The Governor

*His Excellency Rear-Admiral Sir Brian Stewart Murray, KCMG, AO

The Lieutenant-Governor

The Honourable Sir John McIntosh Young, KCMG

The Ministry

Premier ... ... ... ... The Hon. John Cain, MP
Deputy Premier, and Minister for Industry, Technology and Resources ... The Hon. R. C. Fordham, MP
Minister for Agriculture and Rural Affairs, and Minister for Planning and Environment ... The Hon. E. H. Walker, MLC
Minister for Health ... ... ... The Hon. D. R. White, MLC
Minister for Education ... ... ... The Hon. I. R. Cathie, MP
Minister for Employment and Industrial Affairs ... ... ... The Hon. S. M. Crabb, MP
Minister for Community Services ... ... ... The Hon. C. J. Hogg, MLC
Treasurer ... ... ... ... ... ... ... The Hon. R. A. Jolly, MP
Attorney-General ... ... ... ... The Hon. J. H. Kennan, MLC
Minister for Conservation, Forests and Lands ... ... ... The Hon. J. E. Kirner, MLC
Minister for the Arts, and Minister for Police and Emergency Services ... The Hon. C. R. T. Mathews, MP
Minister for Water Resources, and Minister for Property and Services ... The Hon. Andrew McCutcheon, MP
Minister for Transport ... ... ... The Hon. T. W. Roper, MP
Minister for Local Government ... ... ... The Hon. J. L. Simmonds, MP
Minister for Consumer Affairs, and Minister for Ethnic Affairs ... ... ... The Hon. P. C. Spyker, MP
Minister for Sport and Recreation ... ... The Hon. N. B. Trezise, MP
Minister for Public Works, and Minister Assisting the Minister for Employment and Industrial Affairs ... ... ... The Hon. R. W. Walsh, MP
Minister for Housing ... ... ... ... The Hon. F. N. Wilkes, MP
Parliamentary Secretary of the Cabinet ... Dr K. A. Coghill, MP

*Resigned October 3, 1985
Members of the Legislative Council

FIFTIETH PARLIAMENT—FIRST SESSION

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President: THE HON. R. A. MACKENZIE

Chairman of Committees: THE HON. G. A. SGRO


Leader of the Government: THE HON. E. H. WALKER

Deputy Leader of the Government: THE HON. D. R. WHITE

Leader of the Opposition: THE HON. A. J. HUNT

Deputy Leader of the Opposition: THE HON. HADDON STOREY

Leader of the National Party: THE HON. B. P. DUNN

Deputy Leader of the National Party: THE HON. W. R. BAXTER
Heads of Parliamentary Departments
(As at 17 September 1985)

Assembly—Clerk of the Parliaments and Clerk of the Legislative Assembly: Mr J. H. Campbell

Council—Clerk of the Legislative Council: Mr R. K. Evans

Hansard—Chief Reporter: Mr L. C. Johns

Library—Librarian: Miss J. McGovern

House—Secretary: Mr R. M. Duguid

(From 29 September 1985)

Council—Clerk of the Parliaments and Clerk of the Legislative Council: Mr R. K. Evans

Assembly—Clerk of the Legislative Assembly: Mr R. K. Boyes

Hansard—Chief Reporter: Mr L. C. Johns

Library—Librarian: Miss J. McGovern

House—Secretary: Mr R. M. Duguid
Tuesday, 17 September 1985

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

TELEVISING OF PROCEEDINGS

The PRESIDENT—I inform the House that I have given permission this day for the early part of the proceedings to be recorded on television.

NEW MEMBER

The PRESIDENT announced that he had received a return to the writ issued by his predecessor in office for the election of a member to serve for the Nunawading Province, showing that Mrs Rosemary Varty had been elected.

Mrs Varty was introduced and sworn.

PARLIAMENTARY PRIVILEGE

“Hansard” report

The Hon. A. J. HUNT (South Eastern Province)—I desire to raise a double issue of privilege: firstly, in relation to an attempt by an honourable member to tamper with the official record of debates; and, secondly, as to the way in which issues of privilege should be raised in the future, in view of recent changes in practice in the Westminster Parliament.

On 14 August the Attorney-General, in the course of debate, made an attack upon a judge of the High Court, a former Solicitor-General of this State, which was irrelevant to the debate.

The Hon. J. H. Kennan—that is pretty good coming from you! I am happy to repeat it.

The Hon. A. J. HUNT—Part only of that attack appeared in the daily Hansard.

The Hon. J. H. Kennan—not true.

The Hon. A. J. HUNT—This was in breach of the Hansard rules, and it transpires that the omissions were made at the instigation of the Attorney-General. This has the effect of falsifying the record of debate and it puts at risk reporters who report the debate honestly and are thereafter not supported by Hansard.

The Hon. J. H. Kennan—What rubbish.

The Hon. A. J. HUNT—Furthermore, it puts at risk the privileges of this House, which depend upon the existence of an accurate record. I direct your attention, Mr President, to page 81 of May’s Parliamentary Practice where it is pointed out that, statutory recognition having been granted to the privilege of freedom of speech, it becomes the duty of each member to refrain from any course of action prejudicial to the privilege that he enjoys. Page 83 of May points out that false and perverted reports of proceedings are in breach of privilege. Page 84 makes it clear that wilful misrepresentation of the debate, whether by a member or not, is a breach of privilege; and I suggest that inducing a misrepresentation is equally a breach of privilege. Pages 263 and 264 of May make it clear just what the official report should be:

The Official Report is a full report, in the first person, of all speakers alike, a full report being defined as one ‘which, though not strictly verbatim, is substantially the verbatim report, with repetitions and redundancies omitted and with obvious mistakes corrected, but which on the other hand leaves out nothing that adds to the meaning of the speech or illustrates the argument’.

Session 1985–1
Fortunately, *Hansard* has now made corrections to the daily *Hansard*, partly as a result of its own reconsideration, partly as a result of complaints made by the Press Gallery, and partly because I took up the matter. One has only to look at the corrected version of *Hansard* and compare it with what appeared in the daily *Hansard*.

Mr President, I invite you to listen to the tape of the proceedings and compare it with the daily *Hansard*, to consider the issue and decide whether a prima facie case for breach of privilege has been shown and to advise the House or, alternatively, refer the matter to the Standing Orders Committee.

The second aspect is that only three Standing Orders relate to the privileges of Parliament. They are not comprehensive, so one is then forced to look to the Standing Order which requires honourable members to have resort to the provisions of the Westminster Parliament where there are none existing in this Parliament.

In 1978 the Westminster Parliament substantially changed the procedure for dealing with matters of privilege—a change which I believe was for the better. In another place the new Westminster code has been adopted. It is uncertain whether the new or the old Westminster code is applicable in this place at the moment and there has been no ruling in this House.

Mr President, I ask you to consider that matter also and, if necessary, to refer it to the Standing Orders Committee and to advise the House accordingly.

The PRESIDENT—I will give consideration to the matters raised by Mr Hunt and will report later to the House.

**TEMPORARY CHAIRMAN OF COMMITTEES**

The PRESIDENT laid on the table his warrant nominating the Honourable Joan Coxsedge to act as an additional Temporary Chairman of Committees whenever requested to do so by the Chairman of Committees or whenever the Chairman of Committees is absent.

**DEPARTMENT OF CONSERVATION, FORESTS AND LANDS**

**Motor registrations, insurances and debts**

The Hon. N. B. Reid (Bendigo Province)—I move:

That Standing Orders be suspended on the ground of urgency to the extent necessary to enable me forthwith to move:

That this House calls upon the Minister for Conservation, Forests and Lands to make an immediate, full and frank statement to the House:

1. explaining all facts and circumstances relevant to her failure and the failure of her department to pay all motor registration fees and third-party insurance premiums in respect of her department's motor vehicles, and other debts of her department, as the same fell due;
2. informing the House to the best of her knowledge, information and belief of the likely consequences of such failures;
3. explaining her reasons for failure to comply with the instruction of the Premier as to payment of debts;
4. answering the questions publicly raised in relation to the failures aforesaid prior to the making of her statement;
5. informing the House of her intentions for the future;

and that this House take note of any statement so made by the Minister.

The grounds for urgency are as follows. Since the House last met, information has emerged that, firstly, motor registration fees and third-party insurance premiums on numerous motor vehicles of the Department of Conservation, Forests and Lands were not paid when the same fell due or for a considerable period thereafter; secondly, those motor vehicles
were nevertheless driven, unregistered and uninsured, on streets and roads; and, thirdly, one of those vehicles carrying passengers therein was involved in a serious accident, and several other of those vehicles in minor accidents, all whilst unregistered and uninsured.

The failure to pay registration fees and insurance premiums on time, the continued use of the motor vehicles despite such failure, and the further failure to warn departmental drivers of the first-mentioned failure were major blunders which gave rise to the wholesale breach of the law in a Government department in respect of numerous vehicles on a daily basis and which also put the drivers of those vehicles unknowingly at risk of prosecution.

Since the House last met, it has also emerged that other debts of the department have been left outstanding whilst long overdue, contrary to the instruction of the Premier.

The facts set out indicate a serious breach of the required standards of Ministerial responsibility and necessitate an immediate, full and frank statement to the House explaining all relevant facts and circumstances, together with debate thereon.

The issues raised by the substantive motion are of urgent public importance and are raised at the earliest available opportunity.

The House divided on the motion (the Hon. R. A Mackenzie in the chair).

Ayes 21
Noes 19

Majority for the motion 2

AYES
Mr Chamberlain
Mr Connard
Mr de Fegely
Mr Dunn
Mr Evans
Mr Granter
Mr Grimwade
Mr Hallam
Mr Hunt
Mr Knowles
Mr Lawson
Mr Long
Mr Macey
Mr Miles
Mr Reid
Mr Storey
Mrs Varty
Mr Ward
Mr Wright

Tellers:
Mr Baxter
Mr Birrell

PAIR

NOES
Mr Crawford
Mrs Dixon
Mr Henshaw
Mrs Hogg
Mr Kennan
Mr Kennedy
Mrs Kirner
Ms Lyster
Mrs McLean
Mr Mier
Mr Murphy
Mr Pullen
Mr Sandon
Mr Sgro
Mr Van Buren
Mr Walker
Mr White

Tellers:
Mr Arnold
Mrs Coxedge

Mr Guest
Mr McArthur

The Hon. N. B. REID (Bendigo Province)—I move:
That this House calls upon the Minister for Conservation, Forests and Lands to make an immediate, full and frank statement to the House:

1. explaining all facts and circumstances relevant to her failure and the failure of her department to pay all motor registration fees and third-party insurance premiums in respect of her department's motor vehicles, and other debts of her department, as the same fell due;

2. informing the House to the best of her knowledge, information and belief of the likely consequences of such failures;

3. explaining her reasons for failure to comply with the instruction of the Premier as to payment of debts;
4. answering the questions publicly raised in relation to the failures aforesaid prior to the making of her statement;

5. informing the House of her intentions for the future;

and that this House take note of any statement so made by the Minister.

The urgent matter I bring before the House today at first may appear as though it is a small administrative bungle. As the Minister for Conservation, Forests and Lands is quoted as saying, "Someone forgot to post the cheque". However, I assure the House and you, Mr President, that this is just the tip of a huge iceberg involving bungled administration, financial chaos, inadequate safety precautions in vehicles, departmental and Ministerial incompetence, and a disregard for the safety and well-being of employees of the Department of Conservation, Forests and Lands and other agencies.

It will be necessary to go back over the past three and a half years to establish clearly how the Government set about the construction of the combined department and how the current administrative arrangements came into being. It will be necessary also to examine what has happened in the department since January 1985 and, more particularly, since the current Minister for Conservation, Forests and Lands was sworn in as the Minister. It will be necessary to do that so that you, Mr President, and members of the House and the public of Victoria can determine whether the interests and safety of the employees and the public have been protected.

It will be necessary also to determine whether the Minister was aware of the chaos that existed in the department or whether it was a classic case of *Yes Minister* with the Minister for Conservation, Forests and Lands playing the role of Hacker and being hoodwinked by Sir Humphrey, played by Professor Eddison as her permanent head.

I am sure honourable members will remember the fine people who have served Victoria in the conservation, forests and lands area. I shall quote briefly from the 1983–84 annual report of the Department of Conservation, Forests and Lands. I am sure honourable members will be aware of the report which stated:

> Following the 1982 election the State Government reiterated its overall objective of reducing the number of Ministries and making the structure of public administration more efficient and responsive... A Ministerial review team was commissioned to prepare a detailed report on the functions of four departments—the Ministry of Planning, the Ministry for Conservation, the Forests Commission and the Department of Crown Lands and Survey.

> After a year's intensive enquiry the team recommended that two new departments be formed from the individual, existing agencies. The Department of Conservation, Forests and Lands would primarily involve administration and management of public lands and provision of services to private lands, ...

On 25 July 1983 Professor Eddison was appointed to the position of director-general. The report continues:

> July 1983 saw the formation of a Project Team, headed by the Public Service Board, to develop options for the Government on the major task of amalgamating and restructuring a wide collection of agencies into a single department... Substantial emphasis was placed on the consultative processes to ensure that the Minister and Government had the widest possible range of views to draw upon before making the final decisions. Over 1000 people were consulted.

I shall quote further from the annual report of the Department of Conservation, Forests and Lands under the heading, “Implementing the New Structure”:

> In November 1983 the Director-General announced the formation of a Task Force to guide the implementation of the new organisational structure. Mr Alan Clayton, from the Management Consultancy and Organization Studies Division of the Public Service Board, was appointed as Implementation Co-ordinator.

> During November and December 1983 further public comment was sought on Project Team proposals... All were analysed and considered before the Government made its final decision, announced by the Minister for Conservation, Forests and Lands on 18 January 1984.
The annual report further states:

Head Office consists of 9 Divisions each headed by a Director who reports to the director-general. The director-general in turn, advises and is responsible to the Minister.

The annual report further states, under the heading "Implementation Progress":

Whilst implementation is not scheduled to be completed until mid 1985, the change process was well under way as at 30 June 1984.

In other words, everything had been done over a long period. Consultative processes had been followed and the operation of the Ministry was well in hand.

Also in the annual report is a letter from the Chairman of the Soil Conservation Authority, Mr A. Mitchell, to the Honourable R. A. Mackenzie dated 28 September 1984 in which it is stated:

On 7 March 1985, formal notification was received of the Government’s intention to abolish the Soil Conservation Authority. On 18 July 1984, by decision of the Department of Conservation, Forests and Lands, field operations staff of the Soil Conservation Authority were transferred to the Regional Management Division of that Department.

It would appear that after two and a half years of planning, implementation and processes that the department was coming together as the combined Department of Conservation, Forests and Lands.

Let us consider what has gone wrong. The department will not pay its creditors, it will not pay its staff and it will not register its vehicles. The department has admitted that it has 150,000 creditors. I do not suggest they are all outside normal trading arrangements, which the Premier insisted be paid on 8 August. No account is of major importance on its own but this demonstrates a marked lack of competence in administering the financial affairs of the department and more importantly a “don't care” attitude towards staff and clients of the Department of Conservation, Forests and Lands.

The most serious of the outstanding accounts is the failure of the Minister and the department to ensure that the 1500 departmental vehicles were registered and insured on 1 August 1985, when due. Before I continue on that subject, I shall refresh honourable members’ minds about a statement issued by the Premier on 8 August, just before the Nunawading by-election, which was:

Mr Cain called a special meeting this afternoon of heads of more than 40 agencies to issue a direct order that all payments should be made within 30 days of accounts being received.

The Premier said he had received “quite justified” complaints from the business community about the slowness of payments by a number of public agencies.

In other words, the Premier knew that there were justified complaints about a number of Government agencies, one of which obviously was the Department of Conservation, Forests and Lands. The document continues:

Mr Cain said the Government had decided that agency heads should take personal responsibility for ensuring that their payment system was in order.

He said the Treasurer, Mr Rob Jolly, had also been authorized to make “spot” audits of agencies payment systems. Agency heads would be considered accountable for the findings of the audits.

Mr Cain said the fact that some private companies were also slow to settle accounts did not diminish the obligation on public sector agencies to expedite account payments.

“Indeed, many government agencies are quite quick in their responses and set a good example to the slow payers. The slow payers know who they are and they know now that they must get their houses in order.”

Those are pretty tough words from the Premier; it sounds like Builders Labourers Federation stuff!

The cheque for the motor vehicle registration and third-party insurance was not paid until 9 September 1985, after I raised the issue publicly. During the period 1 August to 9 September when the vehicles were unregistered and uninsured, several accidents involving
the department's vehicles occurred—one was serious. That accident occurred on the Morwell River road with a departmental vehicle containing two departmental officers and nine prisoners—a total of eleven people in all. The Toyota four-wheel drive vehicle, registration number MXD 528, was transporting the eleven occupants along the Morwell River road when the driver apparently swerved slightly to avoid an oncoming car.

The Toyota vehicle was too close to the edge of the road; part of the road collapsed and the vehicle rolled over and over, down an 85-foot embankment, and ended up in the river. During this frightening 85-foot descent to the river bank, the fibreglass roof of the vehicle became detached and several passengers were thrown out and injured.

By courtesy of Southern Cross TV8, a video of the scene of the accident is available. I have the permission of the President to show this video and I do so to illustrate the size of the vehicle and the sort of terrain in which it operated.

The PRESIDENT—Order! The video is ready to be shown. I ask Mr Reid to explain it.

The Hon. N. B. Reid—It shows the vehicle with the roof missing. The roof is at the bottom of the river after rolling down an 85-foot embankment. The size of the vehicle is obvious. The next scene shows the fibreglass roof as well as the vehicle and the river. "Conservation, Forests and Lands" is clearly visible on the door of the vehicle. Thank you, Mr President.

The PRESIDENT—Order! Would honourable members resume their seats.

The Hon. N. B. Reid—The Minister has publicly accepted the liability and responsibility for any claims which may arise from injuries received in this accident and for others which occurred while the vehicles were unregistered and uninsured. The Minister has said, "There is no excuse".

The Minister must now accept a major part of the responsibility for the lack of safety precautions taken to ensure that a vehicle belonging to the Department of Conservation, Forests and Lands and used to transport prisoners and staff provided reasonable standards of safety to the occupants.

I shall now describe some of the problems relating to the safety of that Toyota vehicle. I have a large diagram with which I wish to demonstrate. My colleague, Mr Knowles, will represent the driver of the vehicle and I ask two of my other colleagues to represent the passengers sitting beside the driver.

The Hon. E. H. Walker (Minister for Agriculture and Rural Affairs)—On a point of order, Mr President, I do not disagree with the use of visual aids. However, the honourable member for Bendigo is using a political party sign in the Parliament. I do not believe that should be allowed.

The PRESIDENT—Order! I uphold the point of order. Mr Reid has not asked permission to carry out this demonstration. I ask him to remove the card and to give a verbal definition of the vehicle.

The Hon. N. B. Reid—I apologize for not seeking your permission, Mr President, to show that piece of cardboard. I was unaware of the material on the back of it.

The three people seated in the front of the Toyota vehicle were obviously crushed in the front of the vehicle. A number of issues exist about the treatment of prisoners in the vehicle at the time when the accident occurred and after the accident.

I can list seven or eight examples of incompetence in the administration of the affairs of the Department of Conservation, Forests and Lands. Firstly, concerning the accident on the Morwell River road, the nine prisoners were from the Morwell River Prison Farm, not the Won Wron prison, as the Minister claimed. They were involved in a prison industry that has 2-hourly musters each day. The departmental officer, who was the driver, is in a serious condition—he was badly injured. One of the prisoners, who seriously
injured his back, was in a critical condition and was taken by air ambulance from the site directly to St Vincent’s Hospital. Since then he has been transferred to the Pentridge Prison hospital.

Another prisoner suffered a crushed vertebra and is now in St Vincent’s Hospital. Other prisoners and occupants of the vehicle received lacerations and were attended by a doctor later that day.

The Toyota four-wheel drive vehicle, registration number MXD 528, has a normal seating capacity of eleven people. I do not know how one fits eleven people into a four-wheel drive vehicle. The amount of space into which three persons had to fit has been demonstrated for honourable members. My understanding is that the vehicle must have been made for small people, but I assure honourable members that the prisoners were not small people. Two Department of Conservation, Forests and Lands officers were in the front of the vehicle with one prisoner.

The vehicle had a fibreglass roof and no roll bars or cage. If the prisoners had been belted into their seats, their heads would have been above the metal line and would have protruded into the fibreglass roof area. If the prisoners had been strapped into their seats when the vehicle rolled over, they probably would have suffered massive head injuries or at least extensive injuries. Fortunately, in this case they were not belted in and were thrown from the vehicle when it rolled down the hill into the river.

The seating arrangements in the back of the vehicle were two bench-type seats running parallel with the sides of the vehicle, with small rubber back-rests that gave limited support to the prisoners’ backs.

The seating arrangements in the back of the vehicle were two bench-type seats running parallel with the sides of the vehicle, with small rubber back-rests that gave limited support to the prisoners’ backs.

The Morwell River Prison Farm has a yellow four-wheel drive Toyota similar to the one involved in the accident. It is almost impossible for the eight people seated in the back to buckle up the safety lap-belts anyway and when the vehicle hits a bump, as it would have many times travelling over rough country roads—it is hilly and rough terrain in the area where they were working—the occupants at the back nearest to the door would hit their heads on the roof, their heads being only a short distance from the roof.

I sat in one of these vehicles and my head was only about half a hand from the roof, so I can understand how the men would hit the roof of the vehicle when they went over a bump. I am informed that when the vehicle involved in the accident hit any major bumps the back doors popped open, and this happened on fairly regular occasions.

This had been reported. I am unsure whether it was reported to the Department of Conservation, Forests and Lands or to the Office of Corrections, because the prisoners in the van were unattended by a prison warder, they were under the control of an officer from the Department of Conservation, Forests and Lands.

Following the accident, when the police arrived on the scene, one of the prisoners, who had a serious back injury, was taken by air ambulance to St Vincent’s Hospital. Four other prisoners were taken to hospital in Traralgon and one departmental employee, Mr Thomas, is still in hospital. A doctor examined and treated the other occupants of the vehicle, stitching cuts, attending to abrasions and conducting full medical check-ups before the prisoners went back to the prison.

The Attorney-General, who is responsible for the Office of Corrections and for prison services, should note that the prisoners claim that they were told by prison officials not to telephone their relatives or friends. The mother of one of the prisoners read about the accident in the newspaper the next day. Also, the personal property that has been removed from one prisoner has not been returned. Further, his privileges have been removed. I want the Attorney-General to take note of these things and to do something about it.

To the knowledge of one prisoner the practice of the Department of Conservation, Forests and Lands using prison labour has existed for at least six months. Each month these prisoners are required to sign a work-out warrant to work outside the normal prison
farm without the supervision of a warder but under the control of an officer of the Department of Conservation, Forests and Lands. On this occasion two departmental officers were in the vehicle, but they are not empowered to act as prison officers.

I refer now to the financial chaos of the department. Mr Peter Hebbard of Super Spread Aviation carried out work for the department, which was completed in May. He supplied one account for $4114.50 and another account for $577.15, which was an account for a contract to spread forest seed over the Alexandra and Heyfield forest areas. He has been informed that the department's accounting system is in a mess and that the department has brought in consultants who have made matters even worse. The account of Mr Hebbard has been outstanding since May 1985.

Honourable members will recall the fires that occurred in north-eastern Victoria in January this year. The fires continued for approximately two weeks and caused serious concern. The Department of Conservation, Forests and Lands recruited sawmillers and other personnel in the area and obtained equipment which was used for two weeks during the height of the fires.

Some of the people to whom the department was indebted were paid in June, July and August, although they had been engaged in January to safeguard and to protect lives and properties—your life and your property, Mr President, and the lives and properties of other Victorians. Payments to others are still outstanding, as are accounts for plant hire.

Those fires were serious. Victoria is one of the most fire-prone areas in the world. Anyone offering his or her services to fight fires deserves not only commendation, but also to be paid on time for those services. These people were not paid on time.

To emphasize the seriousness of those fires, I refer to newspaper headlines. The Age of 17 January stated:

It may not be war but to these men it is still a battle.

The Herald of 26 January stated:

Fire fright in the battle for a mountain.

The people who were recruited by the Department of Conservation, Forests and Lands to fight those fires were not paid until six months later, and some are still waiting to be paid. For example, Calder Ford, Kyneton, sold three vehicles to the department which were not paid for for some months. They cost approximately $27 000 and were ordered in May for delivery in June.

The vehicles were finally paid for on 14 July 1985. During that period, 16 per cent interest was being charged on the amount owing. That occurred because the vehicles were on a floor plan, and I am sure honourable members who know what the motor car industry is about will understand what is a floor plan.

I believe I gave the Minister for Conservation, Forests and Lands an even break. I telephoned her office on 20 June this year and asked when that payment would be made to Calder Ford, Kyneton. However, it was still almost another month before the money was paid on 14 July. If I had been the Minister at that time and the shadow Minister had telephoned my office and asked for an account to be paid, I would imagine that the alarm bells would have been ringing.

I telephoned the Minister's office and told her of the situation. It has also been confirmed to me that the architects, Loder and Bayly, were commissioned to do work on general improvement design plans for Blackwood Springs and Vaughan Springs for $12 000. They have been paid, but the plans have not been used. The department has now engaged someone else to draw up new plans which will have to be paid for again.

The managers of the Vaughan Springs Park had an agreement with the department which expired in June 1985. No new agreement has been signed, and they have been told to continue to work until October under the old agreement. Nothing has been put in
writing. The managers are not sure whether they are covered by workers compensation or whether they are deemed to be workers at all under the Act. They have no idea whether they are covered for public risk liability because they have no contract with the Department of Conservation, Forests and Lands.

A Mr Peter Collins of Beaufort said that he applied to the department two years ago for consideration under the tree-planting scheme for farmers. In March this year he was given approval to proceed with the project. The forester from Beaufort who gave the approval was Robert Jolly, which I believe is quite ironic. Mr Collins planted trees on his property and spent some $1500 on the project. As I understand it, he still has not been paid under that scheme. It is no wonder that the department could not pay Peter Collins, because the Government apparently made a decision to take $100,000 out of the Tree Growing Assistance Scheme to help pay for the Ferguson Inquiry into the Timber Industry. It pulled a little bit out of one area to patch up all the problems in another.

I have a photocopy of an account for $1149.47, dated 18 October 1984, which is owed by the Fisheries and Wildlife Service, Department of Conservation, Forests and Lands, care of the State Offices, Ballarat. This account, issued by John Emery Motors for servicing the service’s vehicles, has still not been paid, nor have the accounts for 28 November, 3 December 1984, 27 March and 25 July 1985. The total amount owing is $1149.47.

Another example relates to a lady who works part-time for the State Forests and Lands Service, Neerim South, gathering eucalyptus seed from the bush. She is paid for each kilogram of seed that she collects. She has worked in that capacity for the past three or four years. That lady has not been paid since May this year and is unable to obtain her money. The department will not pay.

Another case involves a man from Labertouche who does jobs for the State Forests and Lands Service carting road material—all those tough jobs that the division is not prepared to do with its own equipment and labour. He has been waiting for up to five months for payment and will not take many jobs from the State Forests and Lands Service. He concentrates on work for APM Ltd which pays him monthly without any problems. The position has become much worse since the amalgamation of the conservation and the forests and lands departments. Whenever he complains about non-payment of his account he is promised faithfully that he will be paid. Now the department dodges him and he dodges forestry work for them as much as possible. He is owed $2000.

Another case which my good friend the Honourable Jock Granter knew about involved contract No. 48509 to Mr Trevor Campbell for a soil conservation project at Puckapunyal. The account was sent to head office on 7 June and was finally paid on 5 September. The office of origin was asked to pay the account; Mr Campbell had to be given a new computer number and was finally paid the $12,000 on 5 September 1985.

What happened to the funds allocated in the 1984–85 State Budget for the employment of fourteen Fisheries and Wildlife Service enforcement officers who should now be working in north-central Victoria? The money was provided in the Budget for this specific purpose but those positions have not been filled.

I have received numerous complaints from staff members who have been reluctant to come to me, but have done so because the morale in the department is damaged and is at rock bottom. Claims which I believe are very serious have been brought to me by staff members.

I understand that certain selected members of staff in the Department of Conservation, Forests and Lands have been paid while other staff members have not been paid. I refer to the fact that some regional managers are paid for overtime while others are not paid. If that is being done by the Government to keep regional officers quiet, that really concerns me.
I wish to refer briefly to the accident that occurred because one must bear in mind, and the Minister must bear in mind, the Premier's directive of 8 August. I did a spot check to ascertain whether the Premier's house is in order, as he put it in his statement.

On Saturday 14 September, I walked across to the Department of the Premier and Cabinet at Treasury Place and checked the registration certificates on a number of Government vehicles parked close to the Premier's office. Of the 32 vehicles that I checked, 20 cars bore expired labels dated "1.8.85". One Government car had an expired registration label dated "1.8.84" and three cars had no label. I do not for one moment claim that all of those cars were unregistered but it is an offence to drive a car with a registration label that has expired.

The Hon. J. E. Kirner—They all have "Conservation, Forests and Lands" stickers.

The Hon. N. B. REID—It is an offence and the department is liable to a $40 fine for every vehicle that has an expired sticker. The Minister's department has 1500 unregistered vehicles and was liable for a $40 fine for each vehicle. The Premier's house is not in order. In fact, I have lifted the lid on a tin of worms and I do not like the smell of it.

On returning to the courtyard at the rear of Parliament House, I noticed a car, with an expired registration sticker dated 28 May, parked near my car. There is probably no need to inform honourable members that the car belonged to a Government member of this House!

I shall return to the administration of the Department of Conservation, Forests and Lands, the accountability of the director-general and the responsibilities of a Minister of the Crown.

The administration of the department is in chaos. In her statement of 9 September, the Minister for Conservation, Forests and Lands admitted that many accounts remained unpaid. Some payments have not been made and there is absolutely no excuse for the failure to register the 1500 vehicles in question.

A further question I have raised today relates to the safety of personnel of the Department of Conservation, Forests and Lands and other agencies in the adequacy and safety of vehicles chosen by the department for certain functions.

In a statement made on 8 August the Premier made it clear that heads of Government agencies would be accountable for the payment of accounts. The annual report of the Department of Conservation, Forests and Lands makes it quite clear that the director-general is accountable and responsible for the administration of the department.

Under the Westminster tradition, a Minister is responsible to a freely elected and representative legislature. I shall quote from an article headed "The Westminster Model and Ministerial Responsibility" by Professor Dr G. S. Reid, Professor of Political Science, University of Western Australia. The articles states:

If a major blunder occurred in a department of real importance to Australia (or Victoria) and if the Minister were unaware of it, the Minister should accept responsibility for the mistakes of his or her department and offer to resign.

A further step is involved in this process and I refer to the role of the Premier and the Treasurer as set out in the Premier's statement of 8 August. I shall quote a statement by Professor S. A. D. E. Smith, Professor of Constitutional Law, London University:

The effective Head of Government is the Prime Minister, (Premier) presiding over a Cabinet composed of Ministers over whose appointment and removal he has a substantial measure of control.

There is no question that blunders have occurred within the Department of Conservation, Forests and Lands; the Minister has admitted it and has indicated that she has no excuse.

The Premier is involved as he is the effective head of Government and he has issued a directive to a Minister which has not been adhered to. The Treasurer is involved because
the Premier delegated to him the responsibility, power and authority to ensure that the directive was carried out.

I wish to know whether the Premier continued to supervise his directive to Ministers to have all departmental accounts paid; and did the Treasurer carry out the task designated to him to carry out spot audits to ensure that the directive was carried out? It is clearly and freely admitted by the Minister for Conservation, Forests and Lands that she failed to adhere to the Premier's demands. She has demonstrated that she is incapable of managing a department that employs nearly 5000 people and which manages a budget of $153·5 million.

I call on the Minister to make a statement to explain her situation to Parliament and the community because it is obvious that the Government does not care about the 5000 people employed by the department with respect to their safety and well-being; it does not care about the clients with whom the department has business dealings because the department does not pay them, and the Government does not care about the people who are at risk because of the negligence of the department. I call on the Minister to respond.

The Hon. J. E. KIRNER (Minister for Conservation, Forests and Lands)—I begin by stating for the benefit of the House and the public my pride and confidence in the Department of Conservation, Forests and Lands and my sadness that, in his term as shadow Minister, Mr Reid has made no attempt to share that pride and confidence.

The department is extremely important and it is made more important by the fact that the reorganization of three departments into one is the single most important piece of land management in Australia.

It is a great pity that Mr Reid had to read directly from the annual report in order to voice the purposes of the department. However, as that report was published two years ago, I shall refresh his memory and bring him up to date on the current purposes of the department.

The first important fact about the department for which I am responsible is the shift in attitude towards land management. The traditional attitude to land management and ownership is that the land belongs to the Crown—that is an extremely old definition. The philosophy of my department is based on the view that land belongs to the public and that it should be managed in the interests of the public. I believe that is now occurring. However, it is clear that land was never managed in the interests of the public under the administration of the former Liberal Government.

If my Government's preferences for land management are to be delivered in the areas of forests, land and conservation, it is important that there be a system of management that is consistent and effective in delivering the public resource, in protecting our public heritage—an issue for which Mr Reid is not noted—and in assisting private landholders to manage either their own assets or the assets of the public.

Again reading from the annual report, Mr Reid outlined the process of achieving effectiveness and efficiency. It is true that the process began in November 1983 at the same time as the appointment of my excellent director-general, Professor Tony Eddison. At that time, two choices were available to the Government. It could have been authoritarian and imposed a new model of central organization and regional administration or it could have become involved in extensive consultation about the functions and organization with representative working parties.

The Minister at the time, the current President of this Chamber, chose the second option, of a fairly long but extremely effective consultative process. The pilot regions of the department were not established until November 1984 and the final establishment of the eighteen regions did not take place until 1 May 1985, six to seven weeks after I became the Minister.
Over the twelve-month period, concentration was focused on attitudinal change to ensure worker acceptance and commitment to the concept of the new department and the effective relocation of staff. I was interested to note that Mr Reid did not mention the importance of regionalization of the department.

If one is to have effective administration, one achieves that by giving to people who have responsibility for making decisions the ability to make those decisions.

If there is any one department that has done that, it is the Department of Conservation, Forests and Lands. It is the model of regionalization in Victoria and, perhaps, in Australia. We have not introduced the pathetic kind of regionalization that occurred under the former Liberal Government. The department has shifted power, resources and people into the regions.

During the past eighteen months 128 positions have been moved to the regions from the centre. I should have thought that someone representing or purporting to represent a country province would at least have mentioned that success and that it is a major part of the regional economy, which again Mr Reid is supposed to represent.

Another part of the department's concentration was focused on accommodation. It was important to establish accommodation in the regions to allow them to take office on 1 May. There had never been a proper program budget for the Department of Conservation, Forests and Lands. That took a considerable amount of time to achieve. I am pleased to say that, for all intents and purposes, that was achieved this year. It was also necessary to make it worthwhile for the people who were shifted around to stay in the department and to enjoy their careers. The department restructured the Technical Officers Division to give satisfaction to those people whom Mr Reid said we do not care about and then we had to develop training and retraining of regional officers.

I do not want to deny that during that process there were difficulties. When I became Minister of the department I recognized some of the administrative machinery difficulties. Part of them were caused by the slowness of negotiations with the Public Service Board for permanent staff structures. The negotiations are only just being finalized. So far only 250 of the 2500 permanent positions are in place. I and every other officer of the department look forward to those positions being filled by the end of the year. I am sure that will have a major effect on the administrative machinery.

The department has an excellent capacity for policy development in its corporate management team. I believe it provides a first-class service to clients. These are basically the achievements by which the department should be judged, but there is a need for improvement in administrative machinery.

I shall now go through the issues raised by Mr Reid. First I shall take the issue of accounts. I was concerned about the slowness of payment of accounts in the department prior to the Premier's accounts statement. There were clients—I am glad I do not have to rely on Mr Reid's telephone calls—whose letters demonstrated that payments for some accounts were taking more than 30 days from the end of the month in which the invoices were sent. Mr Reid quoted approximately ten examples.

The Hon. W. R. Baxter—There are more!

The Hon. J. E. KIRNER—if Mr Baxter has further evidence he should provide it, but he is too lazy to find the evidence, if it exists. The department has 150 000 creditors, yet Mr Reid quoted only ten examples.

On 8 August the Premier made his statement and said that all accounts ought to be paid within 30 days of the end of the month in which the invoice was issued. In his instructions to the head of each department the Premier acknowledged that some departments would take longer than others to meet his targets.

I, with my department, have set targets since the Premier's instructions of 8 August. They are to meet 85 per cent of the Premier's target of paying accounts within 30 days of
the invoice being issued within six weeks, and all claims are to be paid within three months. I believe that this will meet the Premier's requirements.

The Hon. M. A. Birrell—You said 30 days!

The Hon. J. E. KIRNER—Mr Birrell was not listening. I said 30 days from the end of the month in which the invoice was issued. I shall now relate the action that I have taken both before and after the Premier's statement to improve the situation. During the past six weeks we have employed six exempt employees and transferred three others to assist in getting the accounts ready to meet those targets. We have enlisted the support of regional offices. The staff are under considerable pressure and work regular overtime. They have to reconcile accounts from the regions to the centre, yet there is no total computer-based system from which to do so. These are not excuses; they are reasons.

The Hon. N. B. Reid—You said you had no excuse.

The Hon. J. E. KIRNER—that is right, and I did not need the motion moved by Mr Reid to say that, either.

The second issue raised by Mr Reid was salaries. Information is now coming in from all regional offices. The information is processed immediately it comes to hand, which will mean payments will be made approximately two months after the overtime has been worked.

The Hon. B. P. Dunn—No weeds are being sprayed and the rabbits are getting away from us.

The Hon. J. E. KIRNER—The rabbits are getting away from us because the farmers do not accept the advice given to them by the department.

I have set targets for the payment of salaries, which include all rostered leave and overtime entitlements, to be processed within two pays after receipt of the information in the office. The Department of Conservation, Forests and Lands has a much better record than the Education Department under the former Liberal Government in its payment of emergency teachers. All payments in my department are to be up to date by 3 November.

The next issue—which, in my view, is the most serious—is the registration of departmental vehicles. As Mr Reid correctly pointed out, it is not an issue of which I was aware and not an issue of which the Director-General of Conservation, Forests and Lands was aware. That is not an excuse. The finance and transport branches of the department were working on a way to reconcile the list of 1,570 vehicles, plus some 300-odd items of plant, but that information was not transferred to the Minister.

I emphasize that I have absolutely no excuse for what has occurred. I have certainly told the department that there is no excuse, but there are some reasons. The department has a large fleet and a large turnover of vehicles. All of that must be reconciled with the Road Traffic Authority renewal notices. That takes time but it should still be done.

The Hon. A. J. Hunt—What happens to private citizens?

The Hon. J. E. KIRNER—the problem is not unique. In 1981 under the former Liberal Government and the Minister at the time, whom I have forgotten, not one of the agencies which now make up the department—except the Forests Commission, as it was then—registered its vehicles on time. More than 200 vehicles were unregistered. I gather "Snoopy" Bruce was not around at the time! Again in 1980 the Lands Department, the Ministry for Conservation and the Soil Conservation Authority were late in registering their vehicles. No doubt the Labor Opposition of the day, if it had known about this, would have made a much more effective fuss about the matter than Mr Reid has tried to make of this today. Mr Reid has relied on videos to form his arguments.

The Hon. A. J. Hunt—you are admitting that the matter is more serious.
The Hon. J. E. Kirner—Mr Hunt does not like it when accusations are made against
the former Liberal Government.

We did not have time to get down to the mere detail of tackling the registration issue of
that time because we were too busy tackling the real problems caused by the former
Government and its disguise of the land deals.

Having accepted responsibility on the registration issue with my department, I shall
deal with the serious issue for workers. If anything made me furious about this incident, it
was not that I had been left uninformed, but that 5000 workers, as Mr Reid correctly said,
could have been put at risk.

The Hon. B. P. Dunn—Were at risk!

The Hon. J. E. Kirner—They could have been put at risk. The essential issue was to
check out the liability. Before I talk about the liability issue, I shall put some finishing
touches on Mr Reid’s account of the Morwell River road accident. Some of the issues he
raised, relating to corrective services, are the responsibility of the Attorney-General, and
therefore I shall not deal with them. I shall make a statement about the actual accident.

I am happy to make available to the shadow Minister the files on the accident. Like any
accident, it was investigated both by my Regional Accident Committee and the police.
Since the accident the following action has taken place:
on site inspection and investigations by Brendan Clifford of the Boolara police;

subsequent interview with driver and passengers by Brendan Clifford;

on site inspection on the afternoon of the accident by Bob Niggl, assistant regional
manager operations, Yarram, and Harry Cook, engineering and technical services branch;

interview with driver by forests officer at Mirboo North;

inquiry by Regional Accident Committee, which included the assistant regional man­
ger services, acting assistant regional manager operations, forests officer, one employee
and one vehicle passenger.

I shall not read the whole report of the inquiry, but I am happy to make it available to
the shadow Minister. Mr Reid graphically illustrated the fate of the vehicle. Further
comments in the report indicate that the vehicle was travelling at its usual speed and in
the centre of the road, as is customary. There was no warning of an oncoming vehicle and
the oncoming vehicle was not visible around the bend. The vehicle swerved to avoid
contact. It had almost come to a halt when it rolled over into the Morwell River. The roof
of the vehicle was dislodged and the occupants were thrown from the vehicle. The report
stated that bench seats do not provide satisfactory body support.

The report to the regional manager from the committee states that the vehicle had
suitable head clearance and sufficient driver space for manoeuvrability in the case of
emergencies; future vehicles should be fitted with structural protection; experienced driv­
ers only should be used; the driver was not travelling at excessive speed, nor in an unusual
or dangerous manner; the possibility of an advance radio-controlled vehicle should be
investigated; the conditions surrounding this accident indicated that there was no negli­
gence on behalf of the driver; and copies of photographs taken of the accident should be
made available to the regional office.

The report indicates that there was no negligence on the part of the driver. I shall now
deal with the issue of liability. After ensuring that I paid the appropriate cheque on 9
September, my first concern was to check out the liability, particularly for the workers.
Firstly, I was advised that no servant of the State of Victoria commits an offence by
driving an unregistered vehicle owned by the State. The third-party provisions of the Act
do not render the Crown capable of committing a criminal offence carrying a fine or
imprisonment as a penalty. The Act does not render the driver of an uninsured vehicle
guilty of an offence. The injured driver is eligible for normal entitlements through workers compensation. Injured third parties may proceed against the driver and the State. If the driver is found to be liable the State will accept liability.

They are the conditions of liability. One of the points that concerned me about Mr Reid's usual alarmist press release was the suggestion that the State may have faced a cost as the result of many accidents occurring across the State. There were two accidents involving third parties who were injured—one was at Morwell River and one was in the city.

The Hon. R. I. Knowles—How many in public works?

The Hon. J. E. KIRNER—I am talking about the Department of Conservation, Forests and Lands. If Mr Knowles wants to be shadow Minister for Public Works, he can be my guest. Let us talk about the financial shambles claim.

The Hon. M. A. Birrell—We would hate to lose you!

The Hon. J. E. KIRNER—I hope that interjection will be recorded in Hansard.

These is no evidence to support Mr Reid's claim of a financial shambles. If he spent more time trying to find out what goes on in the department by visiting it more than the two times he has visited during the term in which he has been the shadow Minister, and if he relied a little less on a few gripes from a few people who live close to him, he would have a better picture of the real issue.

The real issue of accounts is not the one that is raised by Mr Reid. The real issue of accounts, as I have already acknowledged, is that a problem has been encountered in bringing the three different accounting systems of conservation, forests and lands into one accounting system and, in addition, in regionalizing the system. The department has approximately 150,000 business clients. Every day it receives approximately 440 claims. The task is enormous. I believe we shall meet our commitments. We have achieved a 33 per cent reduction in our outstanding accounts by the mechanisms I described earlier in the debate. Even though there are problems in the accounts system, we are moving towards improving the system. It is not true that the department is in a financial shambles. Like any other department, at this time of the year we are operating on Supply and waiting for the 1985–86 Budget appropriation and it is quite clear that the funds are there to run the department. If Mr Reid understood how Government worked, he would realize that his claim that the Department of Conservation, Forests and Lands is operating essentially without funds is ridiculous.

The Hon. A. J. Hunt—Why did you say a moment ago; you were waiting on an appropriation?

The Hon. J. E. KIRNER—I shall conclude by dealing with Mr Reid's comments on fire fighting—perhaps the most disgusting part of his comments. I am not criticizing his decision to criticize the department in terms of accounts. I am glad he brought to the attention of the public the registration issue, but he is mischievous and offensive to the workers in the department in his comments on the issue of fire fighting.

The Hon. N. B. Reid—that is not what they are telling me.

The Hon. J. E. KIRNER—in fact, Mr Reid quoted from the newspaper comments on the tremendous job that our 1500 fire fighters did in the fires in north-eastern Victoria of which Mr Evans is well aware.

The Hon. N. B. Reid—Why did you not pay them, if they did so well?

The Hon. J. E. KIRNER—Officers in the department think it would be very nice if Mr Reid would display some interest in getting the facts on fire fighting straight. He asserted that the staff would be given three days' in-service training and then be expected to operate as front-line fire fighters supervising other staff. That allegation is baseless. Mr Reid
knows—or should know, if he pretends to be a shadow Minister—that this is a four-day introductory course and is actually an expansion of the department’s over-all training program outside of the 1500 fire fighters who are already trained. No one will be supervising anyone else until he has infinitely more training and experience than is provided by this basic course. It is insulting to the people in the department who run a most effective fire-fighting outfit to suggest that anything else is true. His remarks in that regard are about as correct as the myriad of other comments in his press release.

Finally, Mr Reid asked for some comments about my intentions for the future. Firstly, I intend to remain as Minister, and in that I have the support of the Premier. Secondly, I intend to implement Labor Government policies and to develop strategies, something that has never been attempted by previous Liberal Governments or their National Party supporters. By the end of the year my department will have produced a timber industry strategy and a conservation strategy, and will take full part in the Government’s economic strategy through the tourism industry.

Honourable members interjecting.

The Hon. J. E. KIRNER—Members of the Opposition do not like to hear the facts. The Government has already established a land management review to bring the former Lands Department screaming into the future. The Lands Department was allowed by the former Government to languish. We will create an alpine national park as a heritage for our children; we will continue to develop equal employment opportunity policies and occupational health and safety programs.

Those are my intentions. I look forward to carrying them out and to working with an excellent staff who acknowledge that there is room for improvement in our administrative machinery and, most of all, I look forward to attending Bernie Dunn’s victory dinner when at last Mr Reid’s lack of support for regionalization and lack of support for people in the conservation, forests and lands area are recognized not only by the general community but also by those in his own electorate.

The Hon. D. M. EVANS (North Eastern Province)—I have listened with interest to the statements made by Mr Reid in support of his motion and the defence made by the Minister for Conservation, Forests and Lands. An obvious and real lack in her department was pointed out and underlined by the fact that a large number of vehicles belonging to that department were on the roads of this State, uninsured and unregistered, and in that situation the credit of the State of Victoria was put at risk. Proper insurance should have been carried by those vehicles. The Minister said that the State would carry any liability that might have been incurred by its employees in carrying out their duties in the case of an accident or something of that nature. Clearly, in the case of a claim for third-party liability against any servant of the Minister’s department, instead of that liability being carried by the State Insurance Office, as it should be, it will be carried by the Department of Management and Budget of the State of Victoria if the vehicle was not registered and carrying third-party insurance. This oversight in the department could very well have cost the State many millions of dollars.

That is the seriousness of this issue. It has nothing to do with whether a vehicle rolled down a slope in Gippsland—that is an accident and we accept that—but the fact that the vehicle may not have been properly insured is extremely serious. The Minister has correctly taken the blame and said publicly that her department was at fault. She is concerned about the matter and accepts responsibility for it. In her initial comments in answering the points made by Mr Reid, the Minister informed the House that her department is a most important one, administering a large area of Crown land in Victoria and a very important one administering forests in this State. However, she did not point out that her department is also responsible for dealing with noxious weeds, vermin and many other issues that are of importance to country people, but then those matters are listed as No. 18 on the list of priorities that she issued on 6 June.
The Minister said her department is efficient. No business that fails to register its motor vehicles on time can claim to be efficient. However, I do not blame the Minister herself totally. I have some respect for her intellectual capacity and her ability, but not in the area of conservation, not in the area of lands, not in the area of land management, and not in the area of vermin and noxious weeds. When she accepted the responsibility of Minister, those areas were, I believe, totally outside her experience and her knowledge. The Premier has given a Minister who had no knowledge of major areas of responsibility immediate responsibility for these areas in a Government department. If ever there was a square peg in a round hole, it is this Minister who is attempting to administer the Department of Conservation, Forests and Lands.

The Hon. J. E. Kirner—I am very round!

The Hon. D. M. EVANS—I was going to suggest that the Premier had sent a boy on a man's errand, but thought perhaps that was not a correct description; nevertheless, it is exactly what has happened. I do not totally blame the Minister. She is doing her best and I have no doubt that she is trying to learn something of matters about which she knew nothing at all until recently.

When she was appointed Minister, people asked me how she would go and what sort of person she was. I told them that she has considerable intellectual capacity but that the persons that they should worry about were not the Minister but the minders. Clearly, the Minister has not been well served by the officers of her department.

In the statement that she made to the House, I had hoped she would say that she had found out which member of her department had been responsible for this extremely serious oversight and what action she had taken to ensure the person was removed from that position of responsibility. If anyone in my business or yours, Mr President, or any other private enterprise business, bungled to that extent, that person would be sacked forthwith and nobody could support him. I ask the Minister why the person responsible for this matter was not sacked forthwith, as he or she should have been.

The Hon. J. E. Kirner—There is the Westminster tradition of Ministerial responsibility.

The Hon. D. M. EVANS—Under that tradition, clearly the person who carries the responsibility is the Minister and I believe, Madam Minister, that you have a responsibility to Parliament and perhaps you should seriously consider whether you ought to retain the position you currently hold. It could well be that the Crown, the Treasury and the people of Victoria, as the result of this serious oversight, as I indicated in my opening remarks, could be up for substantial sums of money. If the seven or eight people in that vehicle in Gippsland, the subject of the accident described by Mr Reid, had been killed, it could well have been that $200 000, $300 000, $400 000 or $500 000 would have been the price of each of those lives. It was not spelt out whether the vehicle was registered and whether it was covered by third-party insurance, but I am sure from the Minister's own statement that, had that vehicle not been registered and covered by third-party insurance, the State would be responsible for any third-party liability claims.

It is possible that in that case it could have been in the order of millions of dollars. The Minister has stated that the Department of Conservation, Forests and Lands is important and carries out responsibilities for all Victorians. However, in this case it has been found to be seriously wanting.

One wonders whether in other areas of the department where it has clear responsibilities it will also be found wanting. I have been informed that as a result of the reorganization within the department some departmental officers are still unsure as to their duties. They are trying to sort out in their own minds what they should be doing so that they can perform tasks for which they are paid as responsible officers of the department.

When the reorganization of the department was planned two and a half years ago, the Leader of the House stated that the Government would combine the Forests Commission, the Soil Conservation Authority and the Department of Crown Lands and Survey within
one department under one Minister. As National Party spokesman for that area, I indicated our concurrence with the philosophy of that procedure. The National Party believed those responsibilities would be reasonably placed within the one department and under the one Minister because they involved areas and issues which could be managed in an efficient way by one organization and one Minister. The National Party did not believe one could manage soil without taking account of forests. It did not believe one could manage river improvement trusts without taking account of areas of land surrounding them. Therefore, the National Party agreed with the philosophy of the reorganization. It hoped the new department would be efficient with its various areas of responsibility. However, there is now serious concern that that is not occurring. As the Minister stated in an interjection, and I am sure it is recorded in Hansard, under the Westminster tradition she must bear that responsibility. However, that responsibility has not been borne correctly or properly and the Minister must accept that fact.

I have been informed that an enormous amount of money was spent on fighting bush fires in north-eastern Victoria and that a number of accounts have not been paid.

There is another matter that I intend to raise privately with the Minister about those bush fires, which is perhaps more serious than the matter now being debated, not only because of lack of responsibility shown by officers of her department but also because of the repercussions if the matter became generally known and was publicized. I shall take up the matter privately with the Minister because I believe that is the best way of doing it.

In answer to Question on Notice No. 12 that I asked, I was told that the cost of fighting the bush fires was $7.6 million, which is a substantial amount of money and is approximately 5 per cent of the total budget for the department over a twelve-month period. I am not sure whether the department has recouped any of the costs from the Commonwealth Government under the Natural Disaster Plan. If it has not, the Minister should ensure that it does. The department has borne a heavy responsibility with that expenditure.

The National Party is concerned about a number of the repercussions and issues raised by Mr Reid. The National Party will support the motion because it is not satisfied with the explanation given by the Minister.

I give the Minister credit for the fact that she has been honest and has stated that she is concerned and accepts responsibility for this issue. That is fine; it is great to beat one's breast and say, "I am wrong and I hope I will be forgiven". However, I suggest a Government department as important as the one described by the Minister must be properly and efficiently managed. It should have been managed properly in the past, it should be managed properly now and it must be managed properly in the future.

The National Party is not happy with the priorities set by the department. In a letter dated 6 June, which Mr Dunn made the subject of a question in this place last month, the department set out a series of priorities commencing with national parks at No. 1 and finishing with noxious weeds at No. 18.

The issue of noxious weeds is of serious concern to country Victorians. People who live outside the metropolitan area are practical and are concerned about decisions made by the Department of Conservation, Forests and Lands and the quality of work conducted by officers of that department. If the department does not do its job, our forests will run down, wild dogs will rampage across Victoria, the policing and enforcement of the law relating to vermin will not be carried out and farmers will not be able to make a living, which would be to the detriment of all Victorians.

If proper administrative procedures are not adhered to by the department, the State and its finances are placed at risk. The Minister has not satisfied the House that she has carried out her responsibilities or that she will do so in the future. I recognize that the Minister has a genuine lack of experience in many of the responsibilities that she undertakes. However, that is the direct responsibility of the Premier who allocated that portfolio and
responsibility to the Minister. The Minister has a direct responsibility to ensure that persons under her charge carry out their duties properly and in the most efficient manner.

The motion moved by Mr Reid relates to a simple case of inefficiency. I have raised many points concerning the important responsibilities that should be undertaken by the Minister, and support the motion.

The Hon. B. A. CHAMBERLAIN (Western Province)—The most interesting point about the debate is that the Government attempted to stop it from taking place by dividing on the motion put forward by Mr Reid. That says something about the sensitivity of the Government on this issue. If the Minister were genuine about clearing up this issue and ensuring that it would not be repeated, the Government would have welcomed the motion.

I am not sure whether the Minister was speaking tongue in cheek when she referred to her department, endeavouring to show it to be efficient and effective. For five years I have been a member of the Public Bodies Review Committee, which has dealt with the efficiency and effectiveness of public bodies, and I suggest that under none of the criteria adopted by that committee would this department measure up. If ever there was a case for a department requiring to be referred to that all-party Parliamentary committee to be investigated, the Department of Conservation, Forests and Lands would be it.

Although it might not seem to be in her interests, because it would indicate she is not in control, I urge the Minister to refer the department to the Public Bodies Review Committee for an assessment of its problems and to give proper direction for the future. One issue the committee examines is the way a public body deals with complaints from members of the public. I shall cite one example of a recent problem with the department.

In October 1984 a Hamilton businessman who used to manage the Mobil depot, supplied $1800 worth of fuel to the Department of Conservation, Forests and Lands. Nearly twelve months later he has still not been paid that money.

He has sent the department monthly accounts, but nothing has been done about them. He has telephoned the department from Hamilton and has received the classic run around. He has been told, “Please hold the line” and has been made to listen to the fancy music supplied by Telecom. He has been shoved on to other departments on numerous occasions. Over that twelve-month period at least $200 in interest has been notionally accrued to the account. When I spoke to the businessman on Saturday, that account had still not been paid.

The Minister has not given any indication that the issues spelt out by Mr Reid in his motion will be met in the future. No guarantee has been given that the same situation will not apply in twelve months.

The Hon. J. E. Kirner—Yes you have; all accounts will be paid within three months.

The Hon. B. A. CHAMBERLAIN—Not through your mouth.

The Hon. J. E. Kirner—You were not listening.

The Hon. B. A. CHAMBERLAIN—Not from your mouth. The House has had no indication that there will not be a repeat of what has happened. The fact is that accounts have been outstanding for twelve months and have still not been paid, yet the Premier has gone through the motions of saying “We will pay the accounts within a month.”

That was obviously just for the benefit of the Nunawading Province by-election, and, in fact, was made in response to the private member’s Bill introduced by Mr Gude in another place, which proposed that all accounts be paid within one month and, if they were not paid within that period, they would attract interest at the long-term bond rate. It was a knee-jerk reaction by the Government to meet the situation, but it has not worked.

The Hon. E. H. Walker—How do you know it has not worked?
The Hon. B. A. CHAMBERLAIN—The Opposition has given eleven instances where accounts have not been paid. The Treasurer is supposed to be the auditor of this process. Can the Minister produce a copy of his directive to the Department of Conservation, Forests and Lands indicating how this process will work? Government members have said that the Opposition has produced only eleven instances where bills are outstanding. I challenge the Minister to place an advertisement in Wednesday's newspapers asking people to write to the President of the Legislative Council advising him of accounts from the Minister's department that are still outstanding after one month.

The Hon. E. H. Walker—The Government inherited the whole scheme from the previous Liberal Government; it had to be cleaned up and it is being cleaned up.

The Hon. B. A. CHAMBERLAIN—It is not being cleaned up under the present Minister, who presides over a department where morale is at rock bottom and no sense of direction exists.

The delivery of services on the ground is non-existent because the inflated bureaucracy is absorbing the funds and the department cannot pay its accounts.

All the Minister has done is admit to the House that the job is too big for her. The Minister said the department has a large fleet of 1570 vehicles coming and going and that she cannot keep track of them.

The Hon. J. E. KIRNER (Minister for Conservation, Forests and Lands)—On a point of order, Mr President, the honourable member is misrepresenting my views. I did not say I could not keep track of the department's vehicles.

The Hon. B. A. CHAMBERLAIN (Western Province)—I regard that as a point of explanation. I made a note of 1570 vehicles, a large fleet with a large turnover. It was an inference I drew, that that was the Minister's excuse. Apparently the job is too big for the present Minister for Conservation, Forests and Lands, who is obviously out of her depth.

The Minister glossed over the fact that the law puts an obligation on every owner of a vehicle to provide third-party insurance. The only exemption under section 40 of the Motor Car Act 1958 is the Metropolitan Transit Authority.

Mr President, if you did not register or insure your vehicle, shortly thereafter you would be summoned. When brought before a court you would find that the court had no discretion but would be bound to find you guilty and bound to extract the minimum penalty from you. Why should there be one rule for an incompetent Government and another rule for law-abiding citizens like yourself?

Section 40 (1) of the Motor Car Act 1958 states:

Every owner of a motor car shall subject to and in accordance with this Division—

(a) insure against any liability which may be incurred by him or any person who drives such motor car in respect of the death or of bodily injury to any person caused by or arising out of the use of such motor car.

Sub-section (2) states that the owner of any motor car, who in contravention of the division, uses or causes or permits—this is referring to the Minister for Conservation, Forests and Lands—any other person to use a motor vehicle which is not insured shall be subject to a penalty of not less than $500. It is one of the few areas of the law that provides a minimum penalty.

According to my calculations, the Department of Conservation, Forests and Lands is liable for a statutory penalty of $785,000 with a possibility of double that amount, because that is what the Act provides.

If the Minister for Planning and Environment, the President, or I drive a vehicle without the appropriate insurance we can be held responsible for the minimum penalty. I ask the Attorney-General what will happen about the enforcement of these provisions.
Section 17 of the Motor Car Act imposes an obligation on both the owner and the driver to ensure that the vehicle is registered. In that case the penalty for which the department would be liable is $628,000, which includes the minimum fine of $200 for each vehicle. The total liability that the department has notionally incurred in relation to this offence, and it is an offence, is $1,413 million.

If Thomas Nationwide Transport Ltd, with its fleet of 1500 vehicles did not register and insure its vehicles, that is the sort of liability it would face. What the Minister has said to the House is that it is all right for private enterprise to be fined if this situation occurs, but the Government need not worry about it, the Department of Management and Budget will back it up.

The House is aware from what Mr Reid has said that three people have been placed in hospital because of injuries suffered as a result of one particular accident. The Government is faced with a potential liability of some hundreds of thousands of dollars. Is that to be paid out of the Minister's entertainment allowance or the director-general's entertainment allowance? Will it mean a reduction in effort in the field on the control of vermin and noxious weeds? Where is the money to come from?

The Government, time and again, has set itself above the law. It did that in the Khemlani-type deal and, no doubt, the House will hear more about that issue. The Government has breached the Constitution of the State, and the Minister stands up in the House with hand on heart and says that it has occurred once but will not occur again. Nothing has been said today that gives any indication that a repeat of this incompetence will not occur again.

The House has not heard anything from the Minister that amounts to a reasonable explanation. Can the Minister give an assurance that the accounts the Opposition has detailed will be paid within the next week? Eleven instances have been given and, no doubt, more will come to light as a result of the debate today. Is the Minister giving a guarantee that the accounts that have been outstanding for many months will be met, or will those people inquiring about them be transferred from department to department having to listen to Telecom music to soothe their anxiety? All the Minister has promised is more of the same. That is not good enough from a Minister of the Crown and, as I said before, the job is too big for her.

I hope the Minister learns from these proceedings and that she sits down tomorrow with officers of her department, officers of the Department of Management and Budget and outside consultants—not the consultants who mucked up the department before but new consultants, such as Cooper and Lybrand—and sort out the department's problems, because it is quite clear that it is in an absolute mess.

I support the motion, as I am sure do all honourable members.

The Hon. M. J. SANDON (Chelsea Province)—I commend the Minister for Conservation, Forests and Lands for her admission this afternoon and her comments relating to what transpired.

The Minister clearly indicated the part she has played regarding the difficulties that she has discovered within the Department of Conservation, Forests and Lands. The Minister was not told of the difficulties that were being faced within the department relating to the registration of vehicles.

The Minister should be commended because she has not bucketed the public servants or indulged in a tirade of abuse against them. The Minister understands the problems within the department and has indicated her preparedness to face up to those problems and difficulties. The Minister has clearly indicated the action she will be taking within her department to remedy the inherent difficulties.

From the statements made today by the Minister, all honourable members would be aware of the staffing problems which have existed in the department, and the severe staff
shortages that have caused the administrative problems. The Minister further indicated that a new system has been instituted to rectify the difficulties involved in the payment of accounts.

The Minister has acted to ensure that public servants are made accountable for those actions for which she has been criticized. It does the Opposition no credit to move this motion. The material that was introduced by the Opposition was not substantiated on the question of Ministerial competence. How can the Minister be criticized and brought to task if she was not aware of the activities that were being undertaken within her department? How have other Ministers in other areas responded in similar situations? I refer to Ian Sinclair and the meat scandal, and the narcotic scandal involving Mr Fife. What was their defence? They pleaded they had no idea of what was happening within their departments, and those pleas were accepted as a genuine defence in the Federal area.

Should a different set of rules apply here? The same rules should apply for all. I refer to the *Current Affairs Bulletin* of June 1984 and to a paper on the doctrine of Ministerial responsibility written by the present Governor of Western Australia who quotes a Mr A. V. Dicey on Ministerial responsibility as being:

> The legal responsibility of every Minister for every act of the Crown in which he takes part.

The Minister was not aware of those actions. How could the Minister be held accountable for actions of which she was not aware?

The Minister said that she is now aware of the situation and that the departmental officers will be held accountable for their actions. With regard to the outstanding accounts, the Minister has instituted a system whereby those accounts will be paid within the guidelines set by the Premier.

Once the facts were brought to the attention of the Minister she acted and, in the context of the Westminster system, the Minister has discharged her responsibilities adequately and honourable members now look forward to the changes that will occur.

All honourable members would understand that, due to amalgamations within the department and staffing problems, there have been strong, justifiable reasons for what has occurred, and this afternoon the Minister responded in the correct fashion. Indeed, the Minister should be commended for the way in which she conducted herself during the debate.

I commend the Minister on the way in which she has responded. The motion should be thrown out because it has no substance. There was great paucity in the level of argument and evidence brought forward by the Opposition.

**The Hon. A. J. HUNT (South Eastern Province)**—I would not have entered the debate but for the outrageous version of the doctrine of Ministerial responsibility propounded by Mr Sandon, who clearly has no concept at all of that doctrine.

A department is an extension of the Minister. The Minister is responsible for all that is done in the department, with certain very clear and very limited exceptions. Where, for example, professional advisers, such as doctors in a health department, make mistakes, the Minister for Health cannot be responsible, say, for an error in an operation, so long as he has provided safe and reasonable conditions of work. Where a Minister knows or should have known of facts requiring action, a Minister is responsible for ensuring first and foremost that the department is administered efficiently and effectively.

Is there anyone who can suggest that the facts presented by Mr Reid today indicate that this department was administered efficiently and effectively? No; the facts disclose just the opposite and the Minister is always responsible in those circumstances.

I ask Mr Sandon to read Mr Dicey further, or to read Sir Ivor Jennings, or to read any of the constitutional authorities, or to read *May* himself, and I suggest he will find that
Ministers in the past have repeatedly resigned, whether they knew of the problem in advance or not, in circumstances such as this.

Mr Sandon is seeking to suggest that there is no breach of the doctrine of Ministerial responsibility. That is absolute nonsense. The whole of the Cabinet system is founded on the fact that the Minister of the day accepts responsibility for what happens in his or her department, except for the very limited exceptions of the Constitution that the authorities show, where the Minister could not reasonably have known of the facts, or where there has been a deliberate defiance of instructions.

In this case should the Minister have known? Yes, quite clearly she should have. On 8 August the Premier made a statement about prompt payment of accounts. What could put a Minister on greater notice than the Premier's demand that all departments pay their accounts on time?

It was the Minister's duty to ensure that that directive was carried out. If the Minister did not do that, what would in any event have been a gross dereliction of duty becomes graver still because it involves defiance of a directive by the Premier—a directive of which she knew. For Mr Sandon to suggest that there is no breach of Ministerial responsibility in those circumstances shows his utter lack of knowledge of the concept.

The Hon. E. H. Walker interjected.

The Hon. A. J. HUNT—The Minister can produce anything he likes.

The Hon. E. H. Walker—Are you saying you do not make mistakes?

The Hon. A. J. HUNT—I do not say that for one moment. I want to ensure that the approach raised by Mr Sandon is totally rejected by this House for the complete and utter fallacy that it is and for the lack of knowledge of constitutional history that it shows. High standards are demanded of Ministers.

The Hon. E. H. Walker—Particularly when you are in opposition.

The Hon. A. J. HUNT—They are demanded in any event. High standards are demanded of Premiers, Prime Ministers and the Opposition. They are demanded by Parliament. That is the point. Ministers are accountable to Parliament when they fall short. It is very clear that the Minister fell disastrously short in this instance.

The Hon. N. B. REID (Bendigo Province)—The Minister's explanation of the matters raised in the motion was totally inadequate. The Minister has already said that everything I have raised today is correct and that she has no excuse. Today honourable members have seen a case of double standards. In the private sector with a public company of 5000 employees and a turnover of $153 million, which is similar to the Department of Conservation, Forests and Lands, the chairman of the board would be answerable to the shareholders and the chief general manager would be accountable to the board and chairman for the running of the company.

In this instance, in a public sector activity with 5000 employees and a budget of $153 million, the Minister is the equivalent of the chairman of the board and answerable to the Victorian taxpayer through her department and through Parliament.

The permanent head is accountable to the Minister for the efficient operation of the department. I am certain that the shareholders of a company would take swift action if the chairman said he had absolutely no excuse for something that occurred and was going to cost the company thousands, perhaps millions, of dollars. He would be in dire straits and the shareholders would take immediate action.

We have seen the double standards exhibited by the Labor Party before. If, for example, Mr President, you and I had allowed the registration of our motor vehicles to expire like Mr Robert Reid—no relation of mine—who is an invalid pensioner with a young wife and a young child, we would be treated differently from the department. Mr Reid let his
vehicle registration lapse by three days—not by five and a half weeks or six weeks like the Minister and her department. Unfortunately, Mr Reid was apprehended and charged. He has been fined $750, plus $18 in costs. When speaking about the double standards of the Government and its lack of concern for people, one realizes that this man has been harassed.

The PRESIDENT—Order! The honourable member is introducing new material into the debate. I ask the honourable member to restrict his remarks to replying to the debate.

The Hon. N. B. REID—Thank you, Mr President, for your guidance. I raised the matter because I wanted to expose the double standards of the Government. The Government has adopted a different attitude in other cases where unregistered vehicles have been involved and Mr Robert Reid has to pay off the amount at $20 a week.

I am the voice of the public servants who are not able to speak out publicly on what has happened and is continuing to happen under this Government. I am also the voice of the creditors who have not been paid, as well as the staff who have not been paid and whose safety and well-being has been put at risk. I am also the spokesman for all the people involved in the accident at Morwell River Road and anyone else involved in accidents during the period in which those vehicles were unregistered and not insured.

I am also the voice of the taxpayer. The double standards cannot continue. The Minister has admitted that she has absolutely no excuse. The groups I have just mentioned have lost confidence in the department and the Minister, and the morale of the department is suffering.

I want to make it clear that the remarks I have made today regarding the Minister are in no way to be taken as a criticism of the Minister as a person. I have a high regard for the Minister as a person and I have a high regard for the work she has done over the years in the education field as secretary of many organizations. I am well aware of her activities and have a high regard for them.

However, that does not alter the fact that she has demonstrated that she is not competent to continue as Minister for Conservation, Forests and Lands. By her own admission and by the interjection of Mr Sandon she has shown that to be the case. Mr Sandon interjected and said, “One rule for all”. Unfortunately, I note that Mr Sandon is not in the Chamber at present.

The Minister claims that she was not told about all the problems in the department. The question is: after 8 May, did she ask or was she told everything was all right? In other words the Minister has the responsibility not to wait until she is told but to ask questions to ensure that the department is being run effectively and properly.

The Minister has already accepted that it was her responsibility and now she is attempting to pass the buck and try to blame someone else in the department, even though she accepts responsibility. Honourable members have seen the Minister attempt to move the blame to someone else in the department. The question really remains: was the Minister aware of what was happening in the department? Did she ask the correct questions of the director-general and did she receive the correct answers to those questions?

The House proceeded to divide on the motion (the Hon. R. A. Mackenzie in the chair).

The Hon. A. J. HUNT (South Eastern Province) (Speaking covered)—I rise on a matter affecting the division. A member of the Government party was paired at the request of that honourable member, and by inadvertence the honourable member who was paired remained in the Chamber and is now most upset about the matter. As it will affect the result of the division, I invite you, Mr President, in the exercise of your discretion to direct that the doors be opened and the division bells be rung so that the figures may be altered.

The PRESIDENT—Under Standing Order No. 152:

In case of confusion, or error concerning the numbers reported, unless the same can be otherwise corrected, the Council shall proceed to a second division.
Therefore, I take it that it is the will of the House to proceed on a second division.

The Hon. C. J. KENNEDY (Waverley Province) (Speaking covered)—I should like to make an explanation.

The PRESIDENT—Order! The honourable member may make an explanation after the division.

The division bells were rung.

The result of the division was:

Ayes .......................... 20
Noes .......................... 19

Majority for the motion .................. 1

AYES
Mr Baxter
Mr Birrell
Mr Chamberlain
Mr Dunn
Mr Evans
Mr Granter
Mr Grimwade
Mr Hallam
Mr Hunt
Mr Knowles
Mr Lawson
Mr Long
Mr Macey
Mr Miles
Mr Reid
Mr Storey
Mr Ward
Mr Wright

Tellers:
Mr Connard
Mr de Fegely

NOES
Mr Arnold
Mrs Coxsedge
Mr Crawford
Mrs Hogg
Mr Kennan
Mrs Kirner
Mr Landeryou
Ms Lyster
Mrs McLean
Mr Mier
Mr Murphy
Mr Pullen
Mr Sandon
Mr Sgro
Mr Van Buren
Mr Walker
Mr White

Tellers:
Mr Henshaw
Mr Kennedy

PAIRS
Mr Guest
Mrs Varty

Mrs Dixon
Mr McArthur

STATE TAXES AND CHARGES

The Hon. B. A. CHAMBERLAIN (Western Province)—I ask the Minister for Conservation, Forests and Lands whether she intends to correct her misleading reply to me in this House on 14 August 1985 on the issue of increases in road rentals which has been described by the President of the Victorian Farmers and Graziers Association as “disturbing” and “incorrect in both implication and fact”

The Hon. J. E. KIRNER (Minister for Conservation, Forests and Lands)—I am pleased that Mr Chamberlain has given me the opportunity of correcting that reply in the House as well as for the Victorian Farmers and Graziers Association.

In the debate on the motion for the adjournment of the sitting on the last day of the August sitting, Mr Chamberlain asked me a question about an increase in a licence fee for a certain person in his electorate.
The Hon. B. A. Chamberlain—A 200 per cent increase.

The Hon. J. E. KIRNER—In my reply, I suggested by the manner in which I linked the words that the work that the Valuer-General had done in assessing the value of lands held by private lessees in unoccupied roads and water frontages was done in consultation with the Victorian Farmers and Graziers Association. What I should have said was that that information was taken to the association in the general discussion about how this issue would be resolved.

To add a little information on that issue, the Department of Conservation, Forests and Lands began a review of licences in 1983 and 50 per cent of those licences have now been reviewed. The formula used for setting rentals takes account of a rent for dry sheep equivalent. The Victorian Farmers and Graziers Association has suggested variations to that base for licences and that matter will be taken up tomorrow by my representatives with the association. At the moment, it is my view that that base should remain because it is important that there is both a fair return to the State and to the occupiers of those leases.

**RURAL ECONOMIC STUDY COMMITTEE**

The Hon. B. P. DUNN (North Western Province)—I direct a question to the Minister for Agriculture and Rural Affairs concerning the appointment of Mr Wally Curran to the Rural Economic Study Committee that the Minister has set up to investigate rural questions. Is the Minister aware that Mr Curran and the Australasian Meat Industry Employees Union have set about in recent years to destroy the meat industry in Australia? They have been fairly effective in severely disrupting the live sheep export trade and also the meat processing industry. I ask the Minister what special qualifications and talents Mr Curran brings to the committee that are designed to assist rural Victoria and is the Minister aware that the credibility of the study has been completely undermined by the appointment of Mr Curran? That credibility has been destroyed in the eyes of the people who are supposed to be considered in rural Victoria.

I believe this question has also been put to the Minister by the Victorian Farmers and Graziers Association. Will the Minister stand up to the Victorian Trades Hall Council? Will he replace Mr Curran on the Rural Economic Study Committee so that it can go ahead with its important work in the interests of rural Victoria?

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—I am sad that the honourable member for North Western Province has asked a question in that manner. He played a part some months ago in this House in asking questions which led to discussions I had with the Victorian Farmers and Graziers Association and others, and which eventually led to the setting up of the Rural Economic Study Committee, something which I believe is an important piece of work.

In setting up the committee, I announced in this House—and Mr Dunn is aware of how that committee is composed—that certain bodies were asked to nominate members. The VFGA was one of those bodies and it nominated two members. The Victorian Trades Hall Council was asked to nominate members and one of those members nominated was Mr Wally Curran. He has good standing with the council.

The Hon. B. P. Dunn—He does not have good standing in the bush.

The Hon. E. H. WALKER—Mr Dunn is asking me to step in. Perhaps he would like me also to deal with the VFGA nomination. Perhaps he would like me to exercise Ministerial discretion. When I ask a body to nominate people who are in good standing and who choose to take part, in my view it is my responsibility to say they are the people that will be nominated.

I know that Mr Dunn had some concern from the beginning that trade unionists would be represented on that committee. However, it is a perfectly sensible and suitable thing to do and they should have been invited to be involved in that work in years past. If Mr
Dunn is saying that the trade unionists who have been asked to take part in a study of great importance and interest to them and with which they are to be involved should not have been invited, I reject that outright. If he is saying that he or any other person or body can come into this House and say that a particular person should not be involved in that study, my response is that he should think again. I am not going to exercise my discretion in that fashion.

The Rural Economic Study Committee will proceed. I have had discussions this week with the association on the procedures to be used and how the study will proceed. I indicate to the House that I hope the association will continue to take part in the study.

The work will be done and it will be useful. Professor Lloyd has been appointed as chairman and I hope that in a couple of months' time some of the first reports from that work will be produced.

I reject out of hand the implication the honourable member makes that Mr Curran is not a suitable person to take part in that study.

MEMBERSHIP OF HOSPITAL EMPLOYEES FEDERATION

The Hon. M. J. SANDON (Chelsea Province)—I desire to ask the Minister for Health what actions the Government or the Health Department is going to take in relation to the Royal Australian Nursing Federation members employed at the Mayday Hills hospital, who are currently being asked to join the Hospital Employees Federation (No. 2) Branch?

The Hon. D. R. WHITE (Minister for Health)—The Government has a policy of encouraging membership of appropriate unions or staff associations. Its policy has been clearly stated in circulars from the Department of Employment and Industrial Affairs. In respect to the specific cases cited by the honourable member, I shall be indicating to the individuals concerned that as the Hospital Employees Federation (No. 2) Branch is recognized by the Public Service Board as an approved association, it would be the appropriate union to represent employees engaged in the mental health and mental retardation services in the public sector. The Government does not compel employees to take up membership with employee associations.

PUBLIC BORROWINGS

The Hon. HADDON STOREY (East Yarra Province)—I ask the Attorney-General, in view of the acknowledgment by the Treasurer that public borrowings require Parliamentary approval or consent, does he still maintain his claim of 14 August that no such consent is required?

The Hon. J. H. KENNAN (Attorney-General)—I do not resile from what I said in the House on 14 August.

BUSH NURSING CENTRES

The Hon. K. I. M. WRIGHT (North Western Province)—I direct to the Minister for Health a question on the funding structure of bush nursing centres and the direction by the Department of Health that the nearest base hospitals should assume responsibility for funding. Is the Minister aware that bush nursing centres were not consulted and that the proposal would have a disastrous effect on service levels? Is he aware that a meeting of the Bush Nursing Association today has decided to recommend to the Government that the association assume financial responsibility rather than the Department of Health? Finally, will the Minister sympathetically consider this recommendation by the association?

The Hon. D. R. WHITE (Minister for Health)—At a recent meeting at Leonda where these matters were raised by Bush Nursing Association representatives, I said that I would look forward to receiving a deputation from them. I am not sure whether the time for that has been set down but I reaffirm that invitation and look forward to Mr Wright conveying
that reaffirmation to the association and indicating that I should be pleased to discuss both
the matters raised on that public occasion and the matter he has now raised, including the
resolution passed today.

GOOD SHEPHERD CONVENT AND CHAPEL

The Hon. B. W. MIER (Waverley Province)—I understand that the Minister for Plan-
ning and Environment has been requested by a number of local residents to intervene in
the demolition of the convent and chapel of the Good Shepherd at Chadstone. Could the
Minister advise the House whether he intends to take any action on this matter?

The Hon. E. H. WALKER (Minister for Planning and Environment)—The proposal to
demolish the convent and chapel previously occupied by the Good Shepherd Sisters has,
as the honourable member stated, raised a substantial local public comment and I have
received a number of telegrams, both yesterday and today, on the subject. My office
informs me that a petition is also being sent.

Under the Melbourne Metropolitan Planning Scheme, the land is now zoned for reli-
gious and education purposes. It is called “Special Use Zoning 1”. The City of Malvern is
the authority responsible for issuing town planning and demolition permits within that
zone. The Historic Buildings Council has examined the building and I have received its
report. It decided not to recommend that the buildings be added to the Historic Buildings
Register. I understand that the new owners of the land have obtained from the council all
the appropriate approvals, including a demolition permit. I believe they are also the
owners of the Chadstone Shopping Centre and there is an intention to expand that
shopping centre.

On the evidence presented to me, I do not believe this issue is one of State significance
and therefore it is not appropriate that I intervene to override either the decision of the
local authority or approvals that have already been obtained by the landowners.

ALFRED HOSPITAL

The Hon. M. A. BIRRELL (East Yarra Province)—The Minister for Health should be
aware that the Alfred Hospital, this month, has had to close an extra 30 beds due to
Victoria’s ongoing health crisis. Given that the Minister’s band-aid solution to similar
problems at the Royal Melbourne Hospital will not hold together for very long, what
substantial action will he take to ensure that all of the Alfred Hospital’s closed beds will
be made available for immediate use?

The Hon. D. R. WHITE (Minister for Health)—The issue at the Alfred Hospital and,
to a lesser extent, the issues at the Royal Melbourne Hospital, arise from the fact that there
is a nursing shortage. The Government has investigated the reasons for the nursing
shortage, as the honourable member should be aware. The need for car parking is an issue
at the Alfred Hospital as is the need for a child creche. There was a child creche at the
hospital until 1977, when the Federal Government introduced a 5 per cent cut in services,
which removed the creche. Other issues are rosters and the need for a proper career
structure, especially for clinical nurses. The major shortage is in clinical nursing.

The Government has submitted to the Royal Australian Nurses Federation for its
consideration a proposed memorandum of understanding, which includes a proposal for
a career structure for clinical nurses.

The Hon. M. A. Birrell—and it has been rejected.

The Hon. D. R. WHITE—The Government remains willing and available to resume
discussions with the federation on rates in the clinical nursing structure and it looks
forward to informing the federation of that factor in the course of this week. The Govern-
ment also remains available to discuss with the federation—and this will also form part of
the proposals in the next few weeks—a short-term advertising campaign.
I had the fortunate experience of visiting the Alfred Hospital last week and discussing the issue of nursing shortages with, amongst others, the officer in charge of the intensive care ward. The Government looks forward to further discussions with her and other charge sisters from intensive care units regarding what might be provided to assist them in recruiting nurses.

It should be pointed out to the honourable member that there has recently been a further increase in the number of beds available at the Alfred Hospital and further beds have been opened for other purposes.

The Hon. M. A. Birrell—What about the 30 that closed last Sunday? Are you going to get them open?

The Hon. D. R. White—That occurred last week.

The Hon. M. A. Birrell—What about the twenty closed for elective admissions? Are you going to have them opened?

The Hon. D. R. White—in respect of those initiatives that have been occurring and will continue to occur, the Government looks forward to resolving constructively the issues at the Alfred Hospital as has happened at the Royal Melbourne Hospital.

The Hon. M. A. Birrell—You promised it for six weeks. It is not good enough!

The Hon. D. R. White—The Government looks forward to improving the management of the health sector and that will include an announcement in the next few days of the appointment of the new chief executive officer.

The Hon. M. A. Birrell—We know who it is already.

The Hon. D. R. White—Name him!

The Hon. M. A. Birrell—The Sydney merchant banker.

LEGALIZATION OF MARIJUANA

The Hon. R. A. Hallam (Western Province)—In view of widespread speculation and concern throughout the community, is the Minister for Health able and prepared to make a categorical statement regarding the Government's intention concerning the legalization of marijuana?

The Hon. D. R. White (Minister for Health)—The Government looks forward to receiving further comment about the question of decriminalization of marijuana and whether further steps should be taken to decriminalize the use of marijuana.

EARLY CHILDHOOD DEVELOPMENT

The Hon. M. A. Lyster (Chelsea Province)—As the Minister for Community Services is aware, an open day was held last week in a number of Victoria's kindergartens with the aim of drawing to the attention of the community the excellent work being done by the group involved in early childhood development.

On visiting kindergartens in Chelsea Province, it became obvious to me that there are some concerns and, I believe, misapprehensions about the Government's attitude to this aspect of children's services. Therefore, I ask the Minister to clarify the Government's policy on kindergartens.

The Hon. C. J. Hogg (Minister for Community Services)—I thank the honourable member for her question because I believe apprehensions were abroad last Thursday, which was the open day for kindergartens, and I imagine most honourable members responded to the open day and visited kindergartens in the provinces that they represent. The open day for kindergartens was planned to protest about the Federal Government's
cut in funding of $9.01 million, which was the Federal Government's entire contribution to the pre-school system. The day of protest did not occur as it had been planned. Kindergarten interests tried to change it into a day of consultation with parents and with the community—I believe it should have been changed to a day of celebration. None the less, the open day for kindergartens continued to inflame the misapprehensions that were held. I take this opportunity of setting them straight.

I believe the Government's intentions on pre-schools are absolutely clear. On 8 August the Premier announced that the State Government, with $4.5 million, or $9 million in a full year, would make up the Federal Government shortfall in kindergarten finances. The Government simply could not allow a reduction in pre-school services which would have resulted in a loss of more than 250 kindergarten jobs—that does not include the figure for assistants—and which would have prevented 12,500 children from attending kindergarten.

The Government sticks by its commitments of one full year of kindergarten for four-year-olds realizing, as in past years, that it may be necessary to make small degrees of rationalization where there are demographic changes. That has happened with each Government and it has to be considered each year. The Government does not resile from the provision of a year of kindergarten for all four-year-olds as appropriate and from further pre-school services, such as mobile kindergartens, field officer services, family support programs and services for disabled children, which result in integration programs, and programs for children with special needs and other forms of child care. I am delighted to say that the Government will be carrying on these directions for pre-school education.

INNER EASTERN REGIONAL CONSULTATIVE COUNCIL

The Hon. R. I. KNOWLES (Ballarat Province)—I ask the Minister for Community Services: Why has the Minister requested that another election be held for the position of chairperson for the Inner Eastern Regional Consultative Council given that two elections for the position have been held already and that the appointment of the successful candidate at the last election had been unanimously recommended at the last meeting of the regional consultative council?

The Hon. C. J. HOGG (Minister for Community Services)—Much confusion surrounds the election of the chairperson of the Inner Eastern Regional Consultative Council. I sought the advice of the Chief Electoral Officer because both in the first and second elections no candidate achieved a majority of votes.

Given that circumstance—that no candidate received the number of votes that were needed to be successful at the election—I sought the advice of the Chief Electoral Officer and sent correspondence to the council concerned suggesting that a postal ballot be held, and that it be held fairly soon, and that this obviously be the final action to be taken on the matter.

I shall certainly report the result of the election to the House if there is interest in the matter. I am acting on the advice of the Chief Electoral Officer in this matter.

LOGGING IN EAST GIPPSLAND

The Hon. B. A. MURPHY (Gippsland Province)—In previous years there has been substantial controversy over logging areas in east Gippsland. As it is now the beginning of this year's logging season, will the Minister for Conservation, Forests and Lands advise whether logging plans for east Gippsland have been finalized?

The Hon. J. E. KIRNER (Minister for Conservation, Forests and Lands)—I thank the honourable member for his continuing commitment to a viable timber industry in east Gippsland. The majority of this season's logging plans for east Gippsland have now been approved and I am pleased to report that there has not been the upheaval and controversy of previous years.
Conservationists, sawmillers and departmental staff have worked together for the past five months on the Cutting Areas Review Committee under a process established by the previous Minister for assessing all areas scheduled for harvesting.

I take this opportunity of thanking the representatives of industry, the department and conservationists for their time-consuming work on this committee. They have considered almost 200 areas for cutting and they were able to reach unanimous agreement on all but three areas. I have now made a decision on the three areas that were referred to me for resolution, West Errinundra, Stoney Peak and Jones Block.

Logging will take place in all those areas. They are, of course, outside the most sensitive parts of the Errinundra plateau as identified last year by scientists around the commonly known “red line” and at the same time I am able to meet the commitments to the sawmilling industry. I am pleased to say that there has been give and take on both sides and that congratulations are due to all involved. Detailed flora and fauna surveys have been conducted on new areas to be logged. Logging plans have been designed according to the findings of the survey. I have instructed my department to ensure that logging practices respect the importance of vegetation in the area.

PETITIONS

Planning (Brothels) Act 1984

The Hon. B. A. MURPHY (Gippsland Province) presented a petition from certain citizens of Victoria praying for the immediate repeal of the Planning (Brothels) Act 1984. He stated that the petition was respectfully worded, in order, and bore 31 signatures.

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

Wood chipping, Otway Ranges

The Hon. D. E. HENSHAW (Geelong Province) presented a petition from certain citizens of Victoria praying for the preservation of forests and the banning of wood chipping and clearfelling in the Otway Ranges. He stated that the petition was respectfully worded, in order, and bore 25 signatures.

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

INTERPRETATION OF LEGISLATION (FURTHER AMENDMENT) BILL

For the Hon. J. H. KENNAN (Attorney-General), the Hon. E. H. Walker (Minister for Agriculture and Rural Affairs), by leave, moved for leave to bring in a Bill to amend the Interpretation of Legislation Act 1984 and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

ADMINISTRATIVE ARRANGEMENTS

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—By leave, I move:

That there be laid before this House copies of Administrative Arrangements Orders (Nos 30 to 32) pursuant to the Administrative Arrangements Act 1983.

The motion was agreed to.

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs) presented the orders in compliance with the foregoing order.
It was ordered that the orders be laid on the table.

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

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 Grovedale—Certificate of the Minister for Education.
Fairfield Hospital—Report for the year 1984-85.
La Trobe University—Report of the Council, together with Statutes approved by the Governor in Council, for the year 1984 (nine papers).
Police Service Board—Determinations Nos 431 to 435.
Statutory Rules under the following Acts of Parliament:
    County Court Act 1958—No. 299.
    Firearms Act 1958—No. 294.
    Lotteries Gaming and Betting Act 1966—No. 297.
    Metropolitan Fire Brigades Act 1958—No. 283.
    Metropolitan Fire Brigades Act 1958—No. 303.
    Parliamentary Salaries and Superannuation Act 1968—No. 293.
    Supreme Court Act 1958—No. 296.
    Zoological Parks and Gardens Act 1967—No. 301.

Town and Country Planning Act 1961—
    Alexandra—Shire of Alexandra Planning Scheme—Amendment No. 21, 1985.
    Ballarat—City of Ballarat Planning Scheme—Amendment No. 79.
    Benalla—Shire of Benalla Planning Scheme 1953—Amendment No. 25.
    Bulla—Shire of Bulla Planning Scheme 1959—Amendment No. 87.
    Colac—Shire of Colac (Colac Environs) Planning Scheme—Amendment No. 8.
    Croydon—City of Croydon Planning Scheme 1961—Amendment No. 138.
    Flinders—Shire of Flinders Planning Scheme 1962—Amendments No. 164A; No. 172, 1984; No. 174A and No. 176.
    Frankston—City of Frankston Planning Scheme—Amendment No. 36.
    Geelong Regional Planning Scheme—Amendments No. 110, Part 1A, 1985; and No. 134.
    Horsham—City of Horsham Planning Scheme—Amendment No. 100.
Melbourne—

Melbourne Metropolitan Interim Development Order—Urban Conservation Areas (Northcote)—Amendment No. 1.

Melbourne Metropolitan Planning Scheme—Amendments No. 233, Part 4; No. 236, Part 4; No. 268, Part A (with eight maps); No. 277, Part 2 (with four maps); No. 278, Part 1b (with map); No. 278, Part 3 (with map); No. 279, Part 1 (with 30 maps); No. 280, Part 2; No. 284, Part 1 (with ten maps); No. 296, No. 328 (with two maps); No. 333 (with map); No. 338; No. 339; No. 341 (with map); No. 342; No. 343 (with two maps); No. 347 (with map); No. 347 (with map); No. 350 (with map); and No. 352.

Melbourne Metropolitan Planning Scheme—Revocations Nos 32, 33 and 34.

Mildura—City of Mildura Planning Scheme—Amendment No. 69, 1984.


Sebastopol—Borough of Sebastopol Planning Scheme—Amendment No. 33.

South Gippsland—Shire of South Gippsland Planning Scheme—Amendment No. 59, 1983.

Waratah Bay Planning Scheme—Amendment No. 17, 1983.

Woorayl—Shire of Woorayl Planning Scheme—Amendment No. 79.

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

Administrative Appeals Tribunal Act 1984—Sections 71 to 79—15 August 1985 (Gazette No. 84, 14 August 1985).

Extractive Industries (Amendment) Act 1984—Sections 1 to 3, 6, 9, 10, 13, 16, 17, 25, 26, 28 and 31—11 September 1985 (Gazette, No. 95, 11 September 1985).

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

LOTTERIES GAMING AND BETTING (GAMING MACHINES) BILL

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

ANGLICAN CHURCH OF AUSTRALIA BILL

The debate (adjourned from July 17) on the motion of the Hon. J. H. Kennan (Attorney-General) for the second reading of this Bill was resumed.

The Hon. B. A. CHAMBERLAIN (Western Province)—This is a Bill to amend the Church of England Act 1854. The Opposition has much pleasure in supporting the Bill. It is interesting that the Act being amended by the Bill is one of the oldest Acts on the statute-book in the State. It is Act 18 Victoria, No. 45. The figure 18, of course, refers to the year of the reign of Queen Victoria. That Act, which was passed with the approval of Her Majesty at that stage, was an Act to enable the Bishops, clergy and laity of the United Church of England and Ireland in Victoria to provide for the regulation of the affairs of the said church.

Subsequently, the name of the church was changed and the proposed legislation will further change the name. The Bill does a couple of things: Firstly, it facilitates a wider lay membership of the church synod. The 1854 Act did not envisage lay members at synod except as parish representatives. There is a desire that others ex officio should be entitled to be part of the synod, other than as representatives of parishes. Those whom it is considered should now attend synod are the deaconesses, the officer-bearers of the diocese, including the registrar, chancellor and advocate—to digress, the advocate of the diocese.
of Melbourne is the learned Chief Parliamentary Counsel—the religious sisters and non-
parochial congregations. Under this Bill they would be entitled to be part of the synod
other than as parish representatives.

The next thing the Bill does is to alter the name of the trust corporation. As I stated
initially, the Bill is supported by the Opposition which canvassed the views of those
persons it thought relevant. When I informed my colleagues that I had sought the views
of the Archbishop, they had the cheek to ask me, "Which Archbishop?"

The Archbishop of Melbourne, the Most Reverend David Penman, in a letter to me
stated:

I am delighted that the Bill has finally come before the House after a long period of waiting. The Bill reflects
precisely the wishes of the various dioceses of the Province and its acceptance will bring great relief to all
members of our Church in the five Dioceses of our Province. I had the opportunity of mentioning your letter to
our Provincial Bishops' Meeting this morning and they encouraged me to write and say that the Bill meets their
wishes exactly and that they are very hopeful that it will be received and passed in this form.

The Opposition has much pleasure in acceding to those wishes.

The Hon. W. R. BAXTER (North Eastern Province)—The National Party is pleased to
join with the Opposition in supporting this measure. I do not intend to canvass all of the
issues because I believe Mr Chamberlain has done so admirably. The Bill amends some
very ancient legislation on the statute-book of this State going back at least to 1854 and
some other legislation that followed soon after. It is not often that we find ourselves in this
House amending legislation of that vintage.

The Hon. J. H. Kennan—I do it frequently. Animals on the highway was 1625 legisla­
tion.

The Hon. W. R. BAXTER—Despite the Attorney-General's reference to one other piece
of ancient legislation, it is not common practice to amend legislation dating from the
nineteenth century on the statute-book in Victoria. In many cases, it has been amended in
the past 30 years or so.

On two occasions recently I attended important functions of the Anglican Church in
Australia within my electorate, including the consecration of Trinity Cathedral in Wan­
garatta by the Archbishop of Canterbury, Robert Runcie, and more lately the enthron­
ment of the new bishop of the diocese of Wangaratta, Archdeacon Robert Beal of Albury.

It is interesting to note that State borders do not seem to have any impact in terms of
the Anglican Church in that the diocese is being extended to take in part of the Riverina
which was previously in the Canberra-Goulburn diocese.

I believe the established churches in Australia have for some time and for various
reasons been suffering a declining number of adherents. I notice there is some revival
among evangelical sects in the community who are successful in generating large and
enthusiastic congregations. I wish them well but I am concerned about some of the
television so-called religious programs emanating mainly from the United States of Amer­
ica and which seem to me to be little other than fund-raising exercises for the benefit of
promoters. I am concerned that programs such as the Jimmy Swaggart Hour and others
are convincing genuine, sincere and innocent people to part with their money for allegedly
worth-while and humanitarian purposes, yet there is absolutely no accounting as to the
destination of those funds; and the lifestyle of some of those promoters would appear to
indicate they are doing very nicely indeed from their activities.

I am not sure whether it is within the purview of the Government of Victoria to take
some action in that regard but I certainly think it behoves us all to warn people that they
should be very careful before they respond to such emotive and slick appeals on television
from foreign organizations inviting their contributions. I am convinced that there are
nefarious practices going on in that regard. It hurts me to see sincere people being taken
down that way. I give that warning because it has concerned me for some time.
I have become a student of religious television programs on Sunday morning, simply to observe their techniques because we, as members of Parliament, spend a lot of time on consumer legislation, on fair trading practices and the like, yet we have not addressed ourselves to that type of rip-off. I hope the Attorney-General will take note of my comments and give some attention to them in due course.

On behalf of the National Party, I am happy to support the Bill. As Archbishop Penman comments, it has taken some time to get to the House, but presumably it will lead to more efficient administration of the church in future.

The motion was agreed to.

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

The sitting was suspended at 6.20 p.m. until 8.4 p.m.

MAIDEN SPEECH OF MEMBER

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs) (By leave)—Earlier today a new member was sworn into this House: Mrs Rosemary Varty. As has been the custom in recent years, a special motion will be moved to allow Mrs Varty to make a speech. I move, by leave:

That this House takes note of the issues raised by the newly elected member for Nunawading Province.

The Hon. ROSEMARY VARTY (Nunawading Province)—Mr President, I congratulate you on your election. I am deeply honoured to finally be in this place as a representative of all the people of Nunawading Province. I sincerely thank all those people who assisted during the election campaign, and to do that, I must refer to the manner of my coming to this House. I do not need to remind honourable members that the by-election on 17 August was an historic election. It came about through the 2 March election for the province—which was decided on the casting vote of the returning officer—being declared absolutely void by the Court of Disputed Returns.

Mr Justice Starke found that:

My final conclusion therefore is that there have been errors and omissions by electoral officers which have not been shown not to affect the result and accordingly the election is absolutely void.

Throughout the intervening period from the first election until the final result on 17 August, many thousands of people have been involved in achieving a conclusive result.

I must express my special thanks and pay tribute to the work of Mr Alan Hunt. Not only has he been of great personal support to me with his wise and understanding counsel but also his work in assisting in the preparation of the case to the Court of Disputed Returns was outstanding.

I thank those people from both inside and outside the province, many of whom were not members of the Liberal Party but were concerned citizens from all walks of life, who assisted in the campaign because they recognized the importance of this election. My electorate committee so ably led by George Cox worked in conjunction with other sections of the party to plan and execute a successful campaign.

I must also place on record the co-operation, dedication and assistance of the State Electoral Office staff. The Chief Electoral Officer, Mr Richardson, tried at all times fairly to administer a cumbersome Act. As one result of the Nunawading Province decision, I hope amendments will come before this House that will clarify certain provisions and practices.

I also pay tribute to the candidates who stood, especially Bob Ives. I am sure all honourable members appreciate the tremendous amount of personal effort and sacrifice he made, together with all other candidates, over that period.
I thank my predecessors in this seat. Through redistribution, Nunawading Province is now made up of parts of two former provinces—Nunawading and Boronia. Peter Block and Gracia Baylor have both made significant contributions and given outstanding service to the Parliament of Victoria.

History records that political parties which take election results to the Court of Disputed Returns are usually rebuffed by the electorate and beaten soundly at any subsequent by-election. However, the voters of Nunawading Province were far more astute than that. They clearly understood the importance of this one seat and the ramifications of the result for the future of Victoria.

Before examining the reasons for the result, it is important to put the by-election in some historical context and perspective. Nunawading Province is a microcosm of a State. It covers portion of six municipalities, such as Box Hill at the western end of the province, where I had the honour of serving as a councillor before election to this Chamber. The province comprises municipalities such as the Shire of Lillydale at the eastern end, where I spent my childhood and which now has some of the most rapidly developing urban areas in this State. Developing portions of the province can expect a population increase of approximately 50 per cent during the next ten years.

The province has played an important part in the economic and cultural history of Victoria; for example, the first recorded gold discovery at Andersons Creek, Warrandyte on 13 July 1851.

The first electric tram in the Southern Hemisphere ran from Box Hill to Doncaster on 14 October 1889. The first motor spray pump for use in the Doncaster orchards was built in 1892. The first woman to be elected to the Victorian Parliament at a general election was in 1937 when Ivy Lavinia Weber won the Assembly seat of Nunawading.

The area around Box Hill and Blackburn was the setting for many paintings by the artists of the Heidelberg School such as McCubbin, Roberts, Streeton and Abrahams. Such paintings as “The Artists’ Camp” and the “Bush Burial” had their genesis here. This fine tradition of cultural awareness is still obvious today in the many art and craft groups in the Nunawading Province. The bush atmosphere so loved by the Heidelberg painters is still evident today in those large areas of park and open spaces preserved now as recreation areas for future generations.

Flying over the province one cannot help but be aware of the urgent need to protect this heritage. The province, shaped like a somnolent giant resting along the Yarra Valley, has as its spinal cord Whitehorse Road or Maroondah Highway. Whitehorse Road was never officially named but took its name from the hotel which was situated at the corner of Whitehorse and Elgar Roads, Box Hill. Whitehorse Road has graduated from the “deeply rutted track” of those days through “a ribbon of loose metal with rutted tracks” to the highway we know today.

I well remember my grandfather's stories of the journey along Whitehorse Road from Seville to the Melbourne markets where produce from our farm, mainly berry fruits and cherries, was carted in horse-drawn covered wagons. He told stories of his father bringing back from Melbourne corrugated iron which had travelled as deck ballast on clipper ships returning from England.

If the highway is the spine of the province, the communities, mainly residential, which radiate from it are the vital organs that function to make the province a living, growing being. These communities are being increasingly hurt by the policies and actions of this Government and are concerned for the future of their families, their jobs and their businesses. Repeatedly the people of the province gave me a very clear message, and their strongly expressed preference on polling day reinforced their concerns and that message.

I am time and again the communities expressed their bewilderment at the actions of a Government which they had supported in 1982 in the belief that the interests of the people were its main concern. These communities cannot understand the downgraded role of
local government and the taking away of autonomy from the municipalities on such important local issues as the establishment of brothels.

These communities have a long and proud record of voluntary community service in maintaining vital community networks which are being increasingly ignored. They rely on public transport, becoming cynical and frustrated by delays and cancellations of trains. The phantom 7.17 a.m. train from Ringwood station must haunt the Minister for Transport. These communities have their road transport increasingly delayed and their travel time extended because there is no acknowledgment of the urgent need for the extension to the Eastern Freeway. They are concerned at the blatant misuse of union power to disrupt and destroy not only their jobs but also the businesses of those who employ them.

The trade union movement has a valid and vital role to play in our society, but it must accept that it has a moral duty to act more responsibly for the good not only of those of its members in jobs but also for the good of all those who are losing their jobs through the unprincipled actions of their unions.

Very importantly, many groups throughout Victoria—a strong coalition of basically conservative groups—are standing up and being counted and saying, “Enough is enough”: These are groups whose views and needs have been ignored by Government—groups like the cattlemen, the police, the chiropractors, church groups and families.

Families in these communities cannot understand: why a health care system, which was the best in Australia some three years ago, is now one in which union power has become more important than the health needs of the community; why the Police Force is still underresourced to deal with the huge increase in crimes against person and property; why the State education system is falling behind; not only are teachers coming under greater pressure, but also the fundamentals of literacy and numeracy are being downgraded and not being treated as essential elements of a relevant and flexible education system; why businesses in the province are being squeezed more and more tightly, unable to expand and lead vital economic growth which will provide real jobs; business is being strangled by increases in costs and taxes, greater Government interference, control and regulation, and union blackmail; businesses whose workers compensation costs are set to skyrocket by some 200 per cent.

The skills I bring to this Parliament will, I hope, be utilized in such areas as Government accountability, restraint in government and the more equitable allocation and better stewardship of the resources entrusted to us. I look forward to a Victoria where there is less Government interference and regulation, where the entrepreneurial flair of people and businesses provides the opportunity of creating wealth and employment, where we return to the Christian principles of love and compassion to provide for those in real need, and where the family is the heart of our society.

I am conscious of the importance of this one seat and the responsibility this places not only on me but also on all members of the Opposition to act in a way that does not frustrate the work of Government. But let me say unequivocally that should the Government attempt to force legislation through this House without proper review and consultation with all interested parties as it did in the interregnum between 15 July and the end of the last sessional period, the Opposition will have no hesitation in calling the Government to account.

The Opposition will also call the Government to account on any proposed legislation to increase State taxes or charges above the consumer price index and any legislation which would discriminate against non-unionists in favour of unionists or which advances compulsory unionism.

I am honoured as a member of the Liberal Party to be serving as a member of this Parliament. With great humility I say that I hope my contribution will in some small way
reflect the hopes and aspirations of all those people and groups who so strongly supported me.

Honourable members—Hear, Hear!

The motion was agreed to.

PARLIAMENTARY PRIVILEGE

"Hansard" report

The PRESIDENT—Order! Earlier today the Leader of the Opposition raised the matter of the accuracy of the proof Hansard report of certain proceedings in this House in the context of whether the action of the Attorney-General constitutes a matter which might be pursued as a breach of privilege.

I had some preliminary knowledge of the particular circumstances because the issue had already been raised with me through the Parliamentary Press Gallery, and I have had the benefit of discussions with the Chief Reporter.

It is true that a check of the transcript has revealed that certain statements did not appear in the proof edition. After some points were clarified by reference to the tape-recording, they have now been restored and appear in full in the final edition.

Central to the complaint made by the Leader of the Opposition is the question of the influence members may have on what the Hansard record of their speeches shall show. Any revisions made by members to Hansard copy have only the status of suggestions on which the Chief Reporter may or may not act. It is the President, through the Chief Reporter, who is responsible for the accuracy of the record, and any revisions desired by members are subject to tests designed to preserve that accuracy.

It is acknowledged that, in the case raised, certain of the Attorney-General's remarks were omitted from the proof edition which, in retrospect, should not have been. As I have pointed out, that matter has already been remedied.

I turn now to the question of whether the action of the Attorney-General in this matter might reasonably justify the House proceeding further in the context of privilege.

I believe that no case has been made for it to be afforded such precedence. In common with all other members, the Attorney-General has not the final say in what appears in Hansard in relation to his speeches. Because he does not have that ultimate responsibility there is no justification, in my view, for allowing the matter raised by the Leader of the Opposition to proceed further, and I so rule.

If Mr Hunt wishes to pursue the matter he should do so by motion after notice in the usual way.

On the matter of raising matters of privilege, this House has not laid down any formal procedure.

Standing Order No. 94 gives authority for debate to be interrupted by a matter of privilege suddenly arising. That, I believe, is clearly to cater for the unexpected situation which may arise during the proceedings of and in the view of the House itself, and is a necessary provision which is complemented by Standing Order No. 126.

Standing Order No. 85, which is included in the chapter governing the sequence of business, provides that "all questions of Order and Privilege at any time arising shall suspend the consideration and decision of every other question . . . ".

If a member is concerned about a matter which he believes may touch on privilege, I believe that provision permits him to raise it in a way which affords it precedence. After the member puts his case no further debate may ensue until the President, at a later stage,
rules on whether the subject is one which should enjoy the precedence provided for in Standing Order No. 85.

I take this opportunity to point out to the House that it was because of problems inherent in this procedure that the Commons was disposed to abandon it in 1978. Before that change came about, it was possible for injustices to be done to parties and for trivial and inconsequential complaints to take up the time of the House unnecessarily. By special resolution in 1978, a member of the House of Commons is now required to give written notice to the Speaker as soon as possible after the incident, and the Speaker has a discretion as to whether he will permit the matter to be raised in the House with the precedence accorded to matters of privilege.

As the Leader of the Opposition has said, it may be that the time is right for this House, through its Standing Orders Committee, to consider whether the more recent system employed in the Commons should be embraced here. I leave that thought with the House to follow up, if it so desires.

The Hon. A. J. HUNT (South Eastern Province)—I thank the President for his ruling. In view of your concluding remarks, Mr President, I move, by leave:

That the question of the manner in which issues of privilege may be raised be referred to the Standing Orders Committee for examination and report.

The motion was agreed to.

ASSOCIATIONS INCORPORATION (MISCELLANEOUS AMENDMENTS) BILL

The debate (adjourned from June 5) on the motion of the Hon. J. H. Kennan (Attorney-General) for the second reading of this Bill was resumed.

The Hon. B. A. CHAMBERLAIN (Western Province)—The Opposition is happy to support the Bill on the basis that certain amendments, which I will foreshadow, will also be carried by the House. The Associations Incorporation Act was the creature of the former Government which presented the Bill to the House in November 1981. The former Attorney-General, Mr Storey pointed out at that stage that the purpose of the Bill was to implement the recommendations of a sub-committee of the Chief Justice's Law Reform Committee that legislation be enacted to provide a simple and inexpensive means by which unincorporated, non-profit organizations may obtain corporate status.

That Act was assented to in January 1982 and was brought into operation by the previous Government on 1 July 1983. Interest in the Act has been considerable and currently some 5000 associations are incorporated under it. Figures I obtained earlier this year indicate that registrations were exceeding 300 a month. It is clear that the legislation is meeting a community need, especially for those relatively unsophisticated groups, such as football and other social clubs and general non-profit organizations which are concerned about limited liability which the Act confers upon them. These clubs occasionally enter into contracts and it is reasonably cumbersome for unincorporated associations to deal with those contracts.

The community has reacted positively to the Bill. Once it is passed, even greater use of its provisions will occur. One of the major functions of the Bill is to allow the incorporation of non-profit associations to trade. It is a little churlish of the Government not to have said in its second-reading speech that the Bill adopts the proposals which I put forward to this House earlier this year to provide the same remedy.

The Hon. J. H. Kennan—I shall rectify that in the Committee stage.

The Hon. B. A. Chamberlain—I am sure that the Minister will do so in the normal spirit of co-operation that exists in this House. That is an important issue because many groups, such as school groups, religious hospitals and other organizations, want to use this proposed legislation but have found that they cannot do so.
Clearly, also, it is in the public interest for people to deal with a corporate body. In my speech during the second-reading debate on the Accident Compensatation Bill earlier this year, I gave the example of hospitals conducted by religious orders, the members of which have taken a vow of poverty, so that a person who suffers injury is in difficulty knowing whom to sue. As I have said, the Bill debates the Opposition's proposal.

The other major changes are these. Firstly, the Act provides that for an association to incorporate, it must obtain the consent of the majority of its members. However, many clubs and societies have a large but inactive membership, and it is difficult to obtain the necessary consent. The Bill provides that the votes of those who attend a meeting called for the purpose of considering incorporation under these provisions and any proxies shall be taken into account. I shall deal later with that matter.

Secondly, the Bill deals with the status of the members of the association. Professor Baxt pointed out that members of unincorporated associations have no standing to take court action to enforce the rules of the association. Proposed section 14A, which is incorporated in clause 5, rectifies that situation and, I hope, meets all Professor Baxt's objections.

The other matters are mainly technical matters involving a clean-up of the principal Act. As I said previously, the Opposition supports those provisions because the Act meets a real need in the community.

I shall now outline a number of amendments that I believe to be desirable, none of which is controversial, and I hope they are all constructive. As I have already indicated, the provision contained in clause 4, dealing with the voting by members of an association on whether that association should be incorporated, is clearly designed to take account of the votes of those who attend plus any proxies allowed under the rules. Unfortunately, the form of words does not quite say that, and I shall suggest an amendment to clarify that matter and to say that in fact the votes that shall be counted shall be the votes of those at the meeting and the proxies.

My second amendment relates to clause 7, which sets out the provision I mentioned before about allowing certain associations to trade. Basically, the Act provides that incorporated associations may not trade. However, three conditions will allow them to trade: firstly, the organization must be a non-profit organization; secondly, its rules must forbid the distribution of profits or assets to the members; thirdly, there must in fact be a rule that allows that trading. I shall suggest some amendments to clause 7 because proposed section 51 (4) (a) (iii) is rather turgid. Honourable members know what is intended by the provision, but it is not sufficiently clear. I hope the amendment I shall propose will make clear the conditions under which certain associations may trade or may be incorporated even if they are trading associations before they apply for incorporation.

The next amendment I shall move will propose a new provision, and I hope it will receive the support of the House. It deals with interstate recognition of bodies incorporated under the Act. Clearly, of their nature, many associations will be involved in activities in more than one State. Mr Lieberman, the honourable member for Benambra in another place, has brought to my attention an example dealing with the Ovens and Murray District Amateur Swimming Association, which is involved in activities in New South Wales, Victoria and perhaps also South Australia. In a submission from the Law Institute of Victoria to the Attorney-General, it was pointed out that any such body, which was deemed to be in business in another State, would need to register as a foreign company.

An Honourable Member—That club operates in Swan Hill, I know.

The Hon. B. A. CHAMBERLAIN—I think the House would agree that such a proposal for a relatively unsophisticated organization such as the one I have referred to would be nonsense; it is overkill. I am suggesting to the Attorney-General that, although one way of achieving the result would be to provide for such companies to register as foreign companies, that is too expensive and too cumbersome. The other approach is for all Attorneys-
General to agree to reciprocity. Honourable members know how these things work and that it would be a slow process to get that into gear. I suggest that such a clause be added to the Bill and passed through Parliament but that the provision perhaps not be proclaimed. The Minister could then go to his colleagues in other States and point out what Victoria had done. I might indicate that Mr Sheehan, the New South Wales Attorney General, seems to be hinting to the honourable member for Benambra in another place that he is also thinking along these lines. This approach by Victoria would encourage other States to take action that would result in reciprocity. We are concerned mainly with South Australia and New South Wales, and the proposal is designed to be fairly simple. It talks about a recognized association that is incorporated in another State under corresponding law, and a corresponding law is defined as a law that is prescribed as a corresponding law; in other words, it is up to the Attorney-General to recognize that there is a similar piece of legislation in that other State.

The proposal is that this recognized association will give notice to the registrar in Victoria of its intention to carry on business in Victoria. If he is given that notice, none of the provisions of the Companies (Victoria) Code will apply to that recognized association. However, to give ultimate control to the registrar, a provision is suggested whereby he can cancel that notification.

I suggest that action to the Attorney-General. This is put forward constructively; it has merit, and I hope the Minister will be able to accept it and perhaps use the procedure that I have suggested without proclaiming the provision until he receives a guarantee from other States that they will adopt a similar method. In that way, we in Victoria will be shown to be constructive and again leading the way on an important issue.

Having outlined those proposed amendments, I indicate that the Opposition will support the Bill.

The Hon. W. R. BAXTER (North Western Province)—The Associations Incorporation Act is one of the more successful items of legislation enacted during the period I have been a member of Parliament, at least of those which may be categorized as being of a minor nature. The fact that some 5000 organizations within Victoria have, in a little over two years, taken advantage of the Act indicates that it is needed, is very useful and was welcomed by many thousands of people. I am pleased that the Government has moved to correct the anomalies that have come to light in the process of incorporating those 5000 organizations.

I am especially pleased that the requirement as to attendance at a meeting convened to seek the approval of members for incorporation has been changed from a requirement for a majority of the total membership on the books to a majority of those attending a meeting after due notice has been given.

Members of organizations are notorious for their failure to attend annual meetings and extraordinary meetings called for some constitutional or apparently legal purpose. I have had personal experience, as I am sure have other honourable members, in endeavouring to obtain a quorum or a simple majority for organizations with which I am associated.

I am a social member of the Wodonga Bowling Club, which spent a considerable amount of money on postage, telephone calls and advertising to ensure that more than 50 per cent of its membership turned up on the night that a decision was to be made about incorporation.

These amendments to the Association Incorporation Act 1981 and Mr Chamberlain's clarification of the wording will improve the Act and lighten the load on club secretaries and office bearers, many of whom work voluntarily.

I am pleased that the trading capabilities of incorporated associations are being clarified because most associations that wish to trade do not wish to do so for any entrepreneurial benefit, but as a minor fundraising exercise on their own behalf or on behalf of a school or charity in which they might be interested.
Mr Chamberlain raised certain matters about border anomalies, which are a vexed question. He gave an example of the Ovens and Murray District Swimming Association, which conducts competitions and has a membership from both sides of the Victorian-New South Wales border. That association is a worthwhile organization in its support of young people in the southern Riverina and northern Victoria. Many other organizations also have problems with legal liability because of their inability to be incorporated in New South Wales and the costs involved in registering as a foreign company.

I am intrigued by Mr Chamberlain's proposed amendment in which he suggests that Victoria should apply for reciprocity which might be a lever to encourage New South Wales and South Australia to agree with Victoria. I hope that procedure is successful, bearing in mind the problems Victoria has had in the past with New South Wales regulations when individuals have attempted to obtain a fishing licence for both Lake Hume and Lake Mulwala, but that is no reason for not trying. The Attorneys-General should raise the matter at the Standing Committee of Attorneys-General.

I understand Mr Arnold will enlighten the House on his experiences in Swan Hill and those honourable members who represent electorates on the border frequently come across problems of this sort.

The National Party supports the proposed legislation. The Associations Incorporation Act has been very helpful to many people. It has clarified legal problems and has lifted the burden from the shoulders of people who provide voluntary assistance to various groups in our community.

The Hon. M. J. ARNOLD (Templestowe Province)—I am pleased that Mr Baxter and myself are in agreement about the Associations Incorporation Act 1981. The Act has been a successful and innovative piece of legislation.

As Mr Chamberlain said, the Act has provided an effective and cheap way for voluntary bodies to have a corporate legal status which provides those bodies with a degree of flexibility and protection that they did not have previously.

There was no doubt that many small organizations, such as sporting organizations, community organizations and social clubs, which perform very valuable roles in the community, suffered from the fear and disadvantage of being subject to legal liability by going through unwieldy processes to enter into legally binding contracts. This piece of legislation that was introduced by the Labor Government——

The Hon. Haddon Storey—To which Act are you referring?

The Hon. M. J. ARNOLD—I agree that it was, in fact, introduced by the previous Liberal Administration but was brought into operation by the Labor Government.

The legislation provided a vehicle which was popular and well accepted. Approximately 5000 organizations have taken advantage of the legislation. Mr Chamberlain informed the House that 300 clubs a month are taking advantage of the legislation.

The Bill rectifies some of the deficiencies in the original Act which appeared during the course of its operation. Clause 4 amends section 4 to enable applications for incorporation to be authorized by a majority of the members who vote in favour of the motion at a meeting of which all members have been given 21 days’ notice. This amendment overcomes the obvious practical difficulties faced by some large bodies that have a large book membership but not a large active membership. Those organizations have found considerable difficulty in obtaining a majority of all members to support an application for incorporation.

The new provision will remove the delay and the unwieldy process that previously existed, while still providing adequate protection for those bodies and their individual members.
Clause 5 inserts a new section 14A in the Act, which gives incorporated associations and their members standing to apply to the Supreme Court for orders requiring performance or observance of the association's rules or declaring and enforcing rights or obligations of the association and its members. Under the strict interpretation of the existing common law, members have standing to obtain legal action in certain circumstances. The general view is that the rules of voluntary associations do not create legal relationships and hence difficulties were created where members did, in fact, try to enforce any rights as members of such bodies. Courts were forced to distinguish the law in a number of cases and this was particularly in cases where the associations controlled persons, trades or livelihood.

The amendment will enable members of the incorporated association to seek to have redressed through the courts any wrongs they believe they have suffered through the action of the association.

All honourable members accept that this as a worthwhile change because nothing more upsets ordinary men or women, who believe they have certain rights in which they believe very strongly and who belong to groups or organizations, when they feel they cannot have their difficulties redressed cheaply or efficiently.

Other honourable members have spoken about the amendment to trading restrictions. The purpose of the amendment is to relax the restrictions on trading in relation to certain types of organizations which would like to incorporate but whose members are fearful of doing so because of the penalties that apply if an association is deemed to be trading unlawfully.

This amendment exempts from the trading prohibitions those bodies whose main purpose is charitable and whose rules prevent the distribution of assets on winding up other than for a charitable purpose.

Certain safeguards have been included in the Bill in relation to rule changes and reporting requirements to prevent abuse of the Act and to enable the Minister to direct an association to become registered under the Companies (Victoria) Code where its continued incorporation as an association is inappropriate.

The Bill will improve the operation of the system, which has already been an enormous source of protection over the past couple of years for a large number of organizations. Mr Chamberlain has foreshadowed an amendment, which I believe is worthy of consideration. I am sure the Attorney-General will give it full and proper consideration in the fullness of time and may consider its acceptance.

I understand the difficulties that some organizations and bodies have, especially in towns close to the borders, having practised law in Swan Hill with a firm that had clients in both New South Wales and Victoria, and which represented bodies whose members came from New South Wales and from Victoria. I believe the Attorney-General will give consideration to the amendment foreshadowed by Mr Chamberlain.

There is no doubt there is a need for retrospectivity in legislation that affects adjoining States and the very innovative nature of the proposed legislation would be enhanced by examining its operations and giving it as broad an impact as possible.

The motion was agreed to.

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

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

That it be an instruction to the Committee that they have power to consider a new clause to authorize associations incorporated in another State or Territory to carry on business in Victoria.

The motion was agreed to.

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

Clause 1 was agreed to.
Clause 2

The Hon. J. H. KENNAN (Attorney-General)—I thank Mr Chamberlain, Mr Baxter and Mr Arnold for their contributions, especially Mr Arnold for elucidating the problems in the Bill and the experiences that he was able to draw on as a practitioner in Swan Hill and the light that he was able to throw on Mr Chamberlain's very helpful proposed amendment.

I absolutely accept the spirit in which Mr Chamberlain has moved the amendment. The Government recognizes that the Associations Incorporation Act is a useful one, which was introduced and passed through the Parliament by the previous Government, and if I was thought to be ungracious by Mr Chamberlain in my second-reading speech, I apologize. I do not recognize that Mr Chamberlain introduced a Bill, the substance of which we have incorporated in the proposed legislation, seeking to widen the scope of the associations that may be incorporated, to overcome a handicap that many genuine bodies—charitable bodies—have suffered. That has been a matter of concern to a number of bodies. The Government did not wish to proceed with that as a single amendment but rather wanted it to be part of a Bill.

Many of the amendments foreshadowed by Mr Chamberlain are acceptable to the Government. I will shortly be moving that progress be reported so that overnight I can consider the effects of the foreshadowed amendments, especially the suggestion that there be interstate recognition. I welcome the initiative—it is a good idea. However, I do want time to consider the wording of the clause and the desirability of incorporating it at this stage. If the Government were to accept it, I would need to move an amendment to clause 2 of the Bill, to allow severability if Mr Chamberlain's intention is to come into effect.

In any event, Mr Chairman, I would support this matter being raised with my fellow Attorneys-General at the Standing Committee of Attorneys-General, irrespective of whether or not I decide that the Government should incorporate the proposal in this Bill. The notion is most constructive and, for the reason of wishing to further study Mr Chamberlain's amendment, I propose that progress be reported.

Progress was reported.

RACING (FIXED PERCENTAGE DISTRIBUTION) BILL

This Bill was received from the Assembly and, on the motion of the Hon. J. H. Kennan (Attorney-General), for the Hon. J. E. KIRNER (Minister for Conservation, Forests and Lands), was read a first time.

WRONGS (CONTRIBUTION) BILL

The debate (adjourned from June 5) on the motion of the Hon. J. H. Kennan (Attorney-General) for the second reading of this Bill was resumed.

The Hon. B. A. CHAMBERLAIN (Western Province)—The Bill is designed to address a difficult and complex situation in the law whereby contribution is assessed where more than one wrongdoer causes loss or damage to a plaintiff. It is a complex area and the Opposition is happy to support the Bill. It arises out of a report of the Chief Justice's Law Reform Committee. As the second-reading notes remind honourable members, the committee reported to a former Attorney-General in April 1979. The second-reading notes mention the inaction of the former Liberal Government, which has caused the Government to act.

According to my calculations, the Government has had the report before it for six months longer than the previous Liberal Government. I think I would be even handed in saying that both Governments have been slow.

I shall provide examples of situations where the Bill might apply. Let one assume a case where a person is injured. Say I am a passenger in your car, Mr Deputy President, and that
your car runs into a car driven by the Attorney-General. There is a situation where I can sue you as the driver of one car and the Attorney-General as the driver of the other car and, although I will receive my full damages, there might be some argument between you and the Attorney-General, as the two drivers, as to who contributed the most towards the accident.

Such a case has no practical effect in the sense that we are all insured by the same insurer. However, more complex cases exist. Let one assume that I have an architect who designed a house for me and I engaged a builder to build the house according to that design. Let one assume that the design is defective and the foundations collapse. It is possible that the liability of the builder and the architect to me is a liability in contract or a liability in tort, or is a liability according to the law of negligence. That is the area that the law has not been able to cater for up to now.

Therefore, the Chief Justice's Law Reform Committee suggested a number of amendments to deal with the situation. The proposal also countenances a situation where a claim between the plaintiff and one of the defendants is settled on terms which the other defendant, who ultimately has to contribute, believes are excessive. The proposal gives rise to the ability of a party to reopen that settlement to determine the proper contribution of the second defendant to the amount which was paid out.

I wrote to the Law Institute of Victoria seeking its comments. The institute suggested that there is perhaps an inconsistency between two of the provisions in the Bill and that the second provision relating to the ability to reopen those compromises should be clarified as to actions which have already been before the court and have been sanctioned by the court or the Master of the court.

When the Bill reaches the Committee stage I shall spell out those amendments in detail. The Bill is a constructive proposal which will largely clarify the law in this most difficult area and, with the two matters of clarification by way of amendment to which I referred, I indicate that the Opposition is happy to support the Bill.

The Hon. W. R. BAXTER (North Eastern Province)—Despite the propensity of the Attorney-General to commend my grasp of the law, as National Party spokesman on legal matters I have to admit that I have had a fair degree of difficulty in coming to grips with the Bill, especially where it concerns married women and the malfeasance Act of the United Kingdom, which has some impact on the proposed legislation.

Having said that, I am pleased to indicate the support of the National Party for the proposed legislation. As Mr Chamberlain mentioned, the Bill will clarify this complicated area of the law. I am somewhat at a loss about why the former Liberal Government did not act on the Chief Justice's Law Reform Committee report which recommended amendments along these lines.

I concede that the matter is complicated but if people are being disadvantaged it is surely incumbent on Governments of whatever hue to take action, especially when they receive the type of recommendations presented by the Chief Justice's Law Reform Committee at the time.

However, that is water under the bridge and the matter is finally being corrected. As I indicated earlier, I find the law of tort and the like difficult to comprehend, but I am assured by my advisers that the proposed amendments are desirable and workable. The National Party supports the Bill.

The Hon. M. J. ARNOLD (Templestowe Province)—It is with great pleasure that I am again on the side of Mr Chamberlain and Mr Baxter on a matter affecting Victorian law reform. Much has been said about the fact that the Administration prior to 1982 dilly-dallied with the Bill for some three years. Mr Chamberlain suggested that this Government might be equally as slow, but I should point out that the Attorney-General had so much to catch up with because of matters the Liberal Party had let slide that that is why the Bill had not been introduced earlier.
The Bill amends Part IV of the principal Act to bring the law on contributions in Victoria into line with that in England, or substantially so at least. The law on contributions in Victoria was originally based on the English law and it is sensible to maintain as much uniformity as possible in what is agreed to be a complex area of law so that both jurisdictions can look to their respective judgments to obtain guidance on difficult points that may arise.

The Bill is based on a recommendation of the Chief Justice’s Law Reform Committee which was made in April 1979. I agree with the previous speakers that it is unfortunate that the recommendation was not translated into legislation when it was originally made.

I know, as a practitioner in the common law area in which personal injury cases are sustained, that litigation for damages takes place arising out of negligence, and in the case of personal injuries—especially where they are suffered in the work place—problems of contribution would often make actions unnecessarily complex both for parties and their legal representatives. The problems often caused by this complexity lead to delays to settlements of those actions. I am a great believer in anything that will speed up resolutions in personal accident actions and this should be corrected as quickly as possible. There is no doubt that the matter is complex and I can understand why Mr Baxter has some difficulty in understanding it because we, as lawyers, have difficulty understanding it.

The Hon. H. R. Ward—that is no reflection on Mr Baxter!

The Hon. M. J. ARNOLD—Mr Ward rightfully interjects that that is not a reflection on Mr Baxter. Any legislation that simplifies legal proceedings and leads to early resolutions of actions, especially in the area of personal injuries, should be commended and on that basis I do commend the proposed legislation and I commend the Attorney-General for bringing it forward at this time.

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)—I thank Mr Chamberlain, Mr Baxter and Mr Arnold for their contributions. I share with Mr Baxter the fact that all of us who have the unfortunate training in the law so cripples us that we also find this area of law complex. I accept the spirit in which Mr Chamberlain has proposed to move his amendments. They are not amendments which the Government believes are strictly necessary. At least one of them was drawn to the Government’s attention by the Law Institute of Victoria; it arises out of an excess of caution. However, it would be churlish of the Government to do other than accept them.

The clause was agreed to, as was clause 3.

Clause 4

The Hon. B. A. CHAMBERLAIN (Western Province)—The Law Institute of Victoria in a submission to the Attorney-General suggested:

There may be an inconsistency of approach between new sections 23 (8) (5) and 24 (2b). Whereas 23 (8) (5) will make it impossible for certain issues to be re-examined in subsequent contribution proceedings, 24 (2b) permits a complete examination of issues in order to make a determination as to whether a settlement or compromise was excessive.

It is suggested that to make that clear the first provision should be subject to the second. I move:

1. Clause 4, page 3, line 16, omit “A” and insert “Subject to section 24 (2b), a”.

In moving that I indicate that I did not convince Parliamentary Counsel that this amendment was necessary and I place on record what Parliamentary Counsel stated about it so
that the Minister may consider this when deciding what he should do about the amendment. Parliamentary Counsel stated:

As I indicated to you this morning I believe that Amendment No. 1 is undesirable as there is no inconsistency in approach between sections 23b (5) and 24 (2b).

Section 23b (5) prevents a party from recovering contribution from another party who previously was unsuc­cessfully sued by the damaged party i.e. the action failed on the merits and not through expiration of a limitation period, etc. But for section 23b (5) the party from whom contribution is being sought would have to defend himself a second time.

However, I still believe the amendment is desirable in line with the views put by the Law Institute of Victoria.

The Hon. J. H. KENNAN (Attorney-General)—My position remains as it was. I believe it is an excess of caution. I am relieved that that seems to be the view of Parliamentary Counsel, but I do not oppose the amendment.

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

Clause 5

The Hon. B. A. CHAMBERLAIN (Western Province)—In the same submission to the Attorney-General from the Law Institute of Victoria I referred to earlier, it was pointed out that proposed section 24 (2b) gives rise to the possibility that a claim which has been settled could be reopened when it has already been to the court and that is in the case in which there has been a compromise of an infant's claim. To enable it to be reopened is to go through the process of the court overview again. I believe perhaps we should go a little further by considering other cases in which a court could intervene, such as with a person who is of unsound mind. Therefore, I move:

2. Clause 5, page 4, after line 14 insert:

"(2c) Nothing in sub-section (2b) applies to a settlement or compromise of a claim of a minor or person of unsound mind that has been approved by the court."

I believe the amendment is self-explanatory.

The Hon. J. H. KENNAN (Attorney-General)—Again the Government gave consider­ation to this and it believes it is an excess of caution, but it does not oppose the amend­ment.

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

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

INTERPRETATION OF LEGISLATION (FURTHER AMENDMENT) BILL

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

That this Bill be now read a second time.

PURPOSE OF BILL

The purpose of the Bill is to simplify the format and language of legislation in accordance with the Government's plain English policy. The Bill implements some of the changes to legislation referred to in my Ministerial statement on plain English legislation of 7 May 1985.

BACKGROUND

In my Ministerial statement I referred to the plain English movement which has de­veloped in the United States, Canada and parts of Europe. The movement developed as an
outgrowth of the consumer movement. Its aim is to improve the accessibility of citizens
to goods and services by pushing for a simplification of the language used in consumer
contracts, leases, insurance policies and the like.

There has also been increasing concern in Australia in recent years about the language
used in legal forms and documents. The Federal Government is conducting a plain English
review of all its forms. The Senate Standing Committee on Education and the Arts Report
on National Language Policy of October 1984 suggested that a national task force be
established to make recommendations on the reform of legal language. Recently the New
Zealand Attorney-General announced that one of the functions of the newly established
New Zealand Law Reform Commission would be to reform legal language.

It is the policy of this Government that legislation be written in clear, comprehensible
English. Legal language need not be obscure. This policy is consistent with the initiatives
which have been taken by this Government to simplify the law and to increase its acces­
sibility. Simplification of the law leads to a better understanding of one's legal rights and
remedies. Equal protection of the law and equal access to it are essential elements of a
democratic society.

Some improvements have already been made with the encouragement of the Legal and
Clear rules of interpretation are now set out in the Interpretation of Legislation Act. The
format of Acts has been simplified, with a clear table of provisions and bold headings.

In my Ministerial statement, I announced ten changes that would be made to the format
of spring sessional period Bills. Some of these changes have already been adopted by
Parliamentary Counsel. These are:

- Regnal years have been deleted.
- The use of Latin and Roman numerals has been discontinued.
- The enacting words have been simplified.
- All Bills start with a purpose clause.
- Wherever possible, set commencement dates are used.
- The term “definitions” has replaced “interpretation” as a heading and the introduct­
ory words of the definition section have been shortened.
- “Must” has replaced “shall” wherever an obligation is imposed. “If” has replaced
“where” in circumstances where they are synonymous.
- “And” or “or” are used where a set of criteria or conditions are set out in successive
paragraphs so that it is clear whether the criteria or conditions are cumulative or
alternative.

Unnecessary qualifying phrases have been removed.

Steps are also being taken to simplify amendment and repeal provisions.

CONTENTS OF BILL

Three of the changes to Bills referred to in the Ministerial statement require an amend­
ment to the Interpretation of Legislation Act before they can take effect. These changes are
the deletion of long and short titles from Acts, a new system of numbering Acts and a
short form of commencement clause. The Bill makes the necessary amendments to the
Interpretation of Legislation Act. The details are as follows.

NUMBERING OF ACTS

The Bill provides for a simplified Act numbering system. From 1 January 1986, Acts
will be numbered in annual and numerical order and by year, for example No. 10 of 1986.
This will bring Victoria into line with Commonwealth practice.
The Interpretation of Legislation Bill 17 September 1985 COUNCIL 49

The Hon. W. R. Baxter—What is the advantage of that?

The Hon. J. H. KENNAN—It is simpler and more contemporary. It will also bring Victoria into line with the Commonwealth. It is absurd to continue the system of numbering Acts up to 10048 and so forth. It will provide more ready reference.

The Hon. W. R. Baxter—I do not think so!

The Hon. J. H. KENNAN—It is a pity that Mr Baxter and I disagree about anything at all. At least, as Mr Lawson says, it is only a small point.

TITLES OF ACTS

The Bill will allow for the abolition from Acts of both the long title and the usual opening provisions which cite the short title. In future there will simply be a concise title at the top of the Act. The information previously contained in the long title will now be provided in the purpose clause.

However, titles will be retained in Bills as they are important aids in deciding whether—

The Houses will give approval for a Bill to be presented.

The contents of a Bill go beyond its title.

A committee may consider matters which are not strictly covered by a Bill but which are relevant to its general purposes.

House amendments are relevant to the subject-matter of a Bill.

Existing Acts and those Bills which have short titles and have already been introduced will retain long titles.

TIME OF COMMENCEMENT OF ACTS

Wherever possible, there will be a set commencement date. If this is not possible, the Bill allows for a new short form of commencement clause to be used.

OTHER CHANGES

The opportunity has been taken to make two other changes which will help simplify legislative language. The Bill will enable a short form of delegation clause to be used and provides that a power to make an instrument will include a power to amend or repeal it without an express statement to that effect.

CONCLUSION

This Bill is part of the Government's program to simplify legislative format and language. In 1986, a plain English expert will be appointed to the Office of Parliamentary Counsel as part of the team working on legislation. This will ensure that the art of plain English is developed in legislative drafting.

The scope for the development of plain English in the law is enormous. Legal documents of all kinds need to be redrafted on plain English principles. Law students need to be taught good drafting practices instead of copying pompous legalese. I hope that all these areas will receive attention in the future. Both Parliament and the community will benefit from any steps which are taken to simplify legal language.

I commend the Bill to the House.

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

That the debate be now adjourned.

I raise a matter as a suggestion for the Attorney-General. As he is aware, section 32 of the Interpretation of Legislation Act provides for Parliament to have filed with it extrinsic information on which interpretation is based. That provision requires each House of
Parliament to put away in its archives those documents. It appears to be a duplication of paperwork in both Houses. I wonder whether the Attorney-General would consider amending the legislation to provide that only one set of documents need be deposited in Parliament, rather than two separate bundles of documents.

The motion for the adjournment of the debate was agreed to, and it was ordered that the debate be adjourned until Tuesday, September 24.

**ADJOURNMENT**

Overseas meat sales—Specialist teachers—Shortage of hospital beds—High-rise development in Brighton—Meat inspection services—TAB licences—Deaths of fairy penguins—National Tennis Centre—Department of Agriculture and Rural Affairs diagnostic centre in Bendigo—Administration of Law Department

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

That the House do now adjourn.

The Hon. D. M. EVANS (North Eastern Province)—The matter I raise for the attention of the Minister for Agriculture and Rural Affairs relates to a serious dispute that is currently taking place, which has been spearheaded by the Transport Workers Union and which is stopping the loading of Australian meat and the fulfilment of important sales to a number of specialist overseas markets, particularly in Canada, Japan, Hong Kong and parts of Europe. I believe Switzerland is an important market. I understand action already taken by the Transport Workers Union will cost Australia $3 million in exports of lamb and some specialty beef goods.

The dispute is directly related to the recent dispute of the Mudginberri abattoirs in the Northern Territory, decisions handed down by the courts in that case and some dissent from the union movement, especially the Australian Meat Industry Employees Union and the Transport Workers Union. I ask the Minister to take up the matter. The issue must be of concern to the Department of Agriculture and Rural Affairs, particularly in view of the rural crisis which brought 30 000 to 40 000 farmers to the streets of Melbourne.

Is the Minister aware of the issues involved and has he taken up those issues with his colleagues, in particular his colleague involved with industrial relations? If not, will he do so urgently because substantial export earnings for Australia, both now and in the future, are being placed at grave risk. Australia's reputation as an overseas trader and a reliable producer of primary and secondary produce is also at risk. Will the Minister, in conjunction with other relevant Ministers, take urgent steps in this matter.

The Hon. G. P. CONNARD (Higinbotham Province)—I direct a matter to the attention of the Minister for Planning and Environment as the representative of the Minister for Education. A number of primary schools in Higinbotham Province with declining enrolments are facing the problem of losing their specialist teachers because of lack of numbers. In the *Age* of 16 September, Margo Hossa of Hawthorn was reported as saying that the school which her young daughter attends was advised recently by the principal that as the number of pupils enrolled at the school was dropping the specialized art teacher would not be replaced next year.

The Hon. E. H. Walker—Which school is it?

The Hon. G. P. CONNARD—The name of the school is not mentioned. The signatory to the letter in the *Age* of 16 September is Margo Hossa of Hawthorn.

I also wish to comment on the Cheltenham Heights Primary School where, for the same reason of declining population, that school is not able to provide specialized teachers in the areas of arts, crafts, library, music and so on. It is recognized that there is virtue in small schools being small schools.
I request the Minister for Planning and Environment to discuss with the Minister for Education the possibility of full-time specialist teachers joining with other schools in the area so that these extra facilities for schooling can be provided. Under the rules laid down by the Education Department, that situation cannot be implemented at the present time. However, small schools should not be forced to suffer from an inadequate education through lack of specialist teachers. Perhaps the Minister for Planning and Environment could discuss this matter with the Minister for Education, who in turn could correspond with me.

The Hon. K. I. M. WRIGHT (North Western Province)—I raise a matter for the attention of the Minister for Health. I refer to the desperate shortage of hospital beds in Victoria. This is highlighted by an incident at the Royal Melbourne Hospital concerning my constituent, Mrs Karen Horne of Mildura. Mrs Horne is expecting a child and is experiencing a heart condition. Her doctor arranged for her admittance to the Royal Melbourne Hospital on Monday of last week. Mrs Horne was driven 544 kilometres to Melbourne. This was a costly and tiring exercise. She found on arrival that a bed was no longer available in spite of strenuous efforts by the medical officer on duty. She was told a bed might be available on the Tuesday and when this did not eventuate she was driven home to Mildura. She was informed that it could be five days before a bed was available.

A patient who had been flown in from Tasmania was also waiting and, after collapsing, received urgent treatment. Since then, the casualty ward at the Royal Melbourne Hospital was closed on Tuesday night and, with hospital union activity on the increase and worsening nursing shortages, the next stage will be people dying on the streets.

Mrs Horne will probably go to Adelaide, where the situation is better, if she requires further attention. However, her father, Mr Les Hammence, asked me to raise this matter officially in the hope that somebody else in the same position will not experience a similar occurrence.

Hospital beds are closed all over Victoria. Many thousands of operations are delayed. Surely some of the decisions that are the root cause of this extraordinary disturbing situation can be undone. Victoria can boast that it has one of the highest health care standards in the world. I urge the Minister to keep it that way.

Can the Minister advise what action he proposes to take to prevent a repetition of such matters?

The Hon. ROBERT LAWSON (Higinbotham Province)—I direct my remarks to the Minister for Planning and Environment on behalf of a group of residents in Brighton. The Minister may already be aware of a permit approved to build a block of flats at 36 The Esplanade, Brighton. I believe this matter has been before the Minister and also before the Planning Appeals Board. I ask the Minister to examine that decision once again for reasons that I shall set out.

Local residents are extremely concerned about the building of this block of flats. They do not want it in the vicinity. They want some sort of development, but nothing as intrusive as a block of flats which will be quite bulky.

One of the arguments they put forward is that the decision creates a precedent. The matter is also raised in the determination of the Planning Appeals Board which states that the proposal put forward for a seven-storey building at 40–46 The Esplanade, Brighton, would appear to create some sort of precedent for more flats to be built around Brighton and even up and down the whole of the foreshore throughout Port Phillip Bay. The argument is that if one block of flats is allowed to be erected on the foreshore of Port Phillip Bay, there is no argument for refusing proposals for other blocks of flats and commercial development. The residents fear a Miami-type development of multi-storey flats and a string of buildings of this type up and down the shores of Port Phillip Bay. The residents believe that only low-rise development should be allowed in the vicinity.
The Minister may also recall that the Sandringham area had a problem with planning at The Crescent, Sandringham. One of the residents in The Crescent wanted to build a large house in a street comprising low-rise single storey houses. The Sandringham council refused the permit and the matter was before the Planning Appeals Board; the proposal may already have been rejected.

The Brighton council has twice rejected that proposal. The first scheme was for a very large development and when that was rejected by the council a smaller development was brought forward. This was also rejected by the council. The developers then went to the Planning Appeals Board and the board agreed that the flats should be built. On behalf of my constituents, I request that the Minister consider the matter.

**The Hon. B. P. DUNN (North Western Province)**—I raise with the Minister for Agriculture and Rural Affairs his decision to transfer meat inspection services from Victoria to the Commonwealth as from 1 January 1986. I have a statement released by the Minister announcing this decision on 22 August.

I raise a number of points in regard to that decision. The Minister states that the transfer of this service will be of considerable saving to the State Government and the producers of Victoria. The Minister states that the Government will save approximately $2 million in a full year and the industry will save approximately $1 million!  through lower inspection charges by the Commonwealth.

Can the Minister provide myself and primary producer bodies in Victoria with the documentation that substantiates his claim about reduced charges and costs if this transfer takes place? He makes great play on that throughout his statement.

I assume that legislation is required for the transfer to take place. Will that proposed legislation be introduced into Parliament and will discussions take place with producer groups prior to a Bill being introduced?

The Minister also refers to commitments made by the Federal Minister for Primary Industry, Mr Kerin, to safeguard a number of things, one of which is to safeguard the council-based abattoirs in Victoria. Mr Kerin has given a firm commitment that there will be no integration of charges across export and domestic works.

I wonder whether the Minister has the undertakings and safeguards in writing and whether those safeguards will be part of the proposed legislation. If not, are they just word of mouth agreements between the Minister for Agriculture and Rural Affairs and the Federal Minister, Mr Kerin, that will be worthless after the Minister and Mr Kerin are no longer in those positions when the proposed legislation will be expected to operate?

I also ask the Minister whether he is aware of the continuing concern of people employed in country abattoirs, wholesale associations and producers that this move may lead to increased charges if the Commonwealth Government uses a heavy hand and takes total control of meat inspection in Victoria.

**The Hon. B. A. MURPHY (Gippsland Province)**—I raise a matter of concern with the Minister for Conservation, Forests and Lands, as the representative for the Minister for Sport and Recreation in this place. The concern I have relates to the tight restrictions forced on the Government by the recent passage of the Racing (Amendment) Act which enables hotels in country areas to apply for a Totalizator Agency Board licence.

A town in the province I represent, Paynesville, is 16·7 kilometres by road from Bairnsdale, which has the nearest TAB office. However, the board has refused to grant Mr John O'Dempsey of Paynesville Hotel a permit to operate a TAB agency on the grounds that Paynesville is less than 15 kilometres from Bairnsdale. The interpretation that has been applied is 15 kilometres as the crow flies.

Country people know that crows do not fly over water and there is a lot of water between Bairnsdale and Paynesville. If a crow flies around the water's edge, it would go the same way that a car travels.
I ask the Minister to consider an amendment to the Act so that people such as Mr O'Dempsey can apply for and obtain a country TAB licence. I am sure the 4000 people in the Paynesville area would not want to travel to Bairnsdale to have a bet with the TAB. I ask the Minister to support an amendment to the Act so that the people of Paynesville can have their own TAB agency.

The Hon. REG MACEY (Monash Province)—I raise a matter for the attention of the Minister for Conservation, Forests and Lands. On previous occasions the Minister indicated her concern and reflected the concern of the community about the apparent inexplicable deaths of penguins in the Westernport Bay and Phillip Island areas. In recent weeks there have been a number of deaths of fairy penguins in Port Phillip Bay and Hobsons Bay and I have been contacted by a number of my constituents about this matter.

I told them that the Minister had stated previously that resources of her department had been channelled into investigating the deaths and that the reason for the tragedy may soon be found.

I ask the Minister for an updated report on the investigations that have been carried out into the deaths of penguins in the Westernport Bay and Phillip Island areas and the recent situation where fairy penguins have been washed up on beaches in the Middle Park area and other beaches in the province of Monash which I represent.

The Hon. J. G. MILES (Templestowe Province)—I direct the attention of the Minister for Planning and Environment to the proposed Lawn Tennis Association of Australia stadium to be constructed in Melbourne. Many Government statements have been made and questions have been raised about the intention of the Government to compensate for the parklands lost in Flinders Park and near the Army depot in Swan Street.

Despite those questions no indication has been forthcoming from the Government or the Minister about replacement parklands. Will the Minister inform the House whether the Army depot in Swan Street will provide replacement parklands for the proposed tennis stadium or whether he has received written advice from the Commonwealth Government that parklands will be replaced.

The Hon. N. B. REID (Bendigo Province)—I direct a question to the Minister for Agriculture and Rural Affairs about the cutbacks in staffing at the Department of Agriculture and Rural Affairs diagnostic centre in Bendigo. The Minister will recall the fine service that officers of his department gave during the outbreak of avian influenza.

The Hon. E. H. Walker—I read your press release in the “Bendigo Advertiser”. The Hon. N. B. REID—I am pleased that the Minister reads the Bendigo Advertiser. I am sure the Minister appreciates the fine services the officers provide not only to Bendigo but also to central and northern Victoria. I am concerned that they should have adequate staffing and I have written to the Minister about the cutbacks at the diagnostic centre.

I was not happy with the answer I received, so I now ask what action the Minister proposes to take to ensure that the level of services is maintained for the farming community.

The Hon. B. A. CHAMBERLAIN (Western Province)—I raise with the Attorney-General an aspect of the administration of the Law Department. On a couple of occasions when I have written to him about specific issues, I have received a letter saying, “We can find no trace of your letter; please write again”.

The Hon. C. J. Kennedy—Put a stamp on it next time!

The Hon. B. A. CHAMBERLAIN—I have also received correspondence from a lady in Newtown who said she wrote to the Attorney-General and that she received a reply stating there was no trace of her letter. I believe I have the solution to the Minister's problem. I have given the honourable gentleman a warning that I would raise the matter.
I refer honourable members to a letter from the Attorney-General to the honourable member for Mornington in another place, Mr Robin Cooper, about the variations to birth certificates following sex change surgery. On 5 August Mr Cooper wrote a letter which stated, "I wrote to you on 12 June; please reply." The Attorney-General replied on 9 September, "I cannot find your letter of 12 June" and then proceeds to give the honourable member an answer.

Lo and behold, three days before, the Acting Attorney-General replied to the letter that the Attorney-General said he never received, giving a different answer. Obviously there are two sets of correspondence somewhere in the Law Department. This highlights the problem and I ask the Minister to examine not only that case but also the system of handling correspondence within the department, because I receive many letters from constituents stating, "I wrote to the Attorney-General six months ago but he has not replied to me." I do not know whether there is another stream of correspondence in his department, but I suggest that the administration is not working properly.

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—Mr Evans asked me about the bans placed on the export of meat. I am conscious of the problems and have referred the matter to the Minister for Employment and Industrial Affairs for consideration by the Industrial Relations Task Force.

Mr Connard raised a matter for the attention of the Minister for Education about the declining numbers of teachers. He also made certain suggestions about ways in which the matter might be handled and I shall pass on those suggestions for a response from the Minister.

Mr Lawson asked me about flats on the Esplanade in Brighton and I am also conscious of that issue. He is correct that the decision made by the Planning Appeals Board is not one that I can alter or with which I can interfere. However, it does raise an issue that he quite correctly identified which can affect the coast from Elwood to Frankston.

I chose that example because, when one considers Elwood and areas through to the inner-urban bay areas, there are controls related to the urban conservation amendments to the Melbourne Metropolitan Planning Scheme. However, I have instructed my department to prepare, in consultation with local government, a planning scheme or an interim development order which will bring, as soon as possible, controls to bear on all those areas running between Elwood and Frankston, which are within the Melbourne Metropolitan Planning Scheme area.

Therefore, I am taking the matter in the manner in which it should be taken, that is, from a planning point of view, to ensure that proper planning controls can be devised in consultation with the relevant councils and to ensure that the developments along that section are suitable in scale and are acceptable.

I do not wish to make any further comment, because it would be a reflection on the planning system that exists, save to say that I believe the permit that was eventually issued was for a development much reduced from the original submission. I indicate to the honourable member that I am well aware of the concern, and I am taking action.

Mr Dunn asked a number of questions regarding the transfer of responsibility for meat inspection to the Commonwealth. It is true that I have made announcements on the matter to which he referred. I should be happy to provide him with documents relating to costs and to go through them with him.

Mr Dunn also asked when proposed legislation would be introduced. That will occur at the earliest opportunity—certainly this sessional period. I estimate that proposed legislation will come before Parliament within a month.

I have had discussions with producer groups and, of course, with bodies such as the Country Abattoirs and Wholesalers Association of Victoria and so on. That is not to say that they have agreed, particularly the association. It was opposed to the move. However,
I met with representatives of the association on more than one occasion and discussed the matter with them at length.

Mr Dunn referred to safeguards received in writing from the Federal Minister, Mr Kerin. There are certainly letters outlining the whole issue in detail between Mr Kerin and me, and so the agreements about which Mr Dunn asks are certainly in writing.

The Hon. B. P. Dunn—What about putting them into legislation?

The Hon. E. H. Walker—we can discuss that. Mr Dunn finally asked whether I understood the concerns of the abattoirs. Yes, I do, as I have already indicated.

Mr Miles raised a question regarding the tennis centre. I should point out to him that I am not the Minister directly responsible for negotiations. The Premier has taken the initiative and the Minister for Sport and Recreation, Mr Trezise, is the Minister responsible for this development. I believe correspondence has occurred, but if Mr Miles were to put a question on notice or have a colleague ask a question in another place, he could receive answers, for which I am not responsible, in regard to the written communications between the State and Federal Governments.

Mr Miles's main question was whether the Army depot would become a parkland. I have indicated in this House previously that it will.

Mr Reid has been asking rather smart alec questions this evening. Let me tell Mr Reid that I have read what he has stated in the local newspapers. I have read the bleeding heart stuff that he puts in the Bendigo Advertiser and I have read the irresponsible statements that he makes about staffing at Bendigo.

Let me give Mr Reid some answers so that, in future, he might do his homework before he makes such outrageous statements. Let me inform him of the situation. My department in Bendigo has three groups in the area of agriculture and rural affairs. The staff establishment in Bendigo is 75 persons. The three groups operating at Bendigo are: the Regional Veterinary Laboratory, the district office and veterinary field services. There are 44 persons in the regional veterinary laboratory, nineteen persons in the district office, and twelve persons in veterinary field services, which is a total of 75 persons.

If I were to read the material provided in the press by Mr Reid in the way any unsuspecting individual might do, I would imagine that there could well be ten or twelve people who have departed, which departure is causing amazing difficulty in Bendigo. In fact, the total reduction has been by two persons, and those positions are ones that will be filled. If Mr Reid were really responsible, he would have asked the question of my department before he went public in such a manner as to cause unnecessary concern. Mr Reid would like to know whether services are being maintained.

The Hon. N. B. Reid interjected.

The Hon. E. H. Walker—if Mr Reid wants an answer to his question, he should listen. This is quite a voluntary response. Mr Reid is aware that there have been reductions in agricultural staff throughout the State, and the situation has been significantly more difficult in other areas than in the area he represents. If he were really making an honest statement to the Bendigo people, he would say that Bendigo has done extremely well. Other areas of the State have had a tougher time than has Bendigo. There are areas of the State where the situation has caused more difficulty, and the department is endeavouring to maintain services in those areas also.

If Mr Reid were in any way honest, he would have asked for the information in the manner in which his counterpart, my colleague in another place, the honourable member for Bendigo West, requests information. When he wishes to provide information of this kind, he asks for information that can inform the public correctly. If Mr Reid were anything like the David Kennedys in the area he represents, he would move positively to ensure that his constituents are looked after rather than bleating information that causes
unnecessary concern among the public. I am glad that Mr Reid has raised this question because he has gone into this matter half cocked, without knowing what he is talking about.

In regard to reductions in agricultural staff, Bendigo has done as well as any other area of the State. Mr Reid should try to represent the area as well as the honourable member for Bendigo West in another place, who continues to represent it well and should be credited with ensuring that a reasonable circumstance exists in that part of the State.

In future, when Mr Reid wishes to ask a question in a smart alec sort of way, which is the way in which he seems to wish to do so, or when he wishes to write material in the local newspaper, I suggest that he gets his facts straight first.

The Hon. D. R. WHITE (Minister for Health)—Mr Wright raised the issue of Mrs Horne, a constituent of his from Mildura who came to the Royal Melbourne Hospital and was subsequently sent home, despite the fact that she was in rather poor condition. Mr Wright afforded me the courtesy of providing me with the details of the matter before the adjournment for dinner. At this stage, I have not had the opportunity of obtaining some advice about that issue, but I look forward to taking up the matter with officers of the hospital and providing Mr Wright with a response in due course.

The Hon. J. H. KENNAN (Attorney-General)—In regard to the matter raised by Mr Chamberlain, it is embarrassing that two answers were given to the same person, and I shall examine the matter. I should say that, if I am to rectify the problem of unanswered mail, I shall try to do so in proportion, not by way of excess. I have been genuinely concerned, as I was concerned when I became Minister, to speed up the processing of mail. Because the Law Department is not a large department, I have tried—

The Hon. H. R. Ward—You will have to try much harder to beat the former Minister of Health.

The Hon. J. H. KENNAN—I should point out that in the health area, some 150 letters a day are received, whereas in the field of law it would be some 30 or 40 letters. It is really something that should be done reasonably quickly, and I have tried to implement a system where substantive replies are sent out within a month, rather than a notification being sent out within a week and then leaving people swinging.

It would be true to say that the treatment of mail and the system of processing the mail have deteriorated, and there is a point to what Mr Chamberlain said. Generally, the process has been reasonably satisfactory over the past two years.

I shall look into the matter. We are still in the process of setting up a proper computerized mail tracking system. I agree that there is room for improvement and I welcome the examples brought to my attention by Mr Chamberlain. If he wishes to bring other matters to my attention, either privately or publicly, I welcome that.

It is hard to bring the department into the twentieth century all at once. One letter bears the initials of the real author. One letter signed by the acting Attorney-General does have KO'C on it—Mr O'Connor—and the other letter slipped through without any reference. That was the standard practice previously in the Law Department. That is unfortunate. The Law Department had another failing of which the Law Institute of Victoria was critical, namely, not dating letters. Now and again an undated letter slips through, but generally that problem has been rectified.

The Hon. J. E. KIRNER (Minister for Conservation, Forests and Land)—A matter was raised by Mr Murphy on behalf of the citizens of Paynesville. I shall take up that matter on the distribution of TAB licences to hotels, according to how the bird flies, with the Minister for Sport and Recreation and ask whether he agrees with the need to be more flexible and, as suggested by Mr Murphy, that he discuss the matter with the opposition parties.
Mr Macey raised a number of issues about penguins and it will take me some time to go through all of them. I shall be happy to provide him with a detailed report on the Phillip Island research rather than take up the time of the House now.

On the more current issues mentioned by Mr Macey, perhaps 100-plus penguins were reported dead in the northern end of Port Phillip Bay from 3 to 5 September. Samples of these birds were taken to the veterinary clinic at Werribee for pathological examination by an independent veterinary surgeon. It was shown, once again, like most other penguin autopsies, that the birds were of low body weight, devoid of fat and had atrophied muscles. Such conditions are consistent with starvation and my department believes these birds were affected by severe storms in Port Phillip Bay over the three preceding days. It is probable that they were unable to feed and thus starved, died and were washed ashore. That is not unusual in sea birds. In fact, in August 1985, there was a much larger "wreck" of diving petrels—up to 2000 birds—caused by similar occurrences. Some people have suggested that this recent spate of penguin deaths is associated with unspecified and unidentified pollutants.

I have to repeat what my department said at the time, that the pathology of the penguins does not support this at present and the Environment Protection Authority in its examination has not yet identified any toxic substance, although the Minister for Planning and Environment and myself are still awaiting its final report.

As Mr Macey would know, continuing quantities of chlorinated hydrocarbons are being discharged from the Cape Schanck sewage outfall. I am advised that the Melbourne and Metropolitan Board of Works—Mr Macey's favorite organization—has a staff member presently reviewing all technical and scientific information about elements in the sewage discharge and on the chemical analysis which has been carried out on dead penguins. As yet there does not appear to be any clear cause or relationship between the two sets of data, but investigations are continuing and I am pleased that that is taking place.

Finally, on the other claim that the death of the penguins is linked to the fact that the Division of Ports and Harbors dumps silt from the Yarra River into Port Phillip Bay, it is true that there are two spoil dumping grounds identified within Port Phillip Bay. These are a long way from Phillip Island and it is unlikely that penguins on Phillip Island would be affected by dumping practices. However, numbers of penguins do visit the bay and the tissues of the penguins have been analysed for heavy metal content. I am advised that the levels of cadmium were no different in these penguins as compared with healthy penguins.

As I have already stated to Mr Macey, I would be happy to provide the information available on the Phillip Island research.

The motion was agreed to.

The House adjourned at 10.6 p.m.

QUESTIONS ON NOTICE

The following answers to questions on notice were circulated—

DEPARTMENT OF MANAGEMENT AND BUDGET VEHICLES

(Question No. 29)

The Hon. M. A. BIRRELL (East Yarra Province) asked the Minister for Health for the Treasurer:
(a) How many passenger vehicles, which are either owned, leased or hired by the Department of Management and Budget or by agencies which report to the department, are currently made available for private use by the employees of those bodies outside normal working hours?

The Hon. D. R. WHITE (Minister for Health)—The answer supplied by the Treasurer is statistical, and I seek leave to incorporate it in *Hansard*.

Leave was granted, and the answer was as follows:

<table>
<thead>
<tr>
<th>Agency</th>
<th>Number of Passenger Vehicles available for private use by employees outside normal working hours</th>
<th>Number/seniority of employees making use of vehicles</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hospitals Superannuation Board</td>
<td>1</td>
<td>1 (Manager)</td>
</tr>
<tr>
<td>State Superannuation Board</td>
<td>2</td>
<td>2 (Property Manager, Property Engineer)</td>
</tr>
</tbody>
</table>

In the case of the State Bank, vehicles are available for use by executives, district managers, valuers, clerks of works, and so on, in accordance with established banking industry practice.

**KINGLAKE NATIONAL PARK**

(Question No. 32)

The Hon. N. B. REID (Bendigo Province) asked the Minister for Conservation, Forests and Lands:

(a) Who is the ranger in the Kinglake National Park to whom all other rangers in that park are responsible?

(a) Are there any geographic boundaries in the park beyond which rangers do not respond to that ranger; if so—(i) to whom do those rangers respond in those circumstances; and (ii) what are the details of the boundary?

(c) What are the precise details of the duty statement attaching to the position occupied by the ranger referred to in part (a)?

The Hon. J. E. KIRNER (Minister for Conservation, Forests and Lands)—The answer is:

(a) Ranger in Charge, Robert W. Jarvis, Ranger Grade IV.

(b) All rangers in the Kinglake National Park respond to the Ranger in Charge when on duty, whether operating within or outside the park boundaries.

(c) Duty statement:

To act as Ranger in Charge of the Kinglake National Park.

To implement park management plans.

To assist in the development of operational and fire protection plans.

To execute the works program and fire protection measures and maintain records of works programs.

To prepare reports on vermin and noxious weeds and to assist in control of exotic weeds and animals.

To supervise staff in the execution of their duties and to promote safe working practices and conditions and to ensure staff receive adequate training.

To supervise minor construction projects.

To supervise visitors and to enforce regulations when and where necessary.

To assist in search and rescue activities when and where necessary.

To observe and report on the conditions of wildlife and of the parks in general.

To be responsible for maintenance of parking, picnic and camping areas, buildings, walking and riding tracks and roads other than main roads.

To be responsible for maintenance and safe use of vehicles, plant and equipment.

To be responsible for refuse, disposal and the cleaning of park amenities.
To develop good relations with other Government departments and the local community.
To be responsible for the interpretation of park values to the public.
Undertake patrol as required in public land areas surrounding the Kinglake National Park.
Produce monthly reports or such reports as directed by the Assistant Regional Manager of Operations.
Other duties as directed.
Wednesday, 18 September 1985

The PRESIDENT (the Hon. R. A. Mackenzie) took the chair at 11.3 a.m. and read the prayer.

QUESTIONS WITHOUT NOTICE

OPERATIONS MANAGER,
AMBULANCE SERVICE, MELBOURNE

The Hon. M. A. BIRRELL (East Yarra Province)—Is the Minister for Health aware that on the night of Friday, 23 August, a person identified as the Operations Manager of the Ambulance Service, Melbourne, Mr Terry Bates, improperly and without authority used an ambulance service vehicle for a social outing?

Mr Bates apparently drove the vehicle to Shepparton with six friends and returned it the following day littered with beer bottle tops. Is the Minister also aware that the ambulance was unregistered and that trade plates were illegally used for the private trip? What action is the Minister going to take on this extraordinary misuse of an ambulance vehicle?

The Hon. D. R. WHITE (Minister for Health)—I am not aware of the allegation that there has been misuse of an ambulance vehicle.

The Hon. Robert Lawson—You are the Minister, why don’t you know?

The Hon. D. R. WHITE—For the benefit of Mr Lawson, I point out that when one is dealing with a department with an effective full-time staff of 59,000, a total workforce in excess of 70,000 and a budget in excess of $2 billion, when an honourable member opposite raises an isolated case about the alleged misuse of an ambulance vehicle, I must investigate the matter to which he refers. I look forward to the day when the Opposition devotes its attention to more substantial matters.

AMBULANCE SERVICES

The Hon. K. I. M. WRIGHT (North Western Province)—I ask the Minister for Health a question also with respect to ambulance services but of a more general nature. I refer to the recommendations of the Public Bodies Review Committee following its recent inquiries into ambulance services in Victoria. Although a reduction in services is generally supported, ambulance regions strongly oppose the replacement of the proposed Victorian Ambulance Commission by a management structure under the direct control of regional directors of health. Is the Minister aware that the Victorian Ambulance Commission is a vital part of the recommendations by the Public Bodies Review Committee; will he take full account of ambulance service opposition and when will a motion of both Houses be passed to extend the sunset clauses?

The Hon. D. R. WHITE (Minister for Health)—I thank Mr Wright for his question. It is good to see that the National Party at least has the capacity to introduce an issue which is above the Plimsoll line of issues of substance which the Opposition is incapable of reaching.

Honourable members interjecting.

The Hon. D. R. WHITE—With regard to the substantial matter raised by Mr Wright relating to the Public Bodies Review Committee about the broader issue of ambulance services in general, which is of the utmost importance, negotiations have occurred with the regional directors and with the employees association and there is an emerging agreement about the need for a board at a regional level.
The issue that has not been resolved as yet is what the central structure of ambulance services should entail given the report of the Public Bodies Review Committee in which both Mr Evans and Mr Arnold were involved. Negotiations are occurring between officers of the department, the regional directors and the association. I look forward to making a statement well prior to 31 October on that matter and seeking a further extension of time.

The Government is endeavouring to make a concurrent statement; that is, to make a statement relating to an extension of time but at the same time producing a statement of intention about the future structure. I look forward to those negotiations continuing. I thank the honourable member for his substantive question.

**SERVICES FOR INTELLECTUALLY AND PHYSICALLY DISABLED PEOPLE**

*The Hon. JEAN McLEAN* (Boronia Province)—In the light of the community's growing demands for more enlightened treatment of intellectually and physically disabled people, will the Minister for Health explain what benefits will be forthcoming as a consequence of the transfer of disability services from the Department of Health to the Department of Community Services?

*The Hon. D. R. WHITE* (Minister for Health)—The transfer of services to the Department of Community Services acknowledges the growing recognition by both professional groups and the community that intellectual and physical disabilities are not primarily a health problem.

As a result of this transfer, the Department of Community Services will ensure a co-ordinated and effective approach to the provision of community services. The Government believes that within the Department of Community Services the framework of social development, the campaign to educate the community to the needs and legitimate aspirations of people with intellectual and physical disabilities will be further enhanced.

Services provided by the Department of Community Services will focus on the development of opportunities and training for these individuals to ensure that they achieve maximum independence. Through the transfer of services, the Government is recognizing people with disabilities as full members of the community. It is a most important initiative and the Government looks forward to the transfer, which will occur about 1 October.

**MR ROBERT RUSSELL**

*The Hon. N. B. REID* (Bendigo Province)—Is the Minister for Conservation, Forests and Lands aware that Mr Robert Russell of Beechworth resigned from her department in May 1984. Is she also aware that he was a summer fire fighter who worked compulsory shifts of 27 hours and who resigned because of a total rejection of officers' requirements, including non-payment for long service leave, which led to a demand from the Deputy Commissioner of Taxation on 27 August 1984?

*The Hon. J. E. KIRNER* (Minister for Conservation, Forests and Lands)—I was not aware of the resignation of that member of my staff. I shall discuss the matter with the director-general.

**GRAIN ELEVATORS BOARD**

*The Hon. B. P. DUNN* (North Western Province)—I refer the Minister for Agriculture and Rural Affairs to the report commissioned by the Victorian Farmers and Graziers Association on the levying of the $5 million public authority dividend tax on the Grain Elevators Board, which was compiled by Mr Geoff Hogbin, Assistant Director of the Centre of Policy Studies, Monash University. I understand the Minister received a copy of the report from the association on 9 August. It indicates, among other things, that the tax may be unfairly levied against the grain growers of Victoria.
What has the Minister done with the report since he has received it? What action has he taken and what action does he propose to take in the future in view of his position as the Minister responsible for the primary producers of Victoria? Will consideration be given to removing the tax in the forthcoming State Budget?

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—Yes, I have read the report. After reading it I invited members of the Victorian Farmers and Graziers Association and the grains group and economists that the honourable member mentioned to see me. We discussed the matter in the company of Grain Elevators Board officials and my own advisers and departmental officers. A good debate occurred in which the Government's position was clearly put. The position is that the Government does not agree with the essential thesis that the association has put forward. I took the matter seriously and followed it up in that fashion.

LEGAL FEES OF COURTS AND TRIBUNALS

The Hon. M. J. ARNOLD (Templestowe Province)—I direct a question to the Attorney-General. In the view of the questions asked by the Liberal Opposition, I am tempted to find out whether he has checked to see whether any letterheads are missing from his department!

What action does the Attorney-General propose to take to rationalize the present arrangements for the fixing of legal fees in courts and tribunals as recommended by the Civil Justice Committee?

The Hon. J. H. KENNAN (Attorney-General)—I congratulate Mr Arnold for the substantive matter he has raised, which is more than Opposition members are able to do. I am pleased to announce that the Government has approved proposed legislation to introduce a single fee fixing authority to fix the fees charged by lawyers in all jurisdictions and barristers and solicitors in all categories of work. The House may be aware that a similar recommendation was made by the Civil Justice Committee. For some time the Law Institute has been a supporter of the establishment of a single fee fixing authority. The House may also be aware that at present at least six different bodies or tribunals fix legal fees in Victoria. It is a cumbersome process. The membership of the new body will comprise, among other persons, the President of the Industrial Relations Commission, or his nominee, who will have regard to national wage principles as well as relevant movements in prices. I am grateful for the work done by the Civil Justice Committee in this area and for the interest of the legal profession in this initiative.

ACCOUNTS OF DEPARTMENT OF CONSERVATION, FORESTS AND LANDS

The Hon. B. A. CHAMBERLAIN (Western Province)—I direct a question to the Minister for Conservation, Forests and Lands. After the Premier issued his edict on 8 August requiring departments to pay accounts within the month, did the Minister ask for a summary of the department's creditors? If so, did that summary include liability to the Road Traffic Authority for the registration of 1570 vehicles? If not, why not?

The Hon. J. E. KIRNER (Minister for Conservation, Forests and Lands)—Yes, I did ask for a summary. I also asked for a summary of creditors outstanding, the length of time it would take to pay those accounts and what accounts we would need to pay to reach the target set by the Premier. I did not have a specific list of each creditor, only categories of creditors and, therefore, I was not advised that the Road Traffic Authority was one of the creditors. I should not imagine that the actual list would contain a specific analysis of Government, as distinct from private, creditors.
FORESTS EDUCATION PROJECT

The Hon. D. M. EVANS (North Eastern Province)—I refer the Minister for Conservation, Forests and Lands to a program of public education on the value of trees in the community which was being drawn up by officers of the Education Department and the Department of Conservation, Forests and Lands, with the assistance of people within the sawmilling and conservation interests.

Can the Minister indicate what progress has been made on that program and when it is likely to be implemented, particularly in Victorian schools?

The Hon. J. E. KIRNER (Minister for Conservation, Forests and Lands)—Mr President, I am delighted to be able to see you again.

The Hon. J. E. KIRNER—In response to Mr Evans, I am meeting with the Director of the Curriculum Branch of the Education Department, Dr Noel Watkins, at lunch-time today to finalize the arrangements for the forests education project. The program is an excellent curriculum project in terms of introducing the concepts of the importance of forests and the timber industry into Victorian schools across a wide age range.

The project will require a financial commitment from my department and the Education Department and I am currently awaiting Budget results to see whether that will be possible.

COMPUTER TECHNOLOGY IN THE DEPARTMENT OF COMMUNITY SERVICES

The Hon. JOAN COXSEDGE (Melbourne West Province)—Can the Minister for Community Services indicate to what extent the Department of Community Services is using computer technology and can she reassure the House that this technology does not threaten the privacy of individual clients?

The Hon. C. J. HOGG (Minister for Community Services)—The short answer to the first part of the question is that the Department of Community Services is using computer technology rather sparingly as it is very expensive but an effective and useful tool.

The Department of Community Services’ mini computer was purchased in January 1985 to allow the development of systems for the registration of, and co-ordination of assistance to, the victims of natural disasters. These systems were used successfully in the January 1985 bush fires.

The computer has also been used to implement the FM 80 financial management system which replaces and updates the facilities previously provided by the Government Computing Service. It has also been used to implement a client information system which is being slowly developed in stages as resources allow.

Future developments of the computer system will be undertaken in accordance with an electronic data processing and information systems strategy plan which is currently being prepared by departmental and Public Service Board staff as funds are provided.

In relation to the second part of the question concerning the privacy of individual clients, I assure Mrs Coxsedge that the privacy of client information is assured by a number of inbuilt features of the system. Firstly, the system records only factual, historical data and not subjective judgments. Secondly, there are high levels of data protection from unauthorized editing.

Thirdly, there is limited access to different parts of the system and, fourthly, there are mechanisms which absolutely ensure no unauthorized access.
ACCOUNTS OF DEPARTMENT OF CONSERVATION, FORESTS AND LANDS

The Hon. ROBERT LAWSON (Higinbotham Province)—Will the Minister for Conservation, Forests and Lands table in the Library all details of complaints with respect to slow payment of accounts since she was appointed Minister, including all letters, memoranda and telegrams held by the department in city and regional offices?

The Hon. J. E. KIRNER (Minister for Conservation, Forests and Lands)—I am happy to make that information available to honourable members in the Parliamentary Library.

ELECTION FOR LAND PROTECTION COMMITTEES

The Hon. W. R. BAXTER (North Eastern Province)—My question is also directed to the Minister for Conservation, Forests and Lands. Mr President, I take the liberty that the Minister did a moment ago to express my disappointment that you are now bereft of your symbol of authority.

The Minister will be aware that elections are currently proceeding in the eighteen regions of Victoria for representatives on the land protection committees. They are occurring for the Benalla and Wodonga regions on Friday, 20 September.

Is the Minister aware of suggestions circulating in country Victoria that she will interpret the result of these elections only as a guide or as nominations but will not necessarily appoint these people?

Will the Minister give a categoric assurance to the House that the persons elected at these elections, to represent the regions, whether as a result of the poll or as a result of their being the only nominations for the positions, will be appointed?

The Hon. J. E. KIRNER (Minister for Conservation, Forests and Lands)—I am pleased to advise the House that elections for the land protection committees in the regions are proceeding satisfactorily and that they are far less costly to the State than anything Mr Baxter alludes to.

The Hon. W. R. Baxter—I was not saying that the elections were expensive.

The Hon. J. E. KIRNER—The elections will be just what the honourable member said they were, elections. They are elections for private landholder representatives on those committees. The committees also have vacancies for conservation-community representatives, for which elections are not being held. From the conservation-community groups I may receive more nominations than there are vacant positions, as the private landholders have the majority on those committees. In that situation I shall await the advice of regional managers and then make a final decision on the representatives conservation-community groups.

PLAIN ENGLISH

The Hon. G. A. SGRO (Melbourne North Province)—Can the Attorney-General advise the House what action he intends to take to implement Government policy on plain English?

The Hon. J. H. KENNAN (Attorney-General)—If the honourable member had given me the question I could have corrected his editing. The House would be aware that I made a Ministerial statement in the last sessional period of Parliament about plain English and yesterday I introduced a Bill to give further effect to that statement.

On reflection, it seemed to me that there were aspects of the plain English policy that needed more detailed study and for that reason I have now referred to the Victorian Law Reform Commission the introduction of plain English, not only in legislation but also in Government documentation of all descriptions.
That reference will include an examination of what use can be made of technology and standard form phrases on word processors. It will also include an examination of the statutes in some 30 states of the United States of America which require Government agencies and some private organizations issuing classes of documents that are for consumers to ensure that the documents are in plain English. There is a mandatory plain English process for some aspects of documentation for some public and private organizations.

I expect that an expert in the field of plain English will become a commissioner in charge of that reference. It is an indication that the issues of law reform are moving away, in some instances, from some of the traditionally viewed areas of law reform into the mainstream of the community, as in the areas of plain English and economic regulation and deregulation.

FUNDING OF INFANT WELFARE CENTRES

The Hon. F. S. GRIMWADE (Central Highlands Province)—Is the Minister for Community Services aware that the former Minister of Health in another place, Mr Roper, stated in relation to the funding of infant welfare centres that the situation where local government funded approximately two-thirds of the cost of infant welfare centres and the Housing Commission funded one-third was most unsatisfactory?

Is the Minister aware that the Voumard report recommended that funding should be on the basis of $1 from local government to $2 of public funds? What steps has the Minister taken to implement this desirable recommendation, which the former Minister of Health so roundly supported some three years ago?

The Hon. C. J. HOGG (Minister for Community Services)—I am aware of the matters referred to by Mr Grimwade. After 1 October, when the Department of Community Services receives all of the functions transferred from the Department of Health and becomes a completely new department, we will be conducting a review of the funding of various services.

Sometime after 1 October I shall report to the House on whether a review of funding of infant welfare centres will be included; however, my understanding is that we will be moving in that direction.

PETITION

Planning (Brothels) Act 1984

The Hon. B. A. MURPHY (Gippsland Province) presented a petition from certain citizens of Victoria praying for the immediate repeal of the Planning (Brothels) Act 1984. He stated that the petition was respectfully worded, in order, and bore 31 signatures.

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

PAPERS

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

Statutory Rules under the following Acts of Parliament:
  Accident Compensation Act 1985—No. 304.
  Administrative Appeals Tribunal Act 1984—No. 305.
  Workers Compensation Act 1958—No. 306.
  Town and Country Planning Act 1961—
ORDER OF BUSINESS

The Hon. A. J. HUNT (South Eastern Province)—I move:

That the consideration of Notices of Motion, General Business, Nos 1 to 3 inclusive, be postponed until later this day.

It was the belief of the Opposition that Notice of Motion, General Business, No. 3 should have come first because it is an urgent issue that should be raised at the first available opportunity. However, the Minister for Health has requested that the Opposition proceed with Notice of Motion, General Business, No. 4 because of his commitments today. The Opposition is proceeding with that notice of motion, although it regards Notice of Motion, General Business, No. 3 as the one that is the most appropriate to be proceeded with first.

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—Mr Hunt can proceed with item No. 4 and then revert to item No. 3.

The PRESIDENT—Order! In putting the question, I point out to Mr Hunt that the items are set out in the order in which they are received.

The Hon. A. J. HUNT—Yes, and that is the reason they were put in that order.

The motion was agreed to.

CAPITAL WORKS AUTHORITY

The Hon. A. J. HUNT (South Eastern Province)—I move:

That this House—

(a) condemns the failure of the Government and of the Treasurer to give honest answers to the people of Victoria to the questions raised with respect to the creation of and borrowings by and from the so-called Capital Works Authority without lawful authority;

(b) requests the Government forthwith to provide those answers and to lay upon the table of the Library all files and documents preparatory or relating to the establishment and operation of the Capital Works Authority and any loans by or from it; and

(c) requests the Minister for Health as representing the Treasurer immediately to convey to him the requests aforesaid with a view to a response thereto being tabled at the commencement of proceedings on the next day of meeting.

When the House met for the August sitting, I informed Parliament of a sleazy, secretive transaction which was nothing but a pretence and a sham and was designed to be hidden from Parliament and the public and which had no shadow backing by law or consent by the Parliament.

Since then, the Government has engaged in a continuous course of pretence. One could call the Treasurer, Mr Jolly, the great pretender. He has pretended an authority for what he did which never existed. He has pretended Parliamentary consent for the borrowing which never existed. He has pretended that an authority exists which is nothing but a sham.

Leaving aside the conflict which exists between the Attorney-General and the Treasurer on the need for consent to borrowings in any event—to which matter I will come back—I propose to demonstrate ten propositions which clearly show the pretence in which this Government has engaged. I will show that the Treasurer's claims of consent to the borrowings are audacious in their deceit.

The Hon. B. A. Chamberlain—Fraudulent!
The Hon. A. J. HUNT—They are fraudulent, as Mr Chamberlain interjects. I will show that the claims of the Minister for Health and the Treasurer that this borrowing was within the global limits are untrue. I will show that the claim of the Attorney-General, that consent is not needed, is monstrous nonsense. I will show that the reliance on a claimed prerogative of the Crown is against laws and constitutional practices which have existed for more than 300 years. I will show that the Attorney-General's claim that the Crown's right of contract includes a right to borrow is pure nonsense. I will show that this issue of borrowing without consent has been dealt with previously as part of the constitutional history of this State and that past practice demonstrates the truth of what I have said.

I will accept the argument of the Minister for Health that the Capital Works Authority is nothing but an agent for the Crown and demonstrate that that argument supports our case, not the reverse. I will ask again why there was this secrecy in relation to this issue if the Government did not have something to hide. I will deal once more with the secret Order in Council and I will point to the fact that the valid questions asked in this Chamber have not been answered and that the Government continues to sweep them under the carpet.

On the day following the revelation of this incident in the Parliament, the Treasurer claimed that Parliamentary authority had been given to this borrowing. He made that claim. It was an audacious claim. Because it was so audacious, the press and the public tended to believe him. He was asked where the authority lay and he referred to an item on page 11 of Budget Paper No. 4 of $604.7 million. I have copies of that page in the House and it is available for any honourable member to inspect. It is on the table in the Chamber. The item marked is the item referred to by the Treasurer. It shows, in the moneys going into the Consolidated Fund, a transfer from the Works and Services Account of $604.7 million.

I ask honourable members just to look at that and think about it; just think about it for a moment. An amount of $604.7 million is being transferred from the Works and Services Account. Everyone knows that the Works and Services Account is an account that deals with capital items. It receives sums that are largely of a capital nature and from it are expended moneys of a capital nature. What is provided for is a transfer of $604.7 million from the Works and Services Account to the Consolidated Fund to help balance the Budget—in other words $604.7 million of largely capital funds is going to be taken into the current account.

It requires enormous sophistry, great front and a tremendous leap in logic to say that that authorizes the raising of moneys to be paid into the Works and Services Account. That is nonsense! All that gives authority for is a transfer from the Works and Services Account—no more! It does not give any authority at all for the Works and Services Account to raise money in any way and there is certainly no implied authority of any kind to raise money from unusual sources.

This morning I had a conference with the Treasurer's officers, Ms Sue Brooks, Ms Liz Aldridge and Mr Graeme Carpenter. Again, this item of $604.7 million was pointed to as purported authority. Mr Carpenter, incidentally, is a member of the Capital Works Authority. I said to Mr Carpenter, "How does the item of $604 million represent a Parliamentary authority for this borrowing?" His reply was, "I don't believe it does. I believe it is advice to Parliament of the total amount to be transferred to the Works and Services Account."

I later said, "Is there any detail anywhere that shows that that represents authority to borrow to another statutory authority?" He said, "I don't believe that authority is necessary." There was no claim that it was authority for a borrowing of any kind.

Later again, I said to him, "Well, what does the reference to the item of $604 million do?" He said, "It provides an indication of the amount to be moved into the Works and Services Account." I said, "From the Works and Services Account, with respect." He said, "Right." I then said, "What does that item notify Parliament? What does that item tell
Parliament?” He replied, “It tells the figure that is going to be transferred.” I said, “From the Works and Services Account?” He said, “Yes.” I said, “Is there, anywhere in the Budget, backup details of that item?” There was no answer.

Of course, I had checked that fact myself earlier and page 43 of volume 4 of the Budget Papers gives the following details:

The transfer from the Works and Services Account reflects those funds paid directly to the Works and Services Account which will be paid to the Consolidated Fund and appropriated from that source in 1984-85. The estimated transfer for 1984-85 is $604·7 million.

That is the sum total of it. To claim that an item which authorizes the Treasurer to transfer $604 million from the Works and Services Account goes further than that and gives him authority to get money into the Works and Services Account by whatever means he chooses is a fantastic, irrational and nonsensical claim. It was designed to mislead the public and, unfortunately, it had that effect. It certainly misled the media, who believed that the Treasurer would not make that claim unless it was true. It was untrue; it was a deliberate obfuscation. It was, as Mr Chamberlain said, fraudulent and it was designed to deceive the public. It is clear that the Treasurer lied.

No self-respecting public servant would claim that this item gives that authority, just as Mr Carpenter, in his interview with me, the relevant part of the transcript of which I have read, did not make that claim. “I do not believe it does”, he said. No auditor would accept that claim because it is untrue.

The item does not do what the Treasurer sought to lead the media to believe that it does and it is time that the media recognized that fact and recognized that the honourable gentleman has been engaged in a consistent course of deceit on many matters.

The argument is not in any way tenable and I hope that the Auditor-General of this State will deal with it in due course.

I might mention that Mr Carpenter, to whom I referred, was formerly Auditor-General of the Northern Territory. I started to ask him a question: “Would you, as an auditor, say that this authorizes ... ?” and he was quick to say, “I am not here to answer questions as an auditor.” No auditor, no professor of accounting, no self-respecting public servant and no reputable accountant would claim that that item authorizes this borrowing.

The borrowing, incidentally, turns out to be $84·4 million. I referred to a figure of $161 million, relying on the advice that I had seen and had been given, that it had been carried out in accordance with the Solicitor-General’s advice. I accepted the statement of the Treasurer that he borrowed only $80 million; it transpired that the figure to 30 June was, in fact, $84·4 million.

The Treasurer and the Minister for Health have claimed repeatedly that this item was within the global limits of authorized borrowings. In fact, that was practically the sum total of the contribution to the debate made by the Minister for Health.

The Hon. B. P. Dunn—He went over it five times, at least.

The Hon. A. J. HUNT—Repeatedly, as Mr Dunn interjects.

The Hon. N. B. Reid—It went around the globe several times.

The Hon. A. J. HUNT—It should be made clear to the House that there are two separate components of public borrowing. One is authorized borrowings—borrowings authorized by the Australian Loan Council under the Financial Agreement, and those are the borrowings of the Government itself. Victoria fully utilizes its entitlement authorized under the loan council borrowings. It cannot exceed its entitlement, otherwise it is in breach of the loan council requirements, in breach of the Federal Constitution and it is in breach of the Financial Agreement Acts of the Commonwealth and State.
There is also a separate "Gentlemen's Agreement" under which, last year, global limits were agreed for statutory authorities and local government.

The global limits set for every State the total borrowings that were allowable for its semi-Government authorities and its statutory authorities. That is what the global limits were about.

When it appeared that those authorities were to face a shortfall of $160-odd million, the Treasurer wanted to get on to the money that they were not taking up. The Treasurer wanted to convert the money for Government use. That is what he wanted to do to get around the Financial Agreement. He sought advice on how to obtain the money for the Government's own use. The Treasurer created a sham authority which pretended to be a statutory authority. It was nothing of the kind and it was established to borrow money. It borrowed $84.4 million and not the $160-odd million.

The Hon. M. J. Arnold—The borrowings were within the global limit.

The Hon. A. J. Hunt—Certainly the borrowings were not within the limit of the Financial Agreement nor was it proper for the Crown to try to convert money available to the authorities for its own use. The claim of the Attorney-General that no consent is needed for the borrowing—a claim that he repeated yesterday—is the most dangerous claim of all.

Mr Chamberlain dealt with that claim during the previous debate when he went through the course of constitutional history. I remind honourable members very briefly of some of that constitutional history and that the power of Parliament arose from the gradual development of Parliamentary control over the power of the purse. This control arose initially over the raising of taxes and, because kings evaded that control by borrowing and running up debts, by progressive exercise of control over borrowings and over the running up of debts. It was followed in due course by control over total expenditure of Government. That came last.

The four cornerstones of the Constitution are found in the Magna Carta, in the 37 confirmations by legislation of Magna Carta, in the Petition of Right and in the Bill of Rights of 1688. In 1641 there was also the Grand Remonstrance where Parliament called Charles I to account for his attempted evasion. In 1680, as Mr Chamberlain has already stated, there was an express resolution affirming Parliamentary control over borrowings to which James II assented.

Mr Chamberlain referred to the resolution of 1680 which became part of the law of this land. He also referred to the fact that because of the claims by the Stuart kings of prerogatives—which Parliament did not accept—prerogatives largely in the financial field—one king lost his head and another lost his throne. What more could Parliament do to affirm its supremacy in financial matters than that?

There can be no more serious demonstration of the power of Parliament over finance than the execution of one king and the forced abdication of another. If honourable members want a simple tract to read, they may care to look at Paul Einzig's book entitled Control of the Purse, which outlines the progress of Parliament's financial control over the monarchy and hence over Government.

I have referred to the claim of prerogative in financial matters as being a false one. Numerous constitutional histories and volumes on constitutional law are available in the Parliamentary Library and, in the course of my studies on this issue, I have been through practically all of them. Any honourable member who examines those volumes will find that the extent of the prerogative of the Crown is now largely exercised by the Government of the day or by the Governor on the advice of the Government of the day. The details of the prerogative that remains are set out in those volumes.

One point is clear from all the writers: no new prerogatives can be claimed; no new prerogatives of the Crown are created. The prerogatives are, at the most, those that existed
At the time of the passing of the Bill of Rights in 1688. No new prerogatives have been created since 1688. In fact, many of the prerogatives that existed then have progressively disappeared, either through disuse or by Act of Parliament, but no new prerogative has been created since 1688 when William and Mary came to the throne and the Bill of Rights was passed.

A. V. Dicey, a great constitutional historian to whom Mr Sandon referred with approval yesterday, described the prerogative as:

... nothing else than the residue of arbitrary authority which at any time is legally left in the hands of the Crown.

It is widely agreed that no new prerogatives have been created since 1688. That year represented the culmination of the struggle with the kings over the claim of royal prerogative, and it is no coincidence that that is the year in which Parliament passed the Bill of Rights, the first year of the reign of William and Mary, and it passed that Bill with William and Mary having agreed to the principles before their accession to the throne. The Bill of Rights is the fourth cornerstone of the constitutional history which Australia has inherited and which applies here.

I quote from page 391 of Constitutional Law by Herbert Broom:

... the Bill of Rights, reciting, amongst other illegal acts, that money had been levied "for and to the use of the Crown by pretence of prerogative for other time and in other manner than the same was granted by parliament," declares that "levying money for or to the use of the Crown by pretence of prerogative without grant of parliament for longer time or in other manner than the same is or shall be granted, is illegal."

I have a copy of the Bill of Rights, if any honourable member cares to examine it. Expressly the Bill of Rights states that the levying of money by pretence of prerogative is illegal. The Bill declares it to be illegal. It declares that the prerogative does not exist; it is only a pretence. That is the pretence in which the Government is engaged. This prerogative has not existed over those 300 years.

The absence of any prerogative to raise moneys by way of tax or by way of loan is at the heart of this issue and the absence of the prerogative is expressly affirmed by the Bill of Rights which is part of the law of this land and has been ever since Victoria was a colony. The Attorney-General laughs—it is time that he brushed up on his constitutional history.

The Hon. J. H. Kennan—Tell the House about section 105A, and what is the effect of that.

The Hon. A. J. HUNT—The Attorney-General refers to section 105A of the Commonwealth Constitution. That is the provision that deals with the Commonwealth-State Financial Agreement and I have demonstrated already that the Government tried to convert money under the global limits of the Gentleman's Agreement into funds available to the Government outside the Financial Agreement and in breach of section 105A of the Commonwealth Constitution and in breach of this State's Financial Agreement Act.

In any event, the authority was set up and the money borrowed under a pretence of prerogative, which is no more than a pretence that was outlawed by Parliament 300 years ago. Anyone examining the constitutional texts will discover pages and pages of index about the prerogative of the Crown but there is nothing under "financial" because there is no financial prerogative. There is no prerogative to raise taxes or loans.

Looking at the positive side rather than just the absence of any reference, I refer honourable members to Halsbury's Laws of England volume 8 on constitutional law and the section relating to the prerogative. In paragraph 913 Halsbury makes it clear that no exercise of prerogative which involves a charge upon the people can take full effect without Parliamentary sanction. Paragraph 1368 makes it clear that Parliamentary control over the revenue is manifolds—control over the raising of revenue by taxation or borrowing, control over its expenditure, and control over the audit of public accounts. In paragraph 1369, Halsbury makes it clear that Parliamentary authority is needed for borrowing upon the public credit. The same point is again re-affirmed in paragraph 1386.
There can be no doubt about the matter. There is no prerogative of the Crown, which in this instance means the prerogative of the Government, to raise money whether by way of tax or loan without prior Parliamentary approval.

The Attorney-General has referred to the Crown's right to enter into contracts. Of course, the Crown has a right to enter into contracts. The Solicitor-General also refers to that right in his opinion and the reason he gives is the reasoning in the well-known Bardolph's case, but that does not imply that the Crown can enter into any contract that it wishes. Contracts for the borrowing of money, it is clear from what I have said, require Parliamentary approval.

If anything further were needed, honourable members have only to look at the Victorian Constitution. Section 13 of the Constitution Act 1975 refers to "all contracts of every kind lawfully entered into by or on behalf of Her Majesty or any of her successors to the Crown". It refers to contracts "lawfully entered into".

The lawfulness of contracts for borrowing depends upon Parliamentary approval, as has already been indicated. Clearly, there was no authority in this case.

The Hon. M. J. Arnold—It is a lawfully constituted authority.

The Hon. A. J. Hunt—I referred in my opening remarks to the constitutional history of this State. I indicated that the issue honourable members are facing today arises not for the first time. It has arisen previously.

The Hon. J. H. Kennan—We all agree on that.

The Hon. M. J. Arnold—Not 1 cent has been borrowed outside of the global limits.

The Hon. A. J. Hunt—It is not a legally constituted authority.

The Hon. M. J. Arnold—Why is it not a legally constituted authority?

The Hon. A. J. Hunt—Let me refer, then, to a modern authority, Professor Colin Howard—and he cannot be accused of being in favour of the Liberal Party. I refer to his letter of 9 July 1975 to the Age newspaper, in which he referred to the same thing, the Khemlani affair in the Whitlam Government. In that letter, he stated:

The keystone of Parliamentary control over the executive has always been control of the raising of money. During all the centuries in which Parliament was slowly asserting the power of the people over the Crown in England, culminating in the Civil War and the execution of Charles I, control of the money supply was precisely the point at issue. Mr Whitlam must know that but he seems to have no respect for it. In my view the loans scheme was simply an attempt to open up an extra-parliamentary source of supply which would be available, not, to be sure, to by-pass Parliament for ever, but to keep a Government afloat for a long enough time to ride out the threat of another forced election.

That was what Professor Howard said, and if the proposition he was making was not correct, then a Government which was refused Supply would be able to defeat Parliament quite simply by creating loans through this sort of authority, but of course, it cannot do that without the authority of Parliament.

I was dealing with the issue of contracts and pointing out that the Bardolph case, which the Attorney-General quoted across the Chamber, certainly does not extend to provide authority to do something which requires the consent of Parliament. I now come to the point of saying that this issue has arisen before in this State.

In 1952, the Cain Opposition, with some Liberal dissidents, rejected Supply sought by the McDonald Country Party Government. When it became obvious that the Supply Bill would be defeated, the McDonald Government took the advice of the then Solicitor-General as to whether the Government could lawfully borrow to tide it over for the time being, pending an election. That Government was advised by two parties. It was advised by the Solicitor-General that it could not do so, that it would be a breach of the Constitution and a breach of the law; and it was advised by the Auditor-General that if it tried to do so, he would withhold signature to the warrants for withdrawal of the money. I hear
Mr Landeryou interject and say, "And so he should have". I respectfully agree; the Auditor-General at that time was absolutely right. The McDonald Government accepted the fact.

The Hon. W. R. Baxter—It was very honourable.

The Hon. A. J. Hunt—I was just about to say that. The McDonald Government accepted the advice and, acting honourably, did not then seek to borrow in the face of that advice, resigned, and a temporary Government was commissioned which obtained Supply. As honourable members know, the Governor then had to force that temporary Government to resign and hand back the commission to the McDonald Government.

There it is. That same issue has arisen in the constitutional history of this State. My informants are a former senior Treasury officer, and I have also checked the facts with the Solicitor-General of the day and with the surviving members of that Government. Therefore, we have placed on record a piece of constitutional history for the future of this State.

That same issue of borrowing without consent has been faced before. There is no right to do so, and Parliament must reaffirm that ancient and honoured principle. Parliament is not worth a crumpet unless it stands up for its rights on that matter.

The Minister for Health has claimed that the Capital Works Authority is merely an agent for borrowing for the Crown, and of course it is; that is what it is. The two officers of the Department of Management and Budget, who constitute that Capital Works Authority at present, act under the direct instructions of the Treasurer. That was again confirmed to me this morning.

They act under the direct instructions of the Treasurer; they go out and borrow moneys that the Crown, which means the Government, wants. They are pretending to be an authority, and that is what that body is there for. It is a sham body pretending to be a semi-Government authority for the purposes of the "Gentlemen's Agreement", to pretend to qualify to take up any moneys available under the global limits and, of course, a pretence—

The Hon. M. J. Arnold—It is not a pretence or a sham; it is a legally constituted authority.

The Hon. A. J. Hunt—Mr Arnold knows that it is a pretence and a sham. It is not a legally constituted authority. It is just like a "bottom-of-the-harbour" scheme.

The Hon. M. J. Arnold—It is a legally constituted authority. You should know that, as a lawyer. You are a lawyer and you understand it is a legally constituted authority.

The President—Order! Mr Arnold will have an opportunity of debating the point at a later stage.

The Hon. A. J. Hunt—It is not a legally constituted authority; it is nothing but a sham created by pretence of prerogative that, as I have indicated, was outlawed by the Bill of Rights.

The Hon. M. J. Arnold interjected.

The Hon. A. J. Hunt—The Solicitor-General does not even argue the case for prerogative. He just states that it should be created, relying on Royal prerogative. He had not done his homework, because that prerogative does not exist. Whoever heard of a legally constituted authority being created behind closed doors and by a secret Order in Council? Why was it so secret? Why was it secret if the Government had nothing to hide? The whole thing was never intended to meet the light of day. When asked about it, the Treasurer had the gall to say that Parliament was not sitting at the time. In fact, Parliament was sitting for some considerable time after the body was created and then, again, for a total of a month in July. The matter was never disclosed; it never appeared in the Government Gazette; it was never brought before either House; and no frank statement was made.
The Treasurer admits that he probably made a mistake. It was not a mistake; it was deliberately hidden. Why was it hidden?

The Hon. M. J. Arnold—It was not hidden.

The Hon. A. J. HUNT—Now it will appear in the Budget Papers and there will be a report from that body. What nonsense!

Of course, it was a sham and a pretence. Those officers of the Department of Management and Budget are simply doing a job as officers of that department. While they are doing what the Treasurer says, under his direction, they are pretending to be a sham authority. They do not keep formal minutes, but they keep some sort of records, and they will now have an annual report, and I suppose that is because of the fact that the issue has been raised in Parliament.

The fact is that of the 50 questions asked in this House, two have been answered and a half of another one, and one has become irrelevant so four questions have been dealt with—one of them in part; the remainder are totally unanswered. That is not good enough. The public is entitled to answers rather than the dishonesty and the obfuscation of the Government.

We in the Opposition propose to persist with seeking answers to questions. We propose, one way or another, to see that the Government does answer the questions and does come clean, and we will campaign on that issue for as long as it takes. We will not allow this issue to drop. We are not going to permit dishonesty and deceit of this kind to continue without check.

I publicly challenge the Treasurer of this State to meet me in debate, anywhere. I suggest a forum such as the Australian Institute of Political Science where he and I have debated together previously or the Australian Institute of Management—Victoria where he and I have also debated previously.

An Honourable Member—You got done every time.

The Hon. A. J. HUNT—You were not even there.

An Honourable Member—It does not matter; you got done.

The Hon. A. J. HUNT—I challenge the Treasurer to meet me within the next fortnight to debate at a major venue before a major body and I would be very happy to meet him in that way. The claims that the Treasurer have made are untrue and misleading and have been designed to deceive the public of this State, to by-pass the authority of the Parliament, and that is not a matter to which we are prepared to accede.

The Hon. B. P. DUNN (North Western Province)—One thing has become clear throughout the course of the debate today and when the matter was previously debated in this House and, that is, that the Government appears to have no intention to give a very detailed response to the questions.

The Minister for Health may interject but I read his speech on the last occasion he addressed this question and he said the same thing about five times. Regardless of all the advice the honourable gentleman received on that day, he did not seem to have the answers; nor did the Attorney-General.

I am concerned that no attempt has been made to clarify the issue in the minds of honourable members and the people of Victoria and it has become necessary today for Mr Hunt and Parliament to try to pressure the Government to provide the real facts concerning the establishment of this authority. No real attempt was made, other than a few general statements by the Treasurer, to answer the detailed questions put by Mr Hunt when the matter was last debated.

The Government treats Parliament with a great deal of contempt. Mr Arnold may talk about providing clearer details in the Budget documents, but the Government is selective
in what it includes. A lot of information is provided about certain things but on other occasions details of how the Government is managing the State financially are concealed. I am horrified about the position in which future generations may be left as a legacy of this Government.

As I said when this matter was last debated on 14 August, the Government must be in severe financial difficulties if it has to go to the length of establishing an authority such as this—a sham authority—to try to borrow more money to prop up its Budget. It is clear that the Government works on the basis of surviving on borrowed money. It does not pay its bills and it is obvious that many Government departments are broke and in severe financial difficulties. The Government lives beyond its means. The Government is putting a noose about the necks of Victoria for decades to come. The Government is living beyond its means. Mr Arnold can laugh and interject as much as he likes but he will have to carry the can for this in future.

The Government has attempted to cover-up an issue which is of paramount importance. Mr Hunt has performed a tremendous service to the Parliament and the people of Victoria. Honourable members are familiar with the tactics used by the Minister for Health who did not have the answers the other day. The Minister for Health is a senior member of Cabinet. The Attorney-General says that the authority was agreed to and approved at Cabinet level, yet the Minister for Health did not know about it. A senior member of the Government did not know about this authority and was shocked to learn of it.

This is an attempt by the Government to cover-up a secret authority established by the Government. It is unbelievable that a Government would go to such lengths. The Government has attempted to use unused borrowings that normally, under this global limit about which the Government talks, flow to local government and semi-Government authorities. The Government has set up an authority so that it, as a Government, can borrow money and pump it into consolidated revenue and spend it so that the money is not lost to the Government.

That global limit refers to semi-Government and local government borrowings, yet the Government set up this sham authority to borrow unused money, which it was able to do under the agreement with the Commonwealth, through this sham authority and to bring the money through the back door into Government funds. That is clearly what has been done to by-pass the Loan Council arrangement and to conceal the borrowings from the people of Victoria.

If there is no need to hide anything and if this is a legally constituted authority, as Mr Arnold claimed, why did not the Government come out and let Parliament and the people of Victoria know it had established the authority?

The Hon. M. J. Arnold—It is a machinery matter.

The Hon. B. P. Dunn—The establishment of an authority that has unlimited borrowing capacity is a machinery matter! We have seen the Order in Council. There is no mention of global limits in the powers of the authority, which was clearly shown in the Order in Council. There is absolutely no limit on the amount of money the authority can borrow, who it can borrow from or any detail in that regard.

Although a claim has been made that this is a legally constituted authority, the Government has attempted to conceal it from the people of Victoria and from Parliament. In my view, and in the view of the National Party, that is clearly unacceptable.

The authority also has a sham membership. The members of the authority are really only puppets of the Treasurer. The Treasurer has indicated that he is dictating to the authority—he does not run away from that—and that the directions to the authority are provided by him through members of his staff.

What faith can people have in the Government and the authority when the Government undertakes the establishment of this kind of body in an effort to by-pass loan agreements?
It goes to the heart of the economic management of the State and the type of situation Victoria is in when the Government has to try to borrow money in such a secretive manner.

The Government would not act in this way unless it was desperate to take up all the loan funds it could find. The National Party is waiting for answers.

Mr Sandon interjected.

The Hon. B. P. DUNN—I hope we do not receive the answers from Mr Sandon. I hope the Minister for Health will respond.

I shall be pleased if we have to eat our words and the Minister can clarify some of the comments made. The House deserves answers to the questions that have been raised. The people of Victoria deserve them and the Government stands condemned, regardless of its answers, because it attempted to deceive Parliament and the people of Victoria through the establishment of the authority. That is not acceptable and I trust that in the near future the House will receive a detailed response to the points that have been put to the Government.

The Hon. D. R. WHITE (Minister for Health)—I intend to deal with the motion, which forms three parts, by responding in three parts. Firstly, I foreshadow that I shall be seeking leave of the House to incorporate in Hansard the answers to the 50 questions asked by the Opposition. Secondly, I foreshadow that the Treasurer intends, consistent with the motion, to make documents available in the Parliamentary Library tomorrow. Thirdly, I shall make a brief statement to the House about the principle associated with the matter.

The Government has done no more than to legally and properly utilize the new global borrowing arrangements in the most effective manner to meet the State's needs.

The Capital Works Authority was legally constituted and the Government did not spend or borrow 1 cent more than had been approved by Parliament and the Loan Council. The borrowings were made within the global limits approved by the Loan Council and were paid into the Works and Services Account and the Consolidated Fund as is required by the Public Account Act. The amounts to be spent on capital works were appropriated by Parliament as part of the Budget process.

This in turn helps to answer the question about the lack of publicity to announce the creation of the authority. Given that the purpose of the authority was a machinery matter and did not introduce any additional funding, it was not considered necessary to make a major news announcement.

I also emphasize that it was not this Government which introduced the notion of paying the proceeds of loan raisings by authorities under the "Gentlemen's Agreement" into the Works and Service Account. In the Budget introduced in 1981, the previous Government approved loan raisings in the market of $20 million and some $3 million respectively by the then Victorian Railways Board and the former State Rivers and Water Supply Commission. These funds were then paid to the Works and Services Account in the same manner as applies with the new Capital Works Authority and funds were then appropriated for capital works purposes.

In summary, there was nothing untoward in the arrangements for the Capital Works Authority. It was established on the best legal advice and provides improved flexibility to the State in funding capital works, all clearly within Parliamentary and Loan Council requirements.

Having said that and after having advised the House that the Treasurer intends to make documents available in the Parliamentary Library tomorrow, I now seek leave to incorporate in Hansard the answers to the 50 questions. I look forward to providing copies of the answers for the information of honourable members.
The Hon. F. S. Grimwade—Are the answers to be circulated so that honourable members can read them?

The President—Order! I ask that copies be made available. I have perused the material that is proposed to be incorporated in Hansard and it is within the guidelines.

The Hon. A. J. Hunt (South Eastern Province)—Despite the fact that the Opposition was not given leave at the time to incorporate the questions in Hansard, it will grant leave to incorporate the answers.

Leave was granted, and the documents were as follows:

C A P I T A L  W O R K S  A U T H O R I T Y

The large number of questions raised about the Capital Works Authority in Parliament can probably be reduced to four major issues.

- legality
- approval of Parliament
- approval of Loan Council
- why the issue was not announced publicly.

The short answer is that the authority was quite legally constituted and the Government did not spend or borrow one cent more than had been approved by Parliament and the Loan Council. The borrowings were made within the Global Limits approved by the Loan Council and were paid into the Consolidated Fund as is required by the Public Account Act.

This in turn helps to answer the question about publicity. Given that the purpose of the authority was a machinery matter and did not introduce any additional funding, it was not considered necessary to make a major news announcement.

Within this context, the following more detailed answers can be provided to the questions raised by the Opposition:

1. Is the Government aware, and are its advisers aware, that there has been no reserve prerogative since 1680 enabling the borrowing of moneys by the Crown without prior Parliamentary approval? If not, why?

There is no such principle as that proposed. In the absence of a statutory restriction there is no limitation upon the power of the Crown to incur obligations by entering into contracts, including contracts to borrow money. However, the Crown cannot, without the authority of an Act of Parliament, appropriate any part of the Consolidated Fund in discharge of the obligation it has entered into. See NSW vs Bardolph (1934) 52 CLR 455.

There is a legislative basis for the State to borrow from public authorities, see Section 5 (1) of the Financial Agreement, 1927.

2. On what basis does the Government allege that the Crown retains the prerogative to act independently of Parliament in fiscal matters?

The Government is not alleging that it retains a prerogative to act independently of Parliament with regard to fiscal matters, what the Government is saying is that, subject to the Financial Agreement, it can enter into contracts to borrow money independently of Parliament (see particularly Bardolph’s case). However, all money raised by Government, whether it be from borrowings or from taxes, is paid into the Consolidated Fund. Parliament retains control over fiscal matters by legislating for the imposition of taxes and charges and legislating for the Appropriation of the Consolidated Fund.

3. What are the precise powers under which the Government claimed to act in purporting to establish the Capital Works Authority?

The Crown acted under the prerogative powers.

4. Does it still claim those powers?

Yes.

5. Why was the proposal not referred to Parliament?

Legislation was not required. The establishment of the authority, was merely of a machinery nature. Under the Appropriation Act, the moneys were authorized to be received through the transfer from the Works and Services Account to the Consolidated Fund and then appropriated, together with other capital funds, for capital expenditure purposes, as part of the Government’s normal capital program.

6. Why was the purported Order in Council not published in the Government Gazette?
It did not fall within the category of Orders which are required to be published in the Government Gazette i.e. those which are required by law under various Acts.

7. Why was not the Order publicly announced?

Because the creation of the authority did not change the level of borrowings or expenditure from that indicated in the Budget.

8. Why was not a copy of the Order tabled in Parliament?

There was no requirement to do so.

9. Why was not Parliament advised of the establishment of the authority?

The Capital Works Authority's operation only began late in 1984–85. Parliament would be advised of the full details, as normal, in the forthcoming Budget Papers.

10. Why was not the press or the public advised of its establishment?

Since there were no additional borrowings over and above those approved by Loan Council under the Gentlemen’s Agreement, or spending over and above that approved by Parliament, it did not warrant special attention.

Questions 11–15.

Was Cabinet approval obtained in advance for the creation of the Capital Works Authority, and if so, when? If not, why not?

If no, has Cabinet since been informed of the creation of the authority and if so, when? If not, why not?

Was the prior approval of the Victorian State Parliamentary Labor Party sought for the creation of the authority? If not, why not?

If no, was the said Parliamentary party informed, and if so, when, of the creation of that authority? If not, why not?

In forming the authority secretly, what had the Government to hide?

All normal Government procedures and proprieties were followed.

16. What persons have been appointed as members of the authority?

Mr B. Nicholls, Assistant Director General, Budget and Resources Management, and Mr G. Carpenter, Comptroller General.

Questions 17–19.

How many borrowings has the authority so far effected?

What were the dates and amounts of each such borrowing?

What were the periods and terms of each such borrowing?

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20. Who were the lenders in each case?
VicFin.

21. From what sources, when, and how, is it proposed to repay each such borrowing?
All funds have been borrowed from VicFin.

All repayments relating to the borrowings will be paid, when due, out of the Consolidated Fund pursuant to an Appropriation Act passed by Parliament.

Questions 22–25.
Does the State of Victoria acknowledge liability for repayment of all or any such borrowings?
If so, has the Government assumed that Parliament will authorize repayment and interest?
If not, on what basis were commitments for the future entered into in advance of approval?

Will a Parliamentary appropriation for the purpose of repayment of these borrowings be sought, and if so, when?

All transactions in relation to these borrowings will be executed as part of the normal Parliamentary and Budget papers.

26. For what purpose was each of the borrowings applied?
The proceeds were paid to the Works and Services Account and pursuant to section 5 (4A) of the Public Account Act formed part of the amount directed to be credited to form part of the Consolidated Fund and were appropriated for normal capital works expenditure.

Questions 27–32.
Was the consent of the Loan Council sought or obtained in respect of all, any or which of such borrowings, and in each case, when?

Was the consent of the Commonwealth Government sought or obtained for all, any or which of such borrowings, and in each case, when?

Was the consent of the Loan Council sought or obtained for the creation of the Capital Works Authority, and in each case, when?

Was the consent of the Commonwealth Government sought or obtained for the creation of the Capital Works Authority, and in which case, when?

Were the Commonwealth Government and the Loan Council (or either and which of them) advised in advance of the formation of the Capital Works Authority, and if so, when in each case?

If after the event, when and by what means were the advices (if any) conveyed?

These questions display a complete lack of understanding of Commonwealth/Loan Council/State relationships. Loan Council, not the Commonwealth is the appropriate jurisdiction and conventional procedures have been followed in this case, in a similar manner as they have over the decades.
33. For what purposes, other than to avoid disclosure of transactions which would otherwise be made public, was the purported authority really formed?

The question is misconceived. The authority was not formed to avoid disclosure of transactions which would otherwise be made public.

The new Global Borrowing Arrangements established by Loan Council in 1983–84 allowed capital funds to be allocated to State, semi-Government or local Government sectors, and the issue was how to utilize these new arrangements within the provisions of the Financial Agreement. Under this agreement the States, other than in some exceptional cases, cannot borrow directly from the public. States can however borrow from their public authorities.

The purpose was not, of course, a means of increasing borrowings beyond those already approved by Loan Council, but simply a means of utilizing the new Global Borrowing Arrangements.

34. Why could not any transactions effected, or proposed to be effected, by this purported authority have been effected instead directly by the Crown?

The particular method adopted was chosen on the advice of the Solicitor-General as the most appropriate.

Questions 35–37.

Was one purpose of the manoeuvre an endeavour to utilize funds which might otherwise not have been taken up under “The Gentlemen's Agreement”?

Was a further purpose to convert funds available under the Gentlemen's Agreement into funds under the Financial Agreement?

If not, was the manoeuvre designed to circumvent the Financial Agreement or the Gentlemen's Agreement.

This was not a manoeuvre, but simply utilizes the new financial arrangements. Indeed it follows the precedent of the Opposition in Government in the 1981 Budget when some $23 million was borrowed by two authorities (The Victorian Railways Board and the State Rivers and Water Supply Commission) and paid to the Works and Services Account for Appropriation purposes.

Questions 38–39.

Why was the title “Capital Works Authority” chosen, when the purported authority has no authority whatever with respect to public works, whether capital or otherwise?

Was not the title deliberately adopted to avoid reference to “borrowing” although this was the real purpose of the purported authority?

This is incorrect. The title was chosen as the funds were to be used for the Government's capital expenditure program. The funds were transferred from the Works and Services Account to the Consolidated Fund and used as part of the Government’s normal capital expenditure program.

40. Why was the purported borrowing authority of this purported Public Authority absolutely unlimited?

It is not. The borrowing is limited by the Treasurer. The Treasurer, in turn, must comply with the limits set by Loan Council and Budget Appropriations.

41. Does the Government envisage any and what ongoing role for the Capital Works Authority?

Yes, subject to Parliamentary Appropriation.

42. Whether yes or no, when will legislation for its validation be presented to Parliament?

Legislation is not necessary.

Questions 43–47.

What other borrowings have been made by or on behalf of the Government without Parliamentary approval?

Which, if any, of such borrowings have been made known to Parliament and the public?

What other means have been adopted by the Government to raise funds for public purposes without the approval of Parliament?

What other means have been adopted by the Government to raise funds for public purposes without the approval of Cabinet?

What are the full details of all funds so raised and the terms and conditions related thereto together with the dates and amounts of each such raising?

The Government has, to date, and will continue to use normal resources available to it under financial arrangements approved by Parliament and the Loan Council.

48. Was not the whole procedure adopted to evade established practice and the law, and to avoid disclosure?
49. Is the Government aware of any and what precedent anywhere within the Westminster system, for the creation of a "corporation sole" with the power to commit Government or Parliament either with or without Parliamentary authority?

The Capital Works Authority is not a Corporation Sole. A Corporation Sole is an incorporated series of successive persons, the Capital Works Authority is an unincorporated body.

50. Does the Government claim that the manoeuvre adopted was honest?

Yes, of course!

The Hon. D. R. WHITE (Minister for Health)—I thank honourable members for the opportunity of incorporating the answers in Hansard. Given that the debate, to some extent, is now dependent on a response from the Opposition and the National Party, I suggest that the appropriate course at this stage would be to adjourn the debate until the next day of meeting.

The Hon. A. J. Hunt—Later this day!

The Hon. D. R. WHITE—In response to the interjection of Mr Hunt, it is the intention of the Treasurer, consistent with the second and third parts of the motion, to table documents in the Parliamentary Library tomorrow. I believe the debate would benefit from the opportunity for Opposition and National Party members to examine those documents before the debate resumes.

The Hon. B. A. CHAMBERLAIN (Western Province)—As I understand it, the Minister said he would deal with the principle. Mr Hunt has been speaking about the principle. The Minister has in no way responded on that most essential issue. Does the Minister propose to deal with that issue before proceeding to adjourn the debate?

The PRESIDENT—Order! Before I proceed, I need to clarify whether the Minister is moving for an adjournment of the debate.

The Hon. D. R. WHITE (Minister for Health)—I move:

That the debate be adjourned until later this day.

The Hon. F. S. GRIMWADE (Central Highlands Province)—As I understand it, the Minister has moved that the debate be adjourned and reserves his right to speak again.

The Hon. D. R. White—Yes.

The motion for the adjournment of the debate was agreed to, and the debate was adjourned until later this day.

STATE ELECTRICITY COMMISSION (TREE CLEARANCE) BILL

For the Hon. HADDON STOREY (East Yarra Province), the Hon. A. J. Hunt moved for leave to bring in a Bill to amend Part VI of the State Electricity Commission Act 1958 and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

PRESIDENT'S DELIBERATIVE VOTE

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

That this House—

(a) disagrees with the decision of the President during the course of the vote on the Constitution (Supply Bills) Bill on 14 August last that he was entitled to a deliberative vote on the second and third readings of Bills to which section 18 of the Constitution Act 1975 applies;
(b) declares that the person for the time being occupying the chair as President is not entitled to any vote on any matter, other than a casting vote when the votes are equal; and

(c) directs the President accordingly.

I read the motion because it is an important motion and is significant because, in effect, it is inviting the House to say that the ruling you made, Mr President, on the question of whether you had the deliberative vote is not one with which the House agrees, and to express the House’s view about the matter and to give a direction for the future on the question of whether the President can exercise a vote.

The motion is moved because the vote cast by you, Mr President, on the Constitution (Supply Bills) Bill was an unprecedented vote; it has never happened in this House before. If it stands without a declaration about the matter by the House, it stands as a precedent for the future.

The Opposition believes it is not only unprecedented, but also wrong, and that the decision you made flouted nearly 400 years of history. It was totally inconsistent with practice both in the House of Commons and in the Victorian Parliament, and it was contrary to the law.

It was contrary to the provisions of the Constitution Act 1975, which governs the procedures of this House. It was also totally inconsistent with the proper role of a Presiding Officer of a House of Parliament, and something which would not have been permissible unless there was clear authority justifying the course taken by the President. There is no such clear authority justifying that course in this case. There is no precedent for it; there is no example of it being done in the House of Commons or in Victoria, and there is no statutory provision that expressly gives the President that right.

Indeed, it is not surprising that there is no statutory provision that gives the President that right, because the implication of the President being able to exercise a deliberative vote on a constitutional amendment means that, with the Presiding Officer’s vote, it would be possible to make up the numbers to change the Constitution of Victoria. I do not believe those who wrote the Constitution or the people of Victoria would want to have the Constitution altered in what could be a most radical and extreme way simply by the President giving the additional vote from the chair to enable that change to take place. It is totally inconsistent with the notion that the President is the Presiding Officer to represent the House, to act on behalf of the House and to resolve an equality of votes by giving a casting vote.

What was worse about this decision was that it was based on an anonymous and secret document. The Government has advice on the question of the powers of the President; the Government has been asked in this House to make that advice available to the Opposition and, through it, to the people of Victoria, but it has refused to do so, and yet the Government made a copy of that advice available to you, Mr President, and, in giving your reasons for exercising this right to exercise a deliberative vote, you relied upon that advice. We have the extraordinary and outrageous situation that a vote that has never been purported to be exercised before in this House has been exercised by you on the basis of advice which is secret other than to yourself and the Government.

After you, Mr President, exercised that vote, I asked you whether you would make a copy of the advice available. You said it was in the possession of the Government and that it was a matter for the Government. I informally asked the Attorney-General for a copy of that advice and he declined to give it to me. I then sought a copy of that advice under the Freedom of Information Act, of which Act the Government claims to be so proud and which, in fact, it uses to avoid giving information to members of Parliament and the public.

The Hon. B. A. Chamberlain—Definitely known as the freedom from information Act.

The Hon. Robert Lawson—It is the avoidance of information Act.
The Hon. HADDON STOREY—Mr President, last week I received the answer to my request under the Freedom of Information Act. I was refused access to that advice and two grounds were named. Firstly, that it was a Cabinet document and, secondly, on the grounds of legal professional privilege. That compounds the outrage that the Government should influence you, Mr President, by making a copy of that advice available to you and, in that way, lead you to give the extraordinary vote that has never been done before and still decline to supply that information, claiming that it cannot be made available because it is a Cabinet document and it has legal professional privilege.

If ever there were an original right to keep that document secret, the Government abrogated that right when it made it available to you, Mr President. It is an extraordinary indictment on the Attorney-General and on the Government that they have created this unprecedented situation in the Chamber in which a vote has been given which has never been claimed before, and they still will not let the people of Victoria view the advice that was made available to you to influence you in giving that decision.

I believe the Government has behaved in a most reprehensible and underhanded manner in respect of the powers of the President in the Legislative Council and that represents utter contempt for Parliament and for the people of Victoria.

The Hon. A. J. Hunt—And for the role of the President, too!

The Hon. HADDON STOREY—I was going to conclude—and is a disgraceful exhibition on their part about their belief in the role of the President and it puts you, Mr President, in an intolerable position not of your making.

I shall go through the grounds upon which the Opposition believes this right does not exist for the President to persuade the House that it should support the motion. In doing that, I make it clear that I am not moving dissent from your ruling, Mr President, on that occasion; I am not challenging that ruling because it was a ruling in the course of debate and it did not affect the end result of the Bill in question. I am not in any way impugning your integrity as a person, Mr President, because I believe you acted after giving due consideration to the matter and on the basis of the advice that had been made available to you. But I strongly attack the decision given and I must move to show that it should not have been given.

The first position is to consider, apart from the statute, what is the history of a Presiding Officer's right to vote. This Parliament and this House follows the rules and procedures of the House of Commons, and that is not just a matter of tradition; it is laid down in our Constitution by law. The Constitution Act, section 19, invokes the privileges, immunities and powers of the House of Commons.

Under section 43 of the Constitution Act, power is given to each House to make Standing Orders for the conduct of proceedings. The Standing Orders do not actually direct themselves to this particular matter of the President's right to give a deliberative vote, but Standing Order No. 308 provides that, where the Standing Orders do not deal with any matter, the forms and practices of the House of Commons are adopted. Both through the Constitution Act and our Standing Orders we are directed to the practice of the House of Commons.

The practice of the House of Commons is crystal clear. The Speaker, as the Presiding Officer of the House of Commons, has a casting vote only and does not have a deliberative vote. To put it another way, the Speaker has a vote only where there is an equality of votes and then the Speaker has a vote to resolve that equality of votes. That is set out at pages 275 and 408 of the twentieth edition of May. It is outlined in any constitutional law book dealing with the power of the Speaker to vote. It is not a recent rule of the House of Commons.

It has been a rule in the House of Commons since 1601. It arose on a Bill where there was a vote of 105 for and 106 against and the supporters of the measure sought to have the vote of the Speaker recorded, which would have made the voting equal. I might say...
the Bill would not be likely to have much support today because it sought to make it compulsory for people to attend church on Sunday. None the less, on that occasion it was claimed that the Speaker had a deliberative vote.

A book entitled *The Speaker of the House* by Michael MacDonagh, published in 1914, which deals extensively with the role and powers of the Speaker, pointed out that it was decided that the Speaker did not have a vote, that he was to be indifferent to both parties and, hence, he could not exercise a deliberative vote. That has been unchallenged ever since. In terms of the history and practices of the House of Commons today one must have regard to the fact that the Speaker has only a casting vote. The practice is important, not just because it is a practice, but also because of the sound reasons that lie behind the practice.

The sound reasons are that the Speaker or, in our case, the President, so far as possible, must be impartial between the parties in the House. The reason for that is simple. The Speaker is the Presiding Officer and if he is to retain the respect of the House, the ability to keep control and order in the House and to represent the House, the Speaker must be above party politics so far as possible. Where there is equality of votes something must be done to resolve the matter. It is understood that the Speaker or the President has the casting vote, but for the Speaker to take on the responsibility of being the Speaker or, in this case, for the President to take on the responsibility of being the President, is to surrender, to a large extent, the role of a private member in the House. It completely distorts and detracts from that role if the Speaker exercises a deliberative vote. That was the sound reason why the House of Commons decided as it did in 1601, and why it has maintained that practice ever since.

The decision to exercise a deliberative vote here contradicts that practice. It invites political debate and rebuttal of the President's decision. It invites party disputation which detracts from the standing of the Chair. The history of the practice of this Parliament and the House of Commons is totally opposed to the concept of the President having a deliberative vote. If, therefore, the President does have a deliberative vote one would expect to find that set out clearly and directly because it is so contrary to that history and practice.

One must turn to the law of this State to see whether it says anything about the matter. I shall refer to the Victorian Constitution. It is clear, in my view, that the Constitution does not expressly and directly say that the President has a deliberative vote. Nobody could assert that it does because it quite plainly does not say any such thing. The only possible argument is based on implications drawn out of the reading of two sections together. The first section is section 32 (2) of the Constitution Act which states:

Subject to section 18 all questions arising in the Council shall be decided by a majority of members present other than the President and when the votes are equal the President shall have a casting vote.

Section 40 (2) states exactly the same about the Speaker of the Legislative Assembly. I do not think any honourable member would disagree with that view which makes it clear that the President has a casting vote but otherwise does not vote. The sub-section begins with the expression, "Subject to section 18". As you said when you gave your ruling, Mr President, the matter does depend upon the relationship between those sections.

Let us be clear about what that section means. If the words "Subject to section 18" were not included, it would be clear that the President simply has a casting vote and that is all. The question is whether those words, "Subject to section 18" alter what otherwise is an absolutely clear meaning of the section. I shall not read all of section 18 because it is not all relevant, but section 18 (2) states:

*It shall not be lawful to present to the Governor for Her Majesty’s assent any Bill—*

(a) by which an alteration in the constitution of the Parliament, the Council or the Assembly may be made; or
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(b) by which this section, Part I., Part II., Part III., or Division 2 of Part V., or any provision substituted for any provisions therein contained may be repeated altered or varied—

unless the second and third readings of such Bill shall have been passed with the concurrence of an absolute majority of the whole number of the members of the Council and of the Assembly respectively.

Section 18 (3) of the Constitution Act states:

Any Bill dealing with any of the matters specified in paragraphs (a) and (b) of sub-section (2) which has not been passed with the concurrence of an absolute majority of the whole number of the members of the Council and of the Assembly respectively shall be void.

Section 18 does not say that the President has a deliberative vote on those constitutional issues. It does not say anything about the vote of the President or anyone else. It states that an absolute majority is required or the Bill will not be deemed to be passed. The section is silent on the question of the President's right to vote.

On that ground alone it is clear that whatever the section does, it does not affect what is contained in section 32 (2) of the Act. Section 32 (2) deals with two matters: the majority required and the power of the President to vote. It refers to an ordinary majority and the President's casting vote in the event of equality of votes.

Section 18 deals only with majorities because it refers to the majority of the whole number of the members of the respective Houses.

If one were to read the two sections together, one would find that the only change section 18 (2) makes to section 32 (2) relates to the majority. Therefore, it does not affect the President's right to vote, which remains the same as determined by section 32 (2). I have not referred to the words "subject to" in section 32 (2) when I have made that statement.

The words "subject to" do not mean that one disregards everything that follows and that some other section is put in its place. The words "subject to" are used only when it is necessary to resolve some conflict. In other words, it is only if the section is inconsistent with what is in another section that one needs to vary it; otherwise it stands.

The only issue in section 18 that is inconsistent with section 32 is the question of majorities and that is the only variation one needs to make to section 32 (2) to make it entirely consistent with section 18 (2); it is necessary to vary the reference to majorities required when a constitutional Bill is before the House. It is not necessary to alter the voting powers of the President to make the two sections complementary.

I shall cite a case where that has been said, but it does not concern voting powers. It was a case of C & J Clark Ltd v Inland Revenue Commissioners, recorded in the Weekly Law Reports, July 6, 1973 at page 905. As honourable members would be aware, the reference to Inland Revenue Commissioners means that the case is about tax matters, but I shall not take up the time of the House by going into details of that case. Mr Justice Megarry had to consider the expression "subject to" and the headnote states:

Held, that where a statutory provision was expressed to be "subject to" another statutory provision, that merely made the latter prevail over the former if there was any conflict; it did not require the master provision to be construed in such a way as to make the whole of the master provision conflict with the subject provision.

The Hon. A. J. Hunt—That is obviously clear logic.

The Hon. HADDOX STOREY—As my Leader states, that is obviously clear logic. In other words, one has only to alter the sub-section to the extent necessary to resolve any conflicts. Honourable members do not know what argument in this case led to the President having a deliberative vote. With all respect to the reasons you gave, Mr President, if one examines those reasons as set out in Hansard, one observes that you referred to secret advice to which the House does not have access. You stated that it depended on the inter-relationship of the two sections, but that it was a difficult matter and needed to be resolved eventually in the courts. However, you stated that in your view you have that right.

Unfortunately, honourable members do not have the sequential arguments which led to that conclusion and one can only surmise what the arguments might have been. The
only surmise I make is that you read some implication into section 18 that brought about the right of a President to vote. It is worth while to refer to the judgment of Mr Justice Megarry at page 910 because it may apply to the advice given to you, Mr President, although I have not seen it.

Mr Justice Megarry dealt with the argument that was put by people who believed the whole sub-section should be subjugated by the other section of the Act. He stated:

The highest compliment that I can pay this argument is that it is ingenious; but it seems to me to be fallacious and unreal. It drove Mr Godfrey into strange contentions. It requires the innocent and much-used phrase “Subject to” to be treated as implying that the master provision (if I may so describe subsections (2) and (3)) are contrary to each and every part of the subject provisions, and so require protecting from every part of the subject provisions by the words “Subject to”. I have never met such a contention before, and if it were right I think it would strike terror into the hearts of Parliamentary counsel when contemplating their output over the last two decades.

I can suggest only that that is the effect it would have on Parliamentary Counsel if the contention relied upon by the President in this case were upheld. In the matter to which I refer, the decision of Mr Justice Megarry was upheld by the Court of Appeal.

One argument that could be put is that section 32 of the Act does not even deal with whether the President has a deliberative vote. The argument is that a majority should make a decision but when the votes are equal the President should have a casting vote. It is interesting to contrast that with the Australian Constitution which, in every other respect, is similar but has a few additional words.

Section 40 of the Australian Constitution states:

Questions arising in the House of Representatives shall be determined by a majority of votes other than that of the Speaker.

So far those words are the same as the words in the equivalent section of the Victorian Constitution.

The Speaker shall not vote unless the numbers are equal, and then he shall have a casting vote.

Section 32 (2) of the Victorian Constitution Act does not contain the words “shall not vote”, but contains the rest of the words expressed in section 40 of the Australian Constitution:

... unless the numbers are equal, and then he shall have a casting vote.

The fact that section 32 (2) of the Constitution Act does not say anything about a deliberative vote adds even greater strength to the argument I have been putting, because what it means is that you, Mr President, are bound by the practice which has been followed for nearly 400 years in the House of Commons and which applies in this State Parliament. You are so bound because the Constitution Act of Victoria requires you to follow that practice, as do the Standing Orders of the House. The President simply does not have a deliberative vote. There is nothing surprising about that and there is no reason why the President should have a deliberative vote on constitutional matters as distinct from other matters.

The Australian Constitution makes it absolutely clear that a Speaker does not have a deliberative vote, yet it also provides for absolute majorities, which are required, under section 128 of the Constitution, for Bills proposing referenda for amendments of the Constitution. The Australian Constitution does not shrink for a moment from the view that absolute majorities of the whole numbers of the House, are required yet the Speaker does not have a deliberative vote.

It is not surprising, as I said, because it is entirely consistent with the role and the character that the Presiding Officer has to play in the House. That role has been played by the Presiding Officer in this Parliament until this year for the whole history of the Parliament and also in the House of Commons since 1601.
Mr President, the Opposition believes the matter is absolutely clear, that it is unfortunate that the Government has, in effect, led you into giving this vote by making secret advice available to you. The Opposition believes it is absolutely essential that the House declare its belief about the position and provide a direction to Presiding Officers for ever so that there can be no question at all that the law and practice in Victoria say the same thing—namely, that the President does not have a deliberative vote.

Should it ever be desired to change that, in light of the long history and clear view of the role of Presiding Officers, there would have to be a clear and conscious decision on the part of Parliament to change the law to confer the right of a deliberative vote on the Presiding Officer. That situation does not exist in the Constitution. The most that could ever be argued is that there is an implication about it flowing from section 18 (2).

For the reasons I have given, I believe that argument cannot be sustained and that it flies in the face of the meaning of the words "subject to" and of common sense. No Parliament is going to change such a long-established rule by some implication that flows from words that do not even address the question of voting, but address only the question of what majority is required.

I said at the beginning of my remarks that your decision, Mr President, was inconsistent with history, practice and the law relating to Presiding Officers and, for that reason, it is essential that the House supports the motion and provide a direction to Presiding Officers in the future, otherwise a situation may arise—not under your Presidency, but at some time in the future when there is an evenly divided House—in which some fundamental and important part of the Constitution will be changed by a President dissenting in the ballot and exercising a deliberative vote, thus making up the numbers to achieve a fundamental change. That would be a tremendous blow to the institution of Parliament and would not be the desire of the Victorian people.

The sitting was suspended at 1.7 p.m. until 2.14 p.m.

The Hon. W. R. BAXTER (North Eastern Province)—This is indeed an historic motion for the Legislative Council to be considering and also an extremely important one. However, I am somewhat intrigued, Mr President, as to why you thought it necessary to exercise a deliberative vote on 14 August, bearing in mind that even with your vote added to the tally of members who had voted for the Ayes, it still did not bring the number up to an absolute majority of the whole number of the members of the House, as required by section 32 of the Constitution Act. Therefore, to that extent, Sir, it was a wasted exercise on your part.

I can conclude only that, possibly, it was an attempt by the Government to suborn you, Mr President, into setting a precedent that might be used by this Government or subsequent Governments in the future if the House were ever again to be in a situation of closeness of numbers and a proposal to radically amend the Constitution, as the proposed legislation then being debated contemplated.

I realize that the Government would have recognized some advantage in having that precedent created and established for all to see in the future, bearing in mind the way in which, over the years, Presiding Officers in this Parliament, and, more particularly, in the Westminster Parliament, have had regard to rulings made by their predecessors.

One has only to peruse May's Parliamentary Practice, for example, to see how much of that publication is, in fact, a discourse to precedents and a listing of precedents on various rulings.

Also, if honourable members cared to read the very excellent book, which has recently come into the Parliamentary Library, by Mr George Thomas who was a Labour member of the House of Commons for 38 years and Speaker for about nine years, and who is now a member of the House of Lords as Viscount Tonyandy, they would observe in his writings the great attention to precedents that he gave when exercising, in his case, not a deliberative vote, but a casting vote. I recommend the book to honourable members.
It makes it clear indeed that Presiding Officer's rulings are relied upon very heavily subsequently, and, on some occasions, some hundreds of years hence. Mr Storey gave an example of that this morning when he referred to a ruling that had been given in the 1600s which is still carrying a good deal of weight now, in the twentieth century.

I am concerned at the Government's attempt to influence you, Mr President, to cast a deliberative vote.

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—On a point of order, Mr President, I take exception to the suggestion by Mr Baxter that the Government tried to influence you in a matter that came before the House some weeks ago. Mr Baxter may not have meant the notion of influence by the Government but, in fact, if that form of words goes into Hansard, I will be somewhat disappointed, because the Government did not endeavour, in any sense, to influence your view, Sir, of this matter. Your decision is, of course, your own, and a reflection on the Chair in this manner is, I suggest, quite unparliamentary.

The PRESIDENT—Order! Mr Baxter may rephrase his remarks.

The Hon. W. R. BAXTER (North Eastern Province)—Mr President, I can make my comments only on the facts as I know them. I am basing my assumptions and assessments on the remarks made in your comments on 14 August, and on the remarks made by Mr Storey this morning, which indicated that a document, a legal opinion, was obtained by the Government and made available to you, Sir.

The Hon. M. A. Birrell—By the Attorney-General.

The Hon. W. R. BAXTER—it remains a secret document, despite the attempts of Mr Storey to obtain it under the Freedom of Information Act. Mr Storey was told that it was a Cabinet document. That, surely, can leave me in no other situation than to put forward the proposition that the Government might have attempted to suborn you. I did not say that the Government "had" done so; I said that it "might have" done so. I stand by that and, pending an explanation from the Leader of the Government, perhaps there can be no other conclusion.

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—Mr President, I ask for a ruling on the matter, as I believe the remarks by Mr Baxter are offensive to you, Sir, and certainly to me as Leader of the Government in this House. I would prefer that you, Sir, make a decision on the matter. I have assured Mr Baxter that the Government did not in any way attempt to influence your opinion and I believe Mr Baxter should alter his view.

The Hon. W. A. LANDERYOU (Doutta Galla Province)—On the point of order, Mr President, it is extraordinary that this House is debating, and quite properly so, an objection that the Liberal Party has to a proceedings and an attitude adopted by you, Sir. In terms of challenging and publicly debating proceedings before this House, a member has reflected on the Chair. Mr President, quite properly, after the Leader of the Government directed the matter to your attention, you asked Mr Baxter to withdraw or to rephrase his submission. Mr Baxter then chose to use a different set of words, which did not retract from the precise words he used, which were a reflection on the Chair, a Presiding Officer in this Chamber.

In the eight years I have been a member of this place I have often been outraged by points of view put by various chairman of this Chamber, but out of respect to the high office those persons held—and that you hold, Sir—I always deferred to the Chair despite extreme provocation on some occasions.

Regardless of what Mr Baxter thinks he said or believes he said, we all heard what he said and that had a direct reflection on you, Sir. It may well be that in his opinion the Government may have had this or that in mind or intended this or that, but that is not what he said. Mr Baxter said that the Government had influenced you, Sir, in your
deliberations. In those circumstances, you asked for that remark to be rephrased. I thought that was a very gentle restoration of the dignity of this Chamber and the high office you hold. So far, Mr Baxter has refused to accept your advice. In those circumstances the duties are very clear. Either Mr Baxter corrects the impression he gave the Chamber, inadvertently or otherwise, or he stands condemned. He cannot argue both ways.

Regardless of how one may feel about the issues, to debate issues and proceedings of another day is to blatantly abuse this Chamber and is a reflection on the Chairman of Committees of the day or the President of the Council.

The Hon. W. R. BAXTER (North Eastern Province)—On the point of order raised by Mr Landeryou, I am not reflecting upon you, Sir, as the President of the Chamber. I think my reputation in this House would lead anyone to understand that I am not in the habit of reflecting on the chairman, but I am certainly reflecting upon the Government and its motives. Mr President, the point I was making was that the Government set out to suborn you by producing for you a secret document.

The Hon. W. A. LANDERYOU (Doutta Galla Province)—On the point of order, Mr President. Does Mr Baxter withdraw the reflection, implied or inferred, on the Chair? If he does, he at least makes this member of the Chamber happy, if he does not, then we will continue with the debate.

The Hon. W. R. BAXTER (North Eastern Province)—I had no intention of reflecting upon the Chair. I made that clear. If Mr Landeryou believes I reflected on the Chair, for his benefit I withdraw to that extent but I do not withdraw the language I was using in one degree.

The PRESIDENT—I gave Mr Baxter the opportunity of rephrasing his remarks but in the rephrasing I still believe it could be construed as reflecting on the Chair. I ask him to withdraw those remarks.

The Hon. W. R. BAXTER—I am happy to withdraw if someone believes it is a reflection on the Chair, but that is not what I intended.

My concern, as I indicated, is that on the facts and the evidence as I understand it, I can come to no other conclusion than that possibly the Government attempted to influence the President in actions he had taken in this House by the production of a secret document. The Government has refused publication of the document under the Freedom of Information Act because it is a Cabinet document. It is a very serious matter that materials prepared by and for the Government should be made available to the President prior to a crucial debate in the House but not be made available to members of the House generally.

One has to take into account the situation of Presiding Officers and Parliament under the Westminster system and look particularly to the House of Commons. I again refer to Thomas' treatise which is available in the Library. He sets out clearly the steps he took as Speaker—steps taken I am sure by many predecessors—to distance himself from the party political process and to be as far as practicable, under all conditions, an absolutely impartial chairman.

Mr President, in making that comment I am not suggesting that I am reflecting on your impartiality. I certainly am not. If we are in this situation in the Parliament of Victoria where, because of the closeness of numbers, casting votes are going to become common place, we might well need to look at the standing of our Presiding Officers and their relationships vis-à-vis their political party and other political parties represented in the Parliament.

I believe without the benefit of the secret document, which apparently puts forward an opinion to the contrary, that the Constitution Act 1975 clearly indicates in precise terms that the President does not have a deliberate vote but that he has a casting vote in the event of an equality of numbers. I do not intend to read section 32 and section 18 because Mr Storey has already done that this morning and has made the position perfectly clear.
I invite honourable members to consult the Constitution Act. I believe it would need some legal interpretation which is almost bordering on gymnastics to come to the conclusion that the President of the Chamber has a deliberate vote. It may well be that the Government went to one of these new fangled lawyers who has taken the view that just because the Constitution Act does not clearly spell out that he does not have a vote, therefore, he must have a vote. That might be the logic advanced in this secret document. I would like to see whether that is the case.

Mr Storey should be commended for bringing the motion before the House because he has put in train a process which you advocated, Mr President, in your remark to the House on 14 August when you stated that this matter was in need of clarification, either by way of legislation or by testing in the courts. It seems to me that the House is acting on your request, but rather than doing it by legislation coming from the Government or by way of a private member's Bill, the House is doing it as a whole by way of resolution. That seems to be a satisfactory way of clarifying the matter for the time being.

As I said earlier, according to my own interpretation of the Constitution Act the matter is perfectly clear. Obviously there are contrary views. Although honourable members have been unable to see the secret document, let the House move to put it beyond the House by the carriage of this motion.

The Hon. B. A. CHAMBERLAIN (Western Province)—I shall deal with one aspect of this debate, namely, the question of the nature of the written advice to the Government on the issue of the powers of the President of the Legislative Council and whether in fact that is a document which should be in the public domain or should be private property, as it is being treated at this stage.

As pointed out by Mr Storey, he made a request under the Freedom of Information Act—as have other people—to obtain that advice. The excuses which have been used have been, firstly, that it is a Cabinet document and, secondly, it has legal privilege because it is a confidential memorandum, as it were, between legal counsel and his client and that is the end of the matter.

What are we considering? We are considering the central institution of the democracy of this country; in other words, the operation of the Parliament of Victoria. We are not talking about private arrangements between the Government and its advisers; we are not talking about internal departmental arrangements; we are talking about the operation of the institution of Parliament. For the Government to suggest that advice on the issue is private information for which it is entitled to claim privilege is absolute and arrogant nonsense. I would have thought that the institution of Parliament was an operation in which every member of Parliament has a right to partake. Every member of the public has the right to know on what basis the Parliament is operating.

The Opposition is asking whether a particular vote, in this case the vote of the President, is to be counted in certain circumstances. Obviously, with the present balance of numbers in this House, that question is critical. An example was seen during the one-day sitting in August before the numbers of this House were finalized. During that time, honourable members witnessed controversial pieces of proposed legislation being passed due to that temporary situation.

The public is entitled to know what will happen in the future. Members may be absent from the House for any number of reasons; a member may be caught in the toilet when the division bells ring. The public is entitled to know what are the rules that apply in that situation; what are the rules that are so critical to determine whether a certain piece of proposed legislation passes through Parliament.

The Government is indicating that it has an opinion on the voting powers of the President, but it will not inform the Opposition of that opinion. The Government has claimed that the opinion is of no concern to the public, that the opinion is a private document and that the opinion is entitled to the protection of its legal privilege—similar
to the relationship that exists between legal counsel and client. However, honourable members are discussing the future operations of Parliament—the central institution in the democratic system that operates in Victoria. For the Government to claim that its opinion is private is absolute and indefensible nonsense. The Leader of the House should table the document.

When the President gave his ruling during the one-day sitting, he stated that it was based on legal advice. When he was subsequently questioned on that, he indicated that the advice was transmitted to him by the Attorney-General. If there is anything in the public domain that should be opened for public discussion, comment and debate it is the opinion about the central operation of Parliament.

The action of the Government is indefensible in light of its pious bleatings about freedom of information. This is the Government that claims it introduced freedom of information; however, the Government will not provide information on the major issue of where Parliament is going with its legislative program.

I ask the Leader of the House to table the document so the central issue can be debated. I have asked him for the document on previous occasions, as have other honourable members, and the Opposition has attempted to use the Freedom of Information Act.

The Hon. E. H. Walker—You have not asked me.

The Hon. B. A. Chamberlain—Yes I have; I have asked the Leader of the House in this Chamber, as has Mr Storey. The Leader of the House is on record as refusing to make the document available. Members of the Opposition know that the Freedom of Information Act is being used by the Government as a shield from providing information to the public. I ask the Government to come clean and provide the information so that the opinion can be debated.

The Hon. E. H. Walker (Minister for Agriculture and Rural Affairs)—I intend to make only a few comments and will then move for the adjournment of the debate until the next day of meeting which means that the debate should be resumed next week. Unless Mr Storey believes the debate should be resumed at a later date, it will be brought on next week, and I give that assurance.

The Hon. A. J. Hunt—We would prefer it to go on today.

The Hon. E. H. Walker—I realize that, but I will be moving a motion for the adjournment of the debate until the next day of meeting. This is an important debate; it has been cogently and carefully put by Mr Storey and it is only proper that a debate of such significance should be responded to in a comprehensive manner.

Having heard members of the Opposition speak during the debate, especially the lead speaker, Mr Storey, it would not do the motion nor the debate justice for the Government to debate the matter today without being fully and properly prepared.

Genuine differences exist between the view held by the Government and the view put forward by the Opposition. I emphasize the word “genuine”. What better forum to debate those differences than this Chamber. The matter has been properly presented and I look forward to responding—as I am sure other members of the Government will, notably the Attorney-General—having perused statements recorded in Hansard, particularly the careful comments of Mr Storey.

There are significant differences between practices in this House and the House of Commons. Mr Storey made use of an example from the House of Commons, but I do not wish to debate the matter as I shall pick up that fact next week.

Mr President, you outlined your view on this matter extremely carefully at the time the vote occurred. It would be unfair if the debate did not fully take on board the careful decision that you made. Members of the Government would like a chance to reflect on the points that you, Mr President, have made.
It is an important debate, but, at this stage, neither side of the House has what would be considered an outright constitutional majority, hence the manner in which the motion is presented. If differences remain after a good debate, it is clear that an issue of this kind will be resolved in the courts rather than in this House. The motion ends with a direction to you, Mr President, and, in a sense, that is unsatisfactory. The matter has been brought forward in its totality, and, in due course, it will probably need to be resolved in a forum other than this Chamber. However, it is wise that it be fully debated here.

The Government has obtained a legal opinion which supports the view that you, Mr President, took. Mr Storey has made a strong plea that the opinion upon which the Government's view is based should be made available. I take it upon myself to discuss the matter with the Premier and the Attorney-General to ascertain whether the opinion should be made available at the earliest possible opportunity. That is essential for the continuation of the debate, and it is another reason for my requesting an adjournment of the debate for a week.

The matter requires careful consideration and a considered response from the Government. The debate should not be considered in a partisan manner but in terms of the procedures that will and should prevail in this House in the future. One can easily imagine a circumstance where another party may control the House and the same type of closeness of voting may occur as that which occurred a few weeks ago.

Without denigrating this House in relation to any other, in a sense, this House is different not only from the Assembly but also from almost any other example one would like to quote.

The debate will really need to be specified not just as a precedent which has been set in other places and through other practices which have been established in this House, but it should also be treated in a way in which Parliament wishes to proceed. That is the way I wish to see the debate proceed next week. In the long run the law will not be determined in this House, but the House ought to debate this matter carefully.

Simply, I ask honourable members opposite to consider an adjournment of the kind I am proposing with an assurance that the debate will be resumed next Wednesday. If Mr Storey, who moved the motion, requests a further delay of the debate, I shall consider it. I move:

That the debate be adjourned until the next day of meeting.

The Hon. A. J. HUNT (South Eastern Province)—On the motion for the adjournment of the debate, I congratulate the Leader of the House on the manner in which he has approached the issue. He has approached it in the highest tradition of debate in this House. A vital issue is at stake and clearly the Minister would like the opportunity of consulting with others, with colleagues and probably, I trust, with the Opposition.

I read between the lines that it is the hope of the Minister that he will be able to produce to the Opposition the legal opinion that was presented to the President. All of that conduces towards the spirit which ought to exist in a debate of this kind, which is certainly not designed to score points from anyone; it is designed to deal with fundamental and vital principles. Provided all parties approach the matter in that manner, I am sure that nothing but good can come from the debate. The Leader of the House will agree that that very spirit was shown by Mr Storey when he introduced the debate.

I wish to raise a further issue on the adjournment of the debate. It would be most unfair if, on a matter of this nature, you, Mr President, were deprived of the opportunity of making a further statement. Mr President may well wish to do so before the debate concludes. Certainly Mr President would not do so by descending into the arena of debate but rather by making a reasoned and detailed statement from the chair. If that course is desired, the Opposition would be happy to co-operate in any motion moved by the Leader of the House to suspend Standing Orders to the extent necessary to enable the President to make such a statement at the conclusion of the debate on the motion.
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If that course is in your mind, Mr President, you only have to indicate that desire to the Leader of the House or to me and we will see that such a motion is moved. Mr President would clearly want time to prepare such a statement, which would be a further reason for the adjournment of the debate which is being sought by the Leader of the House. I hope the result of the adjournment will mean that the matter will be resolved to the satisfaction of the whole House. The sooner that is done the better.

The Hon. E. H. WALKER (Minister for Planning and Environment) (By leave)—I support the comments of the Leader of the Opposition in this place and also request that I have leave to continue my comments when the debate is resumed. Some members may have construed my comments to mean that I have concluded my speech, which I have not.

The Hon. HADDON STOREY (East Yarra Province)—On the motion for the adjournment of the debate, I appreciate the way in which the Leader of the House has approached this matter and his indication that he will be speaking to the Premier about the request to make available the advice referred to. If the advice is to be made available—and the Opposition hopes that it will be—I ask the Leader of the House that it be made available in sufficient time to allow the Opposition to properly consider it before the resumption of the debate next Wednesday.

The motion was agreed to.

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

The Hon. A. J. HUNT (South Eastern Province)—By leave, I move:

That upon the debate on this matter being resumed, Standing Orders be suspended to the extent necessary to enable the President to make a statement from the chair at the conclusion of the debate, if he sees fit.

The motion was agreed to.

STANDING COMMITTEES

The Hon. J. V. C. GUEST (Monash Province)—I move:

That this House acknowledges the commitment of both the Government and the Opposition to the establishment of a workable Standing Committee system of the Legislative Council and, in order to give effect to that commitment, that it be an instruction to the Standing Orders Committee—

(a) to request that all interested persons and organizations make any submission they think fit concerning Standing Committees of the Legislative Council to it not later than 1 October 1985; and

(b) that it report to the House not later than 15 October 1985 with respect to the reference to that committee on 24 July 1985, of the proposals contained in the motion moved in the Legislative Council on 4 April 1985 for the appointment of Standing Committees.

I do not propose to be anything other than brief unless I have to speak in reply contrary to my expectation that the Government will accept the motion. The motion more or less speaks for itself. Both the Government and the Opposition are now committed to the establishment of a workable Standing Committee system.

I shall briefly address the matter of time. The point of this motion is that, unfortunately, the Standing Orders Committee, which consists of leading members of the House, has persistently shown over the years that it does not proceed at a great pace. The Government and the Opposition are committed to the establishment of a workable committee system, so let us attempt to make some progress.

Let us remember that this matter has been a live issue, with a considerable amount of thought being given to it by all parties—at least since 25 May 1983 when the major motions were first moved. For long before that the Government party had a policy of appointing Standing Committees to improve the Legislative Council committee system. Pending appellation, it has since made it clear that it has had a policy for the past nine months or so to simply establish Standing Committees. I should have thought there would
be little difficulty in bringing together and writing up by 1 October the consideration that has now been given to this important issue of the efficient working of this House.

Obviously no one will be entirely foreclosed. It is simply a request to people to get a move on; they will not be cut out in this House or before the committee or anywhere else from making a suggestion, but let us at least set a date which is reasonably close in time. Just in case people will not be informed by members of the House, perhaps an advertisement could be placed in the newspapers tomorrow or Saturday calling for submissions to be made. That is not to suggest that honourable members have not informed members of their parties, because Mr Arnold has informed members of the Labor Party and Mr Baxter and Mr Dunn have informed members of the National Party on the issue.

The fixing of 15 October as the date for the report of the Standing Orders Committee would allow a further two weeks. That may seem unreasonable, but let us examine whether it is. If it proves to be unreasonable, the report can be a preliminary report. I hope Mr Dunn and Mr Baxter will note that I am speaking of a report to ensure that this House know that progress is being made and how much progress is being made. The setting up of a system of Standing Committees to improve the efficient functioning of this House, instead of retaining it always as a medieval debating Chamber, is the most important step honourable members can take. Let us get on with it and see how far we have progressed by 15 October.

The Hon. B. P. DUNN (North Western Province)—We have already debated the issue of the establishment of these committees, and I have raised the concern of the National Party about the establishment of a committee system to the extent proposed by Mr Guest. We will not debate again today the ground that we debated only a couple of months ago.

The National Party concedes that there is room for a couple of committees, especially for committees relating to the expenditure and operation of Parliament itself, but Mr Guest's proposed system goes much further and involves the establishment of committees to monitor basically every Ministry and department in the field of State Government responsibility. It may be all right for Mr Guest, but it is not all right for National Party members who are already over-stressed by their workloads. This House already has a committee system that is not working. I can point to instances of Parliamentary committees that are not working effectively and there is no way in which they can work effectively because members of Parliament do not have sufficient time to attend those committees on occasions when they need to attend.

Highly paid research staff—in some instances, people being paid $45 000 a year—are doing the work and bouncing voluminous reports off members of Parliament who do not have time to read them anyway. We now have a far less effective system than we had even in the old days when members of Parliament from all parties sat around a table and reached general agreement on principles and changes in road safety and other matters. Mr Guest is proposing another lot of committees on top of those.

The Hon. J. V. C. GUEST (Monash Province)—On a point of order, Mr Deputy President, I am now being brought into the matter on the basis of what I am supposed to have said. Mr Dunn's submission is totally irrelevant to the question. The Standing Orders Committee should be asked to get on with hearing this sort of argument directly from Mr Dunn.

The DEPUTY PRESIDENT (the Hon. G. A. Sgro)—Order! I agree with Mr Guest. Mr Dunn is debating the issue, and I ask him to return to the question of time.

The Hon. B. P. DUNN (North Western Province)—We are debating whether the matter should be referred to the Standing Orders Committee.

The Hon. J. V. C. Guest—It is already there. We are debating the time when the committee should report.
The Hon. B. P. DUNN—The National Party has grave concern about the matter, although it does not object to the fact that the matter is being referred to the Standing Orders Committee. That is one way in which the question can be further considered, and the National Party will put its view at that time, but I thought I was within my right in again raising the concern of the National Party on the matter.

I do not believe the dates that are set out in the motion for the various steps can be met. Mr Guest is asking that submissions to the Standing Orders Committee be made no later than 1 October, which is only two weeks hence. My view is that that date should be not before 1 December and that the committee should be required to report to this House by perhaps 1 April next year. The committee must be given time to examine the matter. This is now the busy spring sessional period when members of the Standing Orders Committee will have a lot of stress placed upon them.

The National Party will support the motion if the dates are made more realistic. I am prepared to move that the date for submissions be 1 December and that the date for reporting be 1 April, if those dates are generally acceptable to the House. The National Party cannot support the dates included in Mr Guest’s motion at this time.

The Hon. M. J. ARNOLD (Templestowe Province)—The Government appreciates Mr Guest’s concern in relation to the establishment of these committees. As has been indicated on a number of occasions by both the Government and the National Party, there is general support for the establishment of a new committee system.

The motion before the House has the support of the National Party and the Government, but it is unrealistic to expect the members of either party, or even of the Liberal Party, to make a worth-while submission prior to 1 October, which is less than a fortnight away. One would scarcely have time to get Mr Reid and Mr Birrell out of the car park, where they are busy checking registration stickers! I believe Mr Guest is being unrealistic. In the light of what Mr Dunn has said, the Government will agree to the amendment of the dates, to require submissions by 1 December 1985 and to extend the date for reporting to this House by the committee to 1 April 1986.

The Hon. J. V. C. GUEST (Monash Province)—I shall not call for a division on the amendment because it is clear that the Government and the National Party intend to amend the motion. None the less, it is clear that the National Party simply is not interested in a committee system and that the Government would have considerable problems either with the necessary hard work or with some of its organizational interference. Quite frankly, I believe the Government has difficulties in developing a favourable position on the issue when it has come out over a number of years as being opposed to Standing Committees.

None the less, if the amendment of the motion means that we will have a final report from the Standing Orders Committee by 1 April, showing a proper respect to this House which is now giving it instructions, that will be better than nothing and better than what might otherwise happen. I formally oppose the amendment but shall not call for a division on the question.

The Hon. M. J. ARNOLD (Templestowe Province)—For the elucidation of the House, I shall formalize the amendment. I move:

That the expression “1 October 1985” in paragraph (a) be omitted with the view of inserting in place thereof “1 December 1985”, and the expression “15 October 1985” in paragraph (b) be omitted with the view of inserting in place thereof “1 April 1986”.

Mr Arnold’s amendment was agreed to.

The motion, as amended, was agreed to.

ORDER OF BUSINESS

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—I move:

That the consideration of Orders of the Day, General Business, and Orders of the Day, Government Business, Nos. 1 to 3 inclusive be, postponed until later this day.
The Hon. A. J. HUNT (South Eastern Province)—The Opposition accepts that motion on the clear understanding that the House will return as soon as possible to debate on the Capital Works Authority item.

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs) (By leave)—I indicate to the Leader of the Opposition that I am happy with that arrangement. He and I have spoken on the matter. General Business, Notices of Motion, No. 4 was adjourned earlier today until later this day. The Minister for Health is not available at the moment. I understand that it has been agreed, after discussion with the Leader of the Opposition, to return as soon as possible to the motion that was dealt with earlier in the day, and I am happy to accept that we shall make those arrangements when the Minister returns.

The motion was agreed to.

FAIRFIELD LAND BILL

The debate (adjourned from August 14) on the motion of the Hon. J. E. Kirner (Minister for Conservation, Forests and Lands) for the second reading of this Bill was resumed.

The Hon. N. B. REID (Bendigo Province)—The Bill is small; the Opposition does not oppose it. I have seen the land and I have consulted both the City of Northcote and the trustees of the Yarra Bend Park. I was agreeably and favourably received by the City of Northcote where I contacted the Town Clerk, Mr Black, who was formerly a Deputy Town Clerk of the City of Bendigo. It was good to talk to him and to be informed that the City of Northcote supported the Bill.

In her second-reading speech, the Minister referred to the trustees of Yarra Bend Park as being agreeable to the proposal. Their agreement should be qualified by the word “reluctantly”, because the trustees made the point to me, which was significant, that they were reluctant for any parklands to be taken away from the people of Victoria.

Although the land is a small, triangular, wedge-shaped piece situated between the Eastern Freeway and the Fairlea Female Prison boundary and serves little use for the public, alienation of parklands for other purposes does cause concern; certainly it is of concern to the Yarra Bend Park trustees.

This land has had an interesting history. In the early 1920s a venereal disease clinic was conducted on the site and in the early 1950s a lunatic asylum was situated on the site. Therefore, one realizes the significance of this small area to Melbourne.

The Hon. D. M. EVANS (North Eastern Province)—The National Party does not oppose the Bill.

The motion was agreed to.

The Bill was read a second time.

The Hon. J. E. KIRNER (Minister for Conservation, Forests and Lands)—By leave, I move:

That this Bill be now read a third time.

I thank Mr Reid and Mr Evans for their support of the Bill. Honourable members are aware that the excision of this land will enable the completion of the redevelopment of the Fairlea Female Prison, which is an important task for the Government. I agree with Mr Reid that the Yarra Bend Park trustees do an excellent job in protecting that section of public land. I assure the House that excision of a permanent reserve is used only when there is a clear need and when used parklands is not being alienated.

The motion was agreed to, and the Bill was read a third time.
SOIL CONSERVATION AND LAND UTILIZATION (APPEALS) BILL

The debate (adjourned from July 17) on the motion of the Hon. J. E. Kirner (Minister for Conservation, Forests and Lands) for the second reading of this Bill was resumed.

The Hon. D. M. EVANS (North Eastern Province)—The Bill simply transfers the right of appeal of a landowner who may be aggrieved or who believes he has been unjustly served by an order under the Soil Conservation and Land Utilization Act from the County Court and the jurisdiction of a judge to the Planning Appeals Board. The reasons given for that change are that it would be a better process and less expensive to the landowner and would allow for particular expertise to be made available through the Planning Appeals Board; therefore, it would be a more appropriate procedure in such a case than having the issue decided by the County Court.

In conversation today with the Minister, I understand that the reason behind the Bill is a very expensive exercise being carried out by one landowner wishing to challenge just such a judgment. That exercise has involved extensive litigation before the County Court, with the resultant expense of legal opinions, legal fees, and so on. As honourable members are aware the Planning Appeals Board is a much simpler process where the aggrieved person or persons can more readily appear personally to give evidence and to have a decision made.

The National Party accepts that the Planning Appeals Board would act as an independent arbitrator in a matter on which the board would have adequate knowledge and experience and would be able to make a judgment. That would appear to be in the best interests of equity to all concerned. It is a very important point that justice be available to all citizens.

It is also important in the procurement of that justice that it be at a level of cost that itself is not seen as a penalty to the citizen. In other words, when costs of a legal action become too great, a person may be unable to proceed with the obtaining of a reasonable hearing and a reasonable justice simply due to the expense, although legal aid is available under certain circumstances.

Also, if a person does have the resources to be able to put a case through the ordinary process of the law courts, the cost of obtaining that judgment may be a penalty on that person who subsequently obtains justice through that due process of the law, in which case, as a consequence of that legal action, that person has the burden of an unwarranted penalty. In those instances, there is justice in the proposed legislation.

I checked with Mr Tim Barker, research officer and a senior officer of the Victorian Farmers and Graziers Association, to obtain the views of the association. Apparently the association was not aware of the Bill and, therefore, it had no opinion to offer. While this is not necessarily a critical factor, I would have appreciated advice from the association and its concurrence with the measure. The association represents the majority of people who are likely to be engaged in such litigation or such appeals and it would have been an advantage to me to have the association's agreement on the proposed legislation.

Mr Barker's opinion, again expressed to me, was that on a cursory examination, he could see nothing wrong with the Bill. It may be that some other organization or group, perhaps within the Department of Conservation, Forests and Lands but representing the farmers, may have had the opportunity of commenting on it but, in short, it is the view of the National Party that the Bill should be passed. It contains a number of good features and the National Party agrees to its passage through the House.

The Hon. N. B. REID (Bendigo Province)—The Opposition does not oppose the Bill, in fact it believes it is a move in the right direction in allowing appeals to be heard by the Planning Appeals Board. The board will be able to address two important issues, the first being the hearing of appeals into the prevention of soil erosion and the second being the
protection of water catchment values. The capacity of the board to recruit the right personnel for appeal hearings will be advantageous and I reiterate that the Opposition does not oppose the Bill.

The motion was agreed to.

The Bill was read a second time.

The Hon. J. E. KIRNER (Minister for Conservation, Forests and Lands)—By leave, I move:

That this Bill be now read a third time.

I thank my colleagues, Mr Reid and Mr Evans, for their co-operation in the passage of the Bill. As Mr Evans correctly said, the Bill is designed to ensure that farmers, in particular, have the opportunity to have matters tried in the quickest and fairest way, by people with expertise in the subject.

Previously, these matters have been heard in the County Court. The Bill arises from a case in that court in which it became clear in the first week that the costs would probably amount to approximately $150 000. That seemed to be an unfair imposition on a person who was being required to undertake certain land use conditions. The proposed legislation will be in the best interests of the private landholder.

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

LOTTERIES GAMING AND BETTING (GAMING MACHINES) BILL

The Hon. J. E. KIRNER (Minister for Conservation, Forests and Lands)—I move:

That this Bill be now read a second time.

In this Bill the Government again addresses the question of video amusement machines which purport to be for amusement but are being used for gambling purposes, and emphasizes that it is the Government’s intention that all such machines and devices are to be proscribed as contrivances for gambling.

Honourable members are no doubt aware that by the Lotteries Gaming and Betting (Gaming Machines) Act 1984, the Government has endeavoured to proscribe machines, commonly known as draw poker and video poker machines together with other electronic game machines which depict unlawful games, as contrivances for gaming pursuant to section 68 (2) of the Lotteries Gaming and Betting Act. This section of the Act provides that it is an offence to possess such machines.

Following the passage of that Bill through Parliament, the Government, to protect the interest of small investors, agreed to a two-month moratorium in bringing the legislation into operation. The legislation was therefore brought into operation on 1 January 1985. Regrettably, there are some members of the community who took advantage of this moratorium and used it as a period in which to develop new game formats which they believed were not caught by the scope of the legislation. It is a sad fact that when the Act was brought into operation many of the games had been converted and, accordingly, this insidious menace continued to spread throughout the State.

Let me emphasize in the clearest possible terms that it is the Government’s intention that all such devices, although they purport to be no more than amusement machines, are to be proscribed as they are in fact no more than dressed up poker machines. It is not the intention of the Government to prohibit only video poker machines that are multiple coin or credit over the bar machines or have been altered to permit gaming, but rather it is the specific intention that absolutely all video poker machines and similar devices should be prohibited. Regrettably, the current legislation has not yet been tested in the courts due to unforeseen delays. There is no doubt however, that many unscrupulous people are using
these delays together with suggestions to small operators that their machines are outside the scope of the Act to place such machines, which, I am informed, are now in huge numbers right throughout the State.

It is the intention of the Government to rid the community of all such machines. To ensure that it achieves this aim, this Bill provides that section 68 of the Lotteries Gaming and Betting Act should be further amended to enable new machines to be identified in regulations and, when so identified, to be deemed as contrivances for gaming. Honourable members would be aware that a similar procedure is used in respect of the treatment of obscene publications.

The Bill also seeks to clarify the situation in respect of the power of seizure by the police and the forfeiture of contrivances for gaming. It is the intention of the Government that in regard to video poker machines, electronic gaming machines and similar devices, the whole of the machine is to be subject to seizure and forfeiture, and the Bill provides for section 68 (4) of the Lotteries Gaming and Betting Act to be amended to give effect to this intention.

I must emphasize that it is certainly not the intention that forfeiture should apply only to the microchip component of such devices, which would then be easily and cheