and many others, the defence of "all reasonable pre-
cautions" is allowed. It is allowed in Federal legislation such as the Trade Practices Act 1974, and further examples are found in overseas legislation such as the New Zealand Food and Drug Act of 1969 and the United Kingdom food labelling regulations.

It is not extraordinary to insist on its preservation in Victoria when it is so widely accepted interstate and overseas. The Government seems to accept the efficacy of the defence in that it has maintained section 291 of the Health Act 1968, which maintains that defence in respect of the sale and manufacture of drugs in Victoria. I find it hard to accept that one can legitimize a defence in the area of sale and manufacture of drugs but not in the manufacture of food. There is no consistency in that stance. No logic can be found in the arguments or in any of the Government's speeches on the Bill. The Government has made an error in this area.

The need to maintain this defence is not new and the argument that it should be maintained is also not new to this forum. It has been considered by many. The former Statute Law Revision Committee, which inquired into section 291 of the Health Act 1958, recommended to the Parliament that the defence be retained. Many members of the committee are still serving Parliament and others have gone. One was the Honourable John Galbally who agreed with the committee that the defence should be maintained. Most honourable members would agree that his views were well respected then and have been since.

I have no intention of reading in full the report of the Statute Law Revision Committee on this issue but it is important to record its key conclusions on this specific law of defence. Page 5 of the report stated:

19. The committee is of the opinion that it would be unjust to convict a person of a criminal offence who satisfies the onus of proving that he has taken all reasonable precautions to avoid committing an offence. It is felt that no purpose is served by convicting a defendant who could not in future do more than act according to the same principle—that of taking reasonable precautions. No logic is seen in the argument that removal of barriers to automatic convictions will tend to improve standards.

20. The committee accepts the evidence that repeal of section 291 would destroy the incentive to improve the operations and inspection procedures used in food manufacturing and packaging plants.

I conclude with recommendation 21 of the committee, which states:

The committee accepts the argument that there is greater advantage in retaining section 291. This section not only provides an incentive for manufacturers to ensure that their procedures are not suspect, but provides opportunity for the adequacy of procedures to be tested in court.

The report is well worth reading because it reached conclusions that are at the centre of this debate. The fact that an all-party committee reaches an overwhelming conclusion should be borne in mind when one considers going against that conclusion, as the Government is suggesting.

The Opposition has received strong representations about this aspect of the Bill. While it has been made clear by previous speakers that the Opposition supports the broad thrust of the Bill, it shares the concern of the Food Technology Association, the Bread Manufacturers Association and many other individuals and industries affected by this proposal to take away the defence provision. Those organizations are rightly concerned about the diminution of their rights and the attack on their ability to justify their actions.

The industry is made up of people who are well intentioned, honest and who have the community in mind. Like most producers, they react entirely to the consumer, their own market, and they have no desire to let down the market. If we bear that in mind, together with the good record of the food industry over the years, honourable members should realize that this defence is a natural one for the industry.

The Opposition has received representations from many organizations, but perhaps the most professionally presented submission was that from the Bread Manufacturers Association. In its submission dated 5 March 1984, the association made a telling comment about the impact of the defence provision and the importance it has to it. The association called for:

The reasonable precautions defence to be retained so that if a manufacturer can prove not only that all reasonable but all practical precautions were taken, conviction and severe penalties are similarly avoided.

The industry is not concerned to protect the manufacturer who ought to be prosecuted, convicted and penalized, even heavily. But the industry is concerned
about the manufacturer who can honestly say "what else could I have done?".

That is exactly the position that confronts a manufacturer if he has done everything that he can do to ensure that his product is up to a high standard and if he has ensured that his workplace is efficient in every way and meets the high criteria that he has previously set and that his employees have endeavoured to maintain. If he has done all of that but there is still some form of sabotage, why should he automatically be held to be guilty, as he would be under the Government's provision? A reasonable defence should be available, and it is the argument of the Opposition that the existing law should continue.

It is also worth considering the problem involved in removing the defence, particularly when one considers the traditional attitude of the courts of reading down laws that impose strict liability. It would not be unreasonable to suspect that a court, when confronted with the Bill in an unamended form, would read down the strict liability and introduce an element of mens rea, or intention into the actions of the manufacturer. If that were done, it may well be even more difficult to prove that someone had breached the law than is currently the case. If intention is read into the law, as courts will probably do, a weak law will exist. One would need proof beyond reasonable doubt. One may well not get a conviction where one currently would.

The amendment of the Opposition will preserve the current legal rights of those charged in this field. It is based on a historic acceptance of the "all reasonable precautions" defence and on the use of that defence to achieve justice, not in the sense of achieving a goal in a particular action but of giving rights to people to defend their actions and the actions of those who serve them. The amendment will allow for a balanced hearing and prosecution of offenders. In that sense, it must be regarded as fair and reasonable.

Importantly, the amendment will not frustrate the goal that the Government has of uniformity in its food laws. As Mr Hunt has explained, uniformity is, in this case, applicable to food standards and food labelling and not to a prosecution arising out of a breach of the law. Uniformity can go hand in hand with the maintenance of the traditional defence. The Opposition supports the general thrust of the Government's initiative but believes the Bill is weak because of its omission of this important defence. Therefore, the Opposition suggests that "all reasonable precautions" be maintained as the law of Victoria.

The Hon. B. P. Dunn (North Western Province)—Mr Birrell has given the Committee a comprehensive explanation of the motives of the Opposition for moving the amendment. I basically concur with all aspects of his explanation of why the defence should remain in the Bill. I canvassed the arguments during the course of the second-reading debate and I do not intend to reiterate them. The evidence is available, particularly in regard to a Parliamentary committee that made a report on this issue. It made it quite clear that the "reasonable precautions" provision should remain in the Bill. The committee also made a specific recommendation that Victorian health inspectors can operate under section 291 of the Health Act and gain convictions where manufacturers are at fault. It strongly recommended that that section remain in the Health Act. The Government should take that on board. A recommendation of a committee of such high standing must surely carry some weight. I hope the Minister is prepared to accept that.

Various organizations have contacted the National Party regarding this provision, and I refer specifically to the Bread Manufacturers Association of Victoria. Regardless of how efficient operators may be and regardless of how many precautions they may take, the possibility of sabotage still exists. Even if every possible precaution is taken and a manufacturer is the most efficient, effective operator in the industry, something can always go wrong. The removal of the defence is an unreasonable imposition, and it should be in the manufacturer's defence that they have taken every reasonable precaution. I will not go any further than stating that the National Party supports the amendment and will do so to a division. However, I hope the Minister and the Government will take this issue on board. The weight of the argument is strongly in its favour.

The Hon. E. H. Walker (Minister for Planning and Environment)—I have listened carefully to Mr Birrell and to Mr Dunn's earlier comments and those he has
just made. The Government does not accept, although it is a well-argued case—I refer particularly to the comments of Mr Birrell because they were well prepared—the "all reasonable precautions" defence. The Government supports the motion of strict liability, and I shall endeavour to indicate why that is the case in my layman's way.

As Mr Dunn pointed out, I am aware that the Statute Law Revision Committee recommended the retention of the defence, and Mr Birrell also mentioned that fact.

The Government believes the inclusion of that provision cannot really be justified because it places an additional burden on health surveyors and it inhibits prosecutions on the basis that health surveyors are reluctant to prosecute. In cases where it is difficult to prosecute, health surveyors tend to back away. The health surveyors have to apply the law. This occurs in many areas of law.

It has been my experience with the Environment Protection Act, which is about to be amended, that a good law is not a good law if it cannot be applied well.

The "all reasonable precautions" defence results in complaints from the public, firstly, because the question is asked, "Why did so and so not get charged or convicted?" Secondly, it is all too common that although a problem has arisen, a charge or conviction is too difficult to obtain and nothing happens, so public confidence is lowered. Thirdly, there is a substantial case for saying that reasonable precaution is better used as a mitigation in determining penalty after conviction rather than as a defence. In other words, in all of the instances raised by Mr Birrell—when he spoke about genuine mistakes having been made or sabotage or malicious adulteration or, as Mr Dunn suggested, a nut falling off a bolt which is not the direct fault of the manufacturer—there is a situation where reasonable precaution is used more as a mitigation in determining the penalty. When a conviction occurs, the argument is raised that "all reasonable precautions" were taken, and can be shown to have been taken, and it is possible for a bond to be given. In other words, it is possible to mitigate the penalty on conviction on the basis that a genuine attempt was made to take all possible precautions.

If strict liability exists and a conviction occurs, but it is shown that the person had taken reasonable precautions, then it is up to the court to determine that a sentence ought not to be strictly applied or that a bond should or should not be given. There is no reason why that cannot occur more than once.

The difficulty is that if one falls into the habit of not following through a case if a defence of reasonable precaution is raised, public confidence drops away and the confidence of the health surveyors drops away and they do not proceed with charges.

The Government is dealing with the practical circumstance that can be administered. I do not disagree with Mr Birrell because his arguments are good, but the situation which may be argued is that the law, which may be fair, cannot be applied. In the view of the Government, one must come down on the side of practicality of application. In that sense, a good deal of thought has been given by the Government to this aspect because this argument was put forward in another place. It is the view of the Government that it should hold to the position it held in another place and that strict liability should exist. We expect our purveyors of food to hold to the highest standards and take responsibility for what they sell or manufacture. It may seem, in the light of Mr Birrell's comments, a little unfair, but in the view of the Government, the reasonable precaution argument is a much better one for mitigation of sentence than as a defence in itself.

The Government does not accept the amendment, but has understood the arguments offered.

The Hon. A. J. HUNT (South Eastern Province)—I appeal to the Minister for Planning and Environment to report progress so that he can refer the transcript of Mr Birrell's remarks to the Minister of Health. I know that the Minister has given some consideration to the issue but he has not had the opportunity of considering the arguments, the logic and the realities related by Mr Birrell—related in a way that does Mr Birrell credit—and based on research and on reference to the findings of a previous committee of this Parliament.

The Minister of Health should have the opportunity of reading those remarks and of reconsidering the matter in the light of
those remarks. I am sure that the Minister for Planning and Environment will realize the force of the arguments put forward by Mr Birrell and that the reasoning he has given is sincerely held and is shared by the whole of the food industry without exception. He may now appreciate that the result of the abolition of the defence may be counter-productive for the reason given by Mr Birrell, that a person who has an onus to take all reasonable precautions has a very heavy onus. He does everything that is practicable, but if he is going to be convicted of some completely unavoidable accident he may not be so inclined to adopt the high standard of precautions which have been required of him in the past to ensure that there is a defence to anything that may go wrong.

The Hon. E. H. Walker—That is a pretty fragile argument.

The Hon. A. J. Hunt—I do not want to reargue the case put forward by Mr Birrell. His speech tonight was superb and the Minister of Health would benefit from reading it and considering it calmly before committing himself finally.

I make it clear that the Liberal Party is committed to the argument, and the Government ought to do itself a favour by giving mature consideration to the argument put forward by Mr Birrell tonight, which I am sure the Government has not fully considered in the total context. I suggest it is in the interest of the Government to follow that course.

The Hon. HADDON STOREY (East Yarra Province)—I support the comments of my Leader based upon Mr Birrell’s speech. I have had experience with cases both from the point of view of prosecuting counsel and defence counsel.

I am aware of the difficulties pointed out by the Minister in establishing cases where a defence of reasonable precaution is taken. On the other hand, if one examines the difficulties confronting a person who acts in the utmost good faith and takes every precaution—reasonable or even unreasonable—to avoid any offence, that person can be confronted with a position and he can then be convicted of an offence and a penalty may be imposed. He would have a conviction recorded against him and he would be subject to higher penalties should a second offence occur; that is a very dramatic step to take. It seems to me to be unwarranted and not really consistent with what the Government is supposed to be concerned about.

One can only contrast the attitude expressed by the Minister with the attitude expressed by the Attorney-General on a number of Bills he has introduced, where he has been concerned with the liberty of the subject, and with ensuring that we have a fair set of rules.

I invite the Leader of the House to adopt the suggestion made by Mr Hunt and to ask the Minister of Health to not only read Mr Birrell’s speech but also to read the reply given to Mr Hunt by the honourable gentleman.

However, if one examines what was said, it means that, if it turns out to be difficult to obtain a conviction against a person, the answer is to simply take away the defence available to that person so that it is easier to obtain a conviction. If it turns out that that person really did not have any guilt in the matter—that is, the person had done more than he or she should to avoid the situation—that is something that can be taken into account in fixing the penalty, but should not go to the question of the conviction.

When one analyses what the Minister put in good faith to the Committee, one is driven to the conclusion that it is really a resort to something that is quite draconian and quite irresponsible and inconsistent with the normal notions of justice to change the rules of the game to make it easier to obtain convictions. That is really what is being done in this case.

I urge the Minister to adopt the view suggested by Mr Hunt and ask the Minister responsible for the proposed legislation to examine the comments made by Mr Birrell and ask the Attorney-General to examine them and give his comments to the Minister.

The Hon. E. H. Walker (Minister for Planning and Environment)—After hearing such eloquent arguments from the Leader of the Opposition and Mr Storey, it is difficult to resist. I will report progress and, after further consultation with the Minister, the Committee can deal with the matter tomorrow. It is not that I have mis-
understood the points that have been made and not that honourable members opposite have misunderstood the points I have made. However, if it is considered that there might be an accommodation of some kind after further discussion, I do not think the Notice Paper is such that the Committee could not allow a little more time to further discuss the matter after discussions with the Minister.

Progress was reported.

**URBAN LAND AUTHORITY (AMENDMENT) BILL**

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

**ADJOURNMENT**

Domestic noise—Tally Ho Village site—McClelland report—Blackberries in Shire of Lilydale—Melbourne ambulance service

The Hon. E. H. WALKER (Minister for Planning and Environment)—I move:

That the House do now adjourn.

The Hon. B. A. CHAMBERLAIN (Western Province)—I raise for the attention of the Leader of the House the problem of noise emanating from domestic animals. A number of people have complained to me about the difficulty in obtaining satisfaction where problems arise, particularly from barking dogs. Apparently, some dogs bark day and night, seemingly without drawing breath. A case has been brought to my attention of a man who has the care of his sick wife and is subjected day and night, week after week, to the problem of a barking dog.

A perusal of the Environment Protection Authority Act reveals that there is no recourse available there. The only redress where a neighbour is unrepentant is by means of a common law action for nuisance, which is unsatisfactory for all concerned. I ask the Minister whether, in the rewriting of the Environment Protection Authority Act, he has considered controlling domestic noises arising from domestic animals with a view to either providing power to the Environment Protection Authority or to local municipalities to pass regulations to solve the problem?

The Hon. P. D. BLOCK (Nunawading Province)—This is my “maiden speech” on the motion for the adjournment of a sitting. After ten years in Parliament, this is the first time I have spoken at this time, which indicates the seriousness of the matter I direct to the attention of the Minister for Planning and Environment. In the electorate I represent, near the Tally Ho Village farm, there is a beautiful silvan setting with rolling hills which is surrounded by a great deal of pleasant urban development. For many years the area at the corner of Burwood and Springvale roads has been a relief to many people.

Recently incursions have taken place in the area. The Australian Broadcasting Commission has built studios and I understand the land station for the satellite will be built on the site. However, tracts of beautiful land still exist. Recently an application was made to the Board of Works to have the land rezoned from special usage to industrial usage. This has set up a clamour of horror within the electorate. I received a petition signed by 348 people which represents not only the names of shopkeepers, but also the names of local residents. Since that time, a further 234 people have added their names to the petition, making a total of 582 names.

It is a matter of the deepest concern to the residents who bought houses in that beautiful area to be confronted with the prospect of an indeterminate industry being established within the area.

At present procedures are being followed and the Board of Works has approved the application. An exhibition of the plan has been established and the Board of Works is calling for the local residents to comment. I ask the Minister to take special note of what is happening in this instance and give the matter his close attention. I cannot imagine anything more unhappy for that part of the world if suddenly heavy industry is allowed to be established there. Will the Minister take special note of this proposal?

The Hon. F. J. GRANTER (Central Highlands Province)—The matter I raise should be drawn to the attention of the Minister of Health. I have already advised the Minister for Minerals and Energy that I intend to raise the matter which concerns the McClelland report on the capital funding of hospitals. The report referred to the possibility of closure or reduction in serv-
ices at a number of city and country hospitals.

I particularly refer to Heathcote, Elmore, Maldon and other hospitals in northern Victoria. I ask the Leader of the House to request the Minister of Health to advise when he will make a decision on the fate of the hospitals that I have named, especially the Heathcote District Hospital, where the community is extremely apprehensive regarding its fate. Could the Minister of Health advise me within one week of his decision, which I hope will be a favourable one for the Heathcote District Hospital and the other hospitals that I have named?

The Hon. H. G. BAYLOR (Boronia Province)—I raise a matter for the attention of the Minister for Conservation, Forests and Lands on behalf of the Shire of Lilydale, which has brought to my attention a problem in the municipality involving blackberry growth.

The Shire of Lilydale has sprayed blackberries on roadsides throughout the municipality, but many property owners who are not clearing blackberries have been issued with eradication notices to do so. However, to clean up areas of noxious weeds throughout the Dandenong Ranges, the shire asks the Department of Conservation, Forests and Lands to allocate sufficient funds and personnel to enable the programme to be completed. The shire has already made some overtures to the Minister and I raise the matter because it has been brought to my attention that it is a severe problem. It is affecting one of Victoria’s tourist areas, much of which lies within the shire’s responsibilities. The Government also has a responsibility to assist the municipality in a practical way by providing manpower and funds to complete the work as soon as possible.

The Hon. ROBERT LAWSON (Higinbotham Province)—I raise a matter for the attention of the Minister for Conservation and Resources and ask the Leader of the House to take the matter on board. I refer the Leader of the House to the efforts of a constituent of mine, a nurse, who wants to become a member of the Ambulance Service—Melbourne. She was informed in August 1982 that the limit of weights that an adult female was to carry was 16 kg and, under the regulations, she was not entitled to become an ambulance officer.

She took up the matter with the Minister of Health, and I ask the Leader of the House to remind the Minister of the request of my constituent. The Minister wrote to her on 22 April 1983 concerning her attempt to become an officer of the ambulance service and a press release was attached to his letter dated 14 April 1983 headed “Women ambulance officers soon”. The press release stated that a working party had been set up to consider this matter.

According to a letter of 26 March 1984 that I received from my constituent, she has heard nothing further. I ask the Leader of the House to approach the Minister of Health and ask him what were the findings of the working party and for the Minister to advise my constituent whether she can become an ambulance officer.

The Hon. E. H. WALKER (Minister for Planning and Environment)—Mr Chamberlain raised a matter related to domestic noise, particularly barking dogs. I agree that barking dogs can be a most upsetting nuisance. Mr Chamberlain asked whether it is intended that there be some provision in the forthcoming Bill to amend the Environment Protection Act or whether the Government intends to handle the matter in another way.

The Government has had many discussions on the matter and it is the Government’s intention to endeavour to control domestic noise under the Environment Protection Act.

However, it has been concluded that, for practical purposes, it would be better to work through local government and the Victoria Police Force. Within the Environment Protection Act, there is no provision for domestic noise or noise nuisance from a major outdoor entertainment venue. It is the intention of the Ministry for Planning and Environment to work with the Local Government Department to control those issues through local government rather than through the Environment Protection Authority. Other noise issues are handled by the authority.

Mr Block asked a question about the Tally Ho Village. I congratulate Mr Block on his maiden speech on the motion for the adjournment of the sitting. It had not oc-
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curred to me that Mr Block has spent all these years in the House without raising a matter on the adjournment. It would have required only a few more months before Mr Block would have gone through with an absolutely perfect record! Mr Block spoke lovingly of the Tally Ho Village. I know it well because I designed the swimming pool and gymnasium which are used by the Tally Ho Village. I know the land well. I am aware of the application that has been made.

I am conscious of local concern and I have been visited in this regard by members of the public who are concerned. I gather that the petition of which Mr Block spoke is a new one, and I am sure he will hand it to me. Mr Block asked me to pay careful attention to the matter as it moves through the proper processes and to exercise my usual sensitivity in this regard. I will do that. I cannot guarantee a particular answer because the matter has to go through proper procedures and it would be quite improper of me here to prejudice the end result.

Mr Block did not ask me to determine the matter now but to ensure that it is handled with some real sensitivity. I assure Mr Block I will do that in any case, but in the specific case he has raised, I will pay particular attention.

Mr Granter raised a matter dealing with the McClelland report and the Heathcote District Hospital. Mr Granter wants an answer as quickly as possible and I can understand why. I will be discussing other matters with the Minister of Health in the morning and I shall ask him for a quick response to this matter even if it means providing a verbal response.

The matter raised by Mr Lawson may be dealt with in a similar fashion because it is now a year or so since he brought the matter forward. I can understand the concern of the constituent of Mr Lawson as that constituent was looking to a future as an ambulance officer but has been so far frustrated in that pursuit because of a regulation that probably need not exist. I will take up those matters directly with the Minister of Health in an endeavour to obtain a quick answer.

The Hon. R. A. MACKENZIE (Minister for Conservation, Forests and Lands)—Mrs Baylor spoke of the problem of noxious weeds, especially blackberries, in the Lilydale area. I have visited the area and I have personal knowledge of the problems associated with blackberries.

The landowner is responsible for the control of roadside weeds. However, where there is a problem of some magnitude with which landowners have some difficulty, the Government will assist wherever it can in the control of roadside weeds.

A blackberry rust has been released by somebody in the Dandenong Ranges. It is expected that that rust will spread throughout all the blackberries in the State within twelve months. Although it will not kill all of the blackberries, it will reduce them to a level where they can be more easily controlled. Blackberries will not proliferate to anywhere near the same degree as they are currently doing and, therefore, the Lands Department and private property owners will be able to control the noxious weed more effectively.

I mentioned earlier that under the Commonwealth employment programme, my department received approximately $4 million, not only for the eradication of noxious weeds, but also for other land management programmes. A great deal of that money will be spent in employing people to keep down noxious weeds.

The programmes will be employing between 150 and 200 people, and I will see what programmes can be carried out in the area that is of concern to the honourable member so that she can advise her constituents accordingly.

The motion was agreed to.

The House adjourned at 11.1 p.m.

QUESTION ON NOTICE

MONEYS PAID TO CONSERVATION GROUPS

The Hon. R. J. LONG (Gippsland Province) asked the Minister for Conservation, Forests and Lands:
(a) What moneys have been paid or agreed to be paid by the Government to the Native Forests Action Group, and for what purposes?

(b) Has the Government paid or agreed to pay any moneys to other conservation groups which have interests in East Gippsland; if so—(i) which groups; (ii) what amount is involved in each case; and (iii) to what use will or have such moneys been spent?

The Hon. R. A. MACKENZIE (Minister for Conservation, Forests and Lands)—The answer is:

(a) The Ministry for Conservation paid $350 to the Native Forests Action Council in 1982–83 for an initial survey of residents' attitudes to alternative forestry options in East Gippsland. No funds have been agreed to for 1983–84.

(b) Yes.

(i) Field Naturalists Club of Victoria; Concerned Residents of East Gippsland.

(ii) $300 in 1982–83 for a “River Watch Project” in East Gippsland by the Mammal Survey Group of the F.N.C.V.; $300 in 1982–83 for “Newsletter on Forestry and Ecology Issues” by the residents group.
Wednesday, 4 April 1984

The PRESIDENT (the Hon. F. S. Grimwade) took the chair at 11.3 a.m. and read the prayer.

QUESTIONS WITHOUT NOTICE

CHEMICAL SPRAYING

The Hon. H. R. WARD (South Eastern Province)—No doubt the Minister for Conservation, Forests and Lands is aware of a story in the Age today on the spraying of forest areas in Gippsland. As this is an emotional matter, and because claims are made that the spray being used is lontrel, which has been tested only by Dow Chemical (Aust.) Ltd and registered by the Agricultural and Domestic Chemicals Review Committee on the advice of the National Health and Medical Research Council, will the Minister take action to stop the use of the spray? If those facts are not correct, will the Minister reconsider the action already being taken by the Forests Commission and issue a statement to allay the fears of people in that area?

The Hon. R. A. MACKENZIE (Minister for Conservation, Forests and Lands)—The Forests Commission is carrying out the aerial spraying programme on pine plantations across the State. The spray is being used in the Gippsland and Yarram areas and lontrel is one of the chemicals being used. The commission has carried out considerable investigations and the Agricultural and Domestic Chemicals Review Committee and the National Health and Medical Research Council have given approval to spray the areas. My department has also carried out experiments on the chemical, which has a low toxicity and does not pose any danger to persons who may inadvertently be sprayed.

The spraying is to be carried out by helicopter, which allows it to be directed more closely to the area concerned. Considerable care is taken with drift and other factors. I assure the honourable member there is no cause for concern. Emotion is always evident when the spraying of chemicals is undertaken, but every effort has been made to ensure the safe use of the chemicals under the guidelines given by the medical bodies concerned.

FARMING TECHNIQUES

The Hon. B. P. DUNN (North Western Province)—Is the Minister of Agriculture aware of a large swing towards minimum tillage and, in many cases, direct drilling in grain growing areas of Victoria? Is he also aware that his department is able to offer limited advice on these new farming techniques? Agnotes, the official advice to the farming community, simply states that inadequate trials have been done for the department to be able to make recommendations. Will the Minister ensure that his department is given the capacity to undertake widespread trials on these new techniques in co-operation with the farming community so that proper advice can be provided?

The Hon. D. E. KENT (Minister of Agriculture)—I am well aware of Mr Dunn’s personal interest in minimum tillage, which is a developing practice in cereal growing areas, and to which my department is paying considerable attention. One of the problems that tends to arise is that some people like Mr Dunn expect rapid answers on projects that they believe to be highly desirable. It takes time for the results of the practice of minimum tillage to become evident because farming practices have long-term effects. Considerable work has been done in recent years. It is correct to say that people with the expertise of officers of the Department of Agriculture are not prepared, on the basis of relatively short-term experiments on minimum tillage, to commit themselves to black and white answers. The resources and the time of officers of the Department of Agriculture are allocated in a way that they believe is of the best use to farmers. Those judgments are made by the respected officers who serve rural areas. They will give the due emphasis to this form of tillage, recognizing that it is a practice that has potential. I am not prepared to make a prediction of a particular emphasis on that practice. With the co-operation of farmers, further trials will be able to be undertaken to assist farmers further.

HALF-PRICE THEATRE TICKET SERVICE

The Hon. J. L. DIXON (Boronia Province)—I understand that recently a half-
price ticket service was opened in the Bourke Street Mall. Will the Minister for Planning and Environment explain how this service will operate and how it came to be offered?

The Hon. E. H. WALKER (Minister for Planning and Environment)—Yesterday the Minister for Police and Emergency Services and I attended the launching of this programme at the Regency Hotel. The Minister made a brilliant speech, as did Gordon Chater, the actor, whose speech was well covered in the press today, I commend that article to honourable members. Pamela Stephenson’s contribution was also reported in the Sun. She made a brilliant speech which was well worth reading.

Those people were fully in support of the programme launched by the Government. The information booth in the mall will also be a discount ticket outlet for the performing arts in Melbourne. The tickets will be available for half the adult price, plus a small service charge. The tickets will be available at the booth only between 11 a.m. and 6 p.m. Monday to Saturday.

The intent is to introduce a whole new population, the Government hopes, to the enjoyment of live theatre and boost attendances at performances in Melbourne. Melbourne has had a long history of live theatre. The industry needs reinforcement, and the service will attract new and younger people to the theatre. The project is supported by the Ministry for Planning and Environment and the Ministry for the Arts, both of which have made subscriptions to the programme. In particular, the Ministry for Planning and Environment is involved in it as part of its $1 billion city improvement programme.

The ticket service will enhance the performing arts in Melbourne and is expected to sell approximately 10 per cent of all previously unsold tickets. That estimate is conservative and possibly the service could sell more. It will enhance the general attractiveness of Melbourne to both tourists and Melburnians. It will provide a valuable service to people who are interested in the theatre but who are less able to afford full-price tickets.

The Government is delighted to be able to offer such a service in a central location. I recommend that honourable members use the service and advise others to make use of it because it will reinforce in Melbourne an industry which has perhaps lapsed in recent years. It may well help to make Melbourne again the premier State for theatre.

TRANSFER OF CROWN LAND

The Hon. M. A. BIRRELL (East Yarra Province)—I ask the Minister for Conservation, Forests and Lands whether it is a fact that the Government is considering transferring an area of Government land in the metropolitan area to the Lawn Tennis Association of Australia or a related sporting body. If so, upon what terms will the deal take place?

The Hon. R. A. MACKENZIE (Minister for Conservation, Forests and Lands)—I am aware that statements have been made by that association about the possibility of several areas of Crown land, including the Fitzroy Football Ground and the St Kilda Cricket Ground and other areas which come under my jurisdiction, being likely venues for the Lawn Tennis Association of Australia. No approach has been made to my department or me directly by the association for the use of the Crown land.

Yesterday I was speaking about the matter to find out whether such an approach has been made. No approach has been made. If and when the association approaches me, discussions may occur. At present the Government has no intention of transferring any Crown land to that association.

LOSS OF SEAGRASS

The Hon. D. E. HENSHAW (Geelong Province)—Is the Minister for Conservation, Forests and Lands aware of reports about losses of seagrass in Westernport Bay? If so, in view of the important connection between seagrass and fish stocks, can the Minister advise what action his department is taking to remedy this situation?

The Hon. R. A. MACKENZIE (Minister for Conservation, Forests and Lands)—Considerable loss of seagrass has been noticed in Westernport Bay and many honourable members who represent that area would be fully aware of that loss. It has disastrous effects.

Concern has been expressed by a wide range of people. The Government became
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Drugs Poisons and Controlled Substances (Amendment) Bill (No. 2)—Received from Assembly and first reading, 1122; second reading, 1272, 1371; Committee, 1374; remaining stages, 1382. Assembly amendments dealt with, 1568.

Education (Amendment) Bill—Received from Assembly and first reading, 1338; second reading, 1436, 1477; Committee, 1488, 1514; remaining stages, 1517.

Egg Industry Stabilization Bill—Received from Assembly and first reading, 1307; second reading, 1439, 1517; Committee, 1531; third reading, 1539. Assembly amendments dealt with, 1569.

Eltham Land (Amendment) Bill—Introduction and first reading, 134; second reading, 223, 242; third reading, 244.

Employment Agents Bill—Received from Assembly and first reading, 990; second reading, 1077, 1219; Committee, 1223, 1239, 1252; remaining stages, 1255.

Energy Consumption Levy (Amendment) Bill—Received from Assembly and first reading, 1180; second reading, 1188, 1290; third reading, 1292.

Environment Protection (Amendment) Bill—Introduction and first reading, 336; second reading, 340, 519; third reading, 528.

Environment Protection (Review) Bill—Introduction and first reading, 2085; second reading, 2208, 2253, 2552; Committee, 2557; remaining stages, 2569.

Environment Protection (Unleaded Petrol) Bill—Introduction and first reading, 1637; second reading, 1668, 1733; Committee, 1739; remaining stages, 1744.

Equal Opportunity Bill—Received from Assembly and first reading, 1062; second reading, 1145, 1307; Committee, 1322, 1412, 1608, 1672; remaining stages, 1678. Assembly amendments dealt with, 2111, 2690.

Estate Agents (Amendment) Bill—Introduction and first reading, 488; second reading, 576, 781; Committee, 787; remaining stages, 793.

Evidence (Amendment) Bill—Introduction and first reading, 1637; second reading, 1670, 1702; third reading, 1703.

Exhibition (Borrowing Power) Bill—Introduction and first reading, 2569; second reading, 2571; third reading, 2572.

Extractive Industries (Renewal of Leases and Licences) Bill—Introduction and first reading, 2085, 2184; second reading, 2185, 2239; third reading, 2240.

Films (Amendment) Bill—Introduction and first reading, 958; second reading, 1074, 1193, 1230; Committee, 1233; remaining stages, 1239.

Firearms (Amendment) Bill (No. 2)—Received from Assembly and first reading, 1851; second reading, 1851, 1982; Committee, 1987; remaining stages, 1989.

Firearms (Further Amendment) Bill—Received from Assembly and first reading, 983; second reading, 1035, 1085; Committee, 1089, 1102; remaining stages, 1111.

Fisheries (Abalone Licences) Bill—Received from Assembly and first reading, 2080; second reading, 2111; Committee, 2117; remaining stages, 2118.

Fisheries (Amendment) Bill—Received from Assembly and first reading, 41; second reading, 148, 246; third reading, 251.

Fisheries (Further Amendment) Bill—Received from Assembly and first reading, 983; second reading, 1035, 1085; Committee, 1089, 1102; remaining stages, 1111.

Food Bill (No. 2)—Received from Assembly and first reading, 1931; second reading, 2021, 2122; Committee, 2128, 2218; remaining stages, 2224. Assembly amendments dealt with, 2552, 2669.
Forests (Wood Pulp Agreement) Bill—Received from Assembly and first reading, 2278; second reading, 2278, 2341; third reading, 2344.

Gas and Fuel Corporation (Borrowing Powers) Bill—Received from Assembly and first reading, 2340; second reading, 2416; third reading, 2418.

Geelong Market Site Bill—Received from Assembly and first reading, 1408; second reading, 1436, 1449; declared a private Bill, 1436; motion to treat as public Bill agreed to, 1436; third reading, 1450.

Grain Handling Improvement Authorities (Abolition) Bill—Received from Assembly and first reading, 2278; second reading, 2285, 2361, 2394; third reading, 2396.

Groundwater (Reserves) Bill—Received from Assembly and first reading, 1840; second reading, 2118; Committee, 2120, 2254; third reading, 2257.

Health (Alcoholic Beverages Advertising) Bill—Second reading motion negatived, 1572.

Health Commission (Amendment) Bill—Received from Assembly and first reading, 1444; second reading, 1445, 1472; remaining stages, 1477.

Hospitals Superannuation (Amendment) Bill (No. 2)—Message from Assembly dealt with, 265.

Health Commission (Amendment) Bill—Received from Assembly and first reading, 1444; second reading, 1445, 1472; remaining stages, 1477.

Interpretation of Legislation Bill—Introduction and first reading, 1981; second reading, 2075, 2352; Committee, 2355; third reading, 2360.

Labour and Industry (Fees) Bill—Received from Assembly and first reading, 1144; second reading, 1180; third reading, 1181.

Judgment Debt Recovery Bill—Introduction and first reading, 1981; second reading, 2075, 2352; Committee, 2355; third reading, 2360.

Labour and Industry (Shop Trading) Bill—Received from Assembly and first reading, 483; second reading, 491, 542, 578, 646; Committee, 675; third reading, 683.

Land (Amendment) Bill (No. 2)—Received from Assembly and first reading, 1047; second reading, 1111, 1199, 1201; Committee, 1210; remaining stages, 1219.

Lands (Miscellaneous Matters) Bill—Received from Assembly and first reading, 2569; second reading, 2569; third reading, 2571.

Liquor Control (Booth Licences) Bill—Received from Assembly and first reading, 805; second reading, 837; remaining stages, 838.

Liquor Control (Fees) Bill—Received from Assembly and first reading, 1266; second reading, 1337, 1362; Committee, 1365; remaining stages, 1367.

Local Government (General Amendment) Bill—Received from Assembly and first reading, 1062; second reading, 1149; third reading, 1154.

Local Government (Municipal Councils Triennial Elections) Bill—Received from Assembly and first reading, 1836; second reading, 1855, 2421.

Local Authorities Superannuation (Amendment) Bill (No. 2)—Received from Assembly and first reading, 40; second reading, 59, 171, 349; third reading, 350. Referred to Economic and Budget Review Committee, 171; report of Economic and Budget Review Committee presented, 336.

Legal Profession Practice (Amendment) Bill—Received from Assembly and first reading, 891; second reading, 918, 977; third reading, 977.

Legal Profession Practice (Further Amendment) Bill—Received from Assembly and first reading, 1067; second reading, 1093, 1283; Committee, 1287; remaining stages, 1290.

Local Authorities Superannuation (Amendment) Bill—Received from Assembly and first reading, 1062; second reading, 1149; third reading, 1154.

Liquor Control (Fees) Bill—Received from Assembly and first reading, 1266; second reading, 1337, 1362; Committee, 1365; remaining stages, 1367.

Legal Profession Practice (Amendment) Bill—Received from Assembly and first reading, 891; second reading, 918, 977; third reading, 977.

Legal Profession Practice (Further Amendment) Bill—Received from Assembly and first reading, 1067; second reading, 1093, 1283; Committee, 1287; remaining stages, 1290.

Legal Profession Practice (Fees) Bill—Received from Assembly and first reading, 805; second reading, 837; remaining stages, 838.

Legal Profession Practice (Amendment) Bill—Received from Assembly and first reading, 891; second reading, 918, 977; third reading, 977.

Legal Profession Practice (Further Amendment) Bill—Received from Assembly and first reading, 1067; second reading, 1093, 1283; Committee, 1287; remaining stages, 1290.
Magistrates Courts (Jurisdiction) Bill—Introduction and first reading, 2237; second reading, 2283, 2623; Committee, 2631; remaining stages, 2635.

Magistrates (Summary Proceedings) (Warrants of Distress) Bill—Introduction and first reading, 959; second reading, 1033, 1083; third reading, 1084.

Market Court (Amendment) Bill—Introduction and first reading, 2361; second reading, 2406; third reading, 2409.

Medical Practitioners (Conditional Registration) Bill—Received from Assembly and first reading, 222; second reading, 224, 238; third reading, 241.

Medical Practitioners (Miscellaneous Amendments) Bill—Received from Assembly and first reading, 2690; second reading, 2706; third reading, 2708.

Medical Practitioners (Private Hospitals) Bill—Withdrawn, 1180.

Medical Practitioners (Private Hospitals) Bill (No. 2)—Received from Assembly and first reading, 1744; second reading, 1769, 1852; third reading, 1854.

Melbourne and Metropolitan Board of Works (Amendment) Bill—Received from Assembly and first reading, 1382; second reading, 1434, 1451; third reading, 1451.

Melbourne Cricket Ground Bill—Introduction and first reading, 1067; second reading, 1148, 1301; Committee, 1305; remaining stages, 1307.

Melbourne Cricket Ground Bill (No. 2)—Introduction and first reading, 2086; second reading, 2121. Withdrawn, 2193.

Melbourne Cricket Ground Bill (No. 3)—Introduction and first reading, 2193; second reading, 2213; Committee, 2204; remaining stages, 2208.

Mental Health (Further Amendment) Bill—Received from Assembly and first reading, 974; second reading, 977, 1046; remaining stages, 1047.

Metropolitan Fire Brigades (Amendment) Bill (No. 2)—Received from Assembly and first reading, 2283; second reading, 2346; third reading, 2351.

Milk Pasteurization (Amendment) Bill—Withdrawn, 2766.

Motor Car (Amendment) Bill—Received from Assembly and first reading, 2649; second reading, 2702, 2742; Committee, 2756; third reading, 2761.

Motor Car (Penalties) Bill (No. 2)—Received from Assembly and first reading, 1266; second reading, 1329, 1357; third reading, 1361.

Motor Car Traders (Amendment) Bill—Received from Assembly and first reading, 990; second reading, 1051, 1245; Committee, 1249; remaining stages, 1251.

National Parks (Amendment) Bill—Introduction and first reading, 958; second reading, 1068, 1277, 1678, 1790; Committee, 1821; remaining stages, 1831.

Nudity (Prescribed Areas) Bill—Received from Assembly and first reading, 41; second reading, 63, 158; Committee, 166; remaining stages, 170.

Occupational Health and Safety Bill—Received from Assembly and first reading, 2029; second reading, 2087, 2362, 2458; Committee, 2495.

Occupiers' Liability Bill—Introduction and first reading, 336; second reading, 436, 821; Committee, 827; remaining stages, 837. Assembly amendments dealt with, 1454.

Parole Orders (Transfer) Bill—Received from Assembly and first reading, 885; second reading, 921; remaining stages, 923.

Pathology Services Accreditation Bill—Received from Assembly and first reading, 2552; second reading, 2708, 2762; third reading, 2765.

Pay-roll Tax (Amendment) Bill (No. 2)—Received from Assembly and first reading, 1082; second reading, 1255, 1292; Committee, 1298, 1382; remaining stages, 1382.

Penalties and Sentences (Amendment) Bill—Received from Assembly and first reading, 41; second reading, 114, 158; remaining stages, 158.

Penalties and Sentences (Youth Attendance Projects) Bill—Received from Assembly and first reading, 2690; second reading, 2771; third reading, 2776.

Penalty Interest Rates Bill—Received from Assembly and first reading, 234; second reading, 327, 347; Committee, 348; remaining stages, 349.

Pensioner Concessions (Rehabilitation Allowances) Bill—Received from Assembly and first reading, 2690; second reading, 2703; third reading, 2706.

Pensioners Rates Remission Bill—Received from Assembly and first reading, 1433; second reading, 1439, 1454; third reading, 1455.

Planning (Brothels) Bill—Assembly amendments dealt with, 2704, 2796.

Planning (Massage Parlours) Bill—Introduction and first reading, 2236; second reading, 2280, 2523, 2573; Committee, 2573, 2649; third reading, 2660.

Police Regulation (Amendment) Bill (No. 2)—Received from Assembly and first reading, 1844; second reading, 1855, 1968; third reading, 1972.

Police Regulation (Police Reservists) Bill—Received from Assembly and first reading, 954; second reading, 1051.
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reading, 959, 1047; Committee, 1048; remaining stages, 1050.

Port Fairy Land Bill—Introduction and first reading, 800; second reading, 879, 1038; third reading, 1039.

Post-Secondary Education (Miscellaneous Amendments) Bill—Received from Assembly and first reading, 2186; second reading, 2237, 2315; third reading, 2316.

Prahran Mechanics' Institute Bill—Introduction and first reading, 2236; second reading, 2404; declared a private Bill, 2405; motion to treat as public Bill agreed to, 2405; remaining stages, 2406.

Probate Duty (Amendment) Bill—Received from Assembly and first reading, 1144; second reading, 1155; remaining stages, 1158.

Professional Boxing Control (Suspension of Registration) Bill—Received from Assembly and first reading, 2699; second reading, 2713; third reading, 2715.

Public Account (Amendment) Bill—Received from Assembly and first reading, 2338; second reading, 2338; third reading, 2339.

Public Authorities (Dividends) Bill—Received from Assembly and first reading, 1243; second reading, 1258, 1382; Committee, 1399; remaining stages, 1408.

Public Lands and Works (Amendment) Bill—Received from Assembly and first reading, 891; second reading, 917, 981; third reading, 983.

Public Lands and Works (Amendment) Bill (No. 2)—Introduction and first reading, 2236; second reading, 2309; third reading, 2340.

Public Service (Amendment) Bill—Received from Assembly and first reading, 2069; second reading, 2186, 2240; Committee, 2246; remaining stages, 2248.

Racing (Further Amendment) Bill—Received from Assembly and first reading, 1033; second reading, 1037, 1094; Committee, 1099; remaining stages, 1102. Assembly amendments dealt with, 1448.

Sale (Land Development) Bill—Received from Assembly and first reading, 2587; second reading, 2661; third reading, 2664.

Small Claims Tribunals (Amendment) Bill—Received from Assembly and first reading, 770; second reading, 775; third reading, 778.

South Melbourne Land Bill—Received from Assembly and first reading, 1560. Withdrawn, 2287.

Stamps Bill—Received from Assembly and first reading, 2569; second reading, 2636; third reading, 2639.

Stamps (Further Amendment) Bill—Received from Assembly and first reading, 1412; second reading, 1501, 1569; third reading, 1571.

State Bank (Amendment) Bill—Received from Assembly and first reading, 1499; second reading, 1499; remaining stages, 1501.

State Co-ordination Council (Repeal) Bill—Received from Assembly and first reading, 891; second reading, 913; third reading, 917.

State Disasters Bill—Received from Assembly and first reading, 1439; second reading, 1452, 1549; Committee, 1556; remaining stages, 1560.

State Electricity Commission (Brown Coal Royalty) Bill—Received from Assembly and first reading, 1347; second reading, 1367; third reading, 1370.

State Electricity Commission (Clearance of Lines) Bill—Introduction and first reading, 693; second reading, 757, 1158; Committee, 1169; remaining stages, 1180.

State Employees Retirement Benefits (Amendment) Bill—Message from Assembly dealt with, 266. Received from Assembly and first reading, 962; second reading, 1075; third reading, 1077.

State Film Centre of Victoria Council Bill—Received from Assembly and first reading, 41; second reading, 65, 155; remaining stages, 158.

State Insurance Office Bill—Received from Assembly and first reading, 2121; second reading, 2190, 2248; Committee, 2251; remaining stages, 2253.

Status of Children (Amendment) Bill—Introduction and first reading, 1840; second reading, 1939, 2268; Committee, 2275; remaining stages, 2278.

Statute Law Revision Bill (No. 2)—Introduction and first reading, 1841; second reading, 2009, 2699; Committee, 2699; remaining stages, 2702. Referred to Legal and Constitutional Committee, 2010; report of Legal and Constitutional Committee, 2601.

Subordinate Legislation (Deregulation) Bill—Introduction and first reading, 1067; second reading, 1130. Referred to Legal and Constitutional Committee, 1139, 1352, 1981.

Subordinate Legislation (Revocation) Bill—Received from Assembly and first reading, 2635; second reading, 2635; third reading, 2636.

Summer Time (Amendment) Bill—Received from Assembly and first reading, 876; second reading, 875; third reading, 878.
Superannuation (Amendment) Bill—Received from Assembly and first reading, 2693; second reading, 2715, 2733; Committee, 2740; remaining stages, 2741.

Superannuation (Fund Contributions) Bill—Received from Assembly and first reading, 41; second reading, 2419, 2495; Committee, 2502, 2766, 2776, 2800; third reading, 2804.

Supply (1984–85, No. 1) Bill—Received from Assembly and first reading, 2399; second reading, 2410, 2620; Committee, 2622; remaining stages, 2623.

Tattersall Consultations Bill—Received from Assembly and first reading, 747; second reading, 774, 778, 805; third reading, 806.

Teaching Service (Amendment) Bill—Received from Assembly and first reading, 2661; second reading, 2722; third reading, 2729.

Teaching Service Bill—Received from Assembly and first reading, 1408; second reading, 1504, 1539; Committee, 1544; remaining stages, 1548. Assembly amendments dealt with, 1568.

Town and Country Planning (Amendment) Bill (No. 3)—Introduction and first reading, 2281, 2639; Committee, 2642, 2664; third reading, 2669.

Transfer of Land (Amendment) Bill—Received from Assembly and first reading, 913; second reading, 960, 1039; Committee, 1043; remaining stages, 1045.

Transport (Borrowing Agency) Bill—Received from Assembly and first reading, 1158; second reading, 1182, 1198; third reading, 1199.

Transport (Traffic Infringement Notices) Bill—Received from Assembly and first reading, 2362; second reading, 2444, 2729; third reading, 2733.

Transport (Victorian Ports Authority) Bill—Received from Assembly and first reading, 2278; second reading, 2409; Committee, 2414; third reading, 2416.

Water (Amendment) Bill—Received from Assembly and first reading, 2693; second reading, 2710; third reading, 2712.

Water and Sewerage Authorities (Further Restructuring) Bill—Received from Assembly and first reading, 2278; second reading, 2409; Committee, 2414; third reading, 2416.

Water (Central Management Restructuring) Bill—Received from Assembly and first reading, 1444; second reading, 1447, 1452; third reading, 1452.


Workers Compensation (Amendment) Bill (No. 2)—Withdrawn, 1607.

Workers Compensation (Amendment) Bill (No. 3)—Received from Assembly and first reading, 1733; second reading, 1841, 1899, 2257.

Works and Services Appropriation Bill (No. 2)—Received from Assembly and first reading, 704; second reading, 772, 838, 892; Committee, 962; remaining stages, 974.

Wrongs (Animals Straying on Highways) Bill—Introduction and first reading, 1549; second reading, 1598, 1709; Committee, 1733, 1844; remaining stages, 1851.
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Zoological Parks and Gardens (Liquor Licence) Bill—
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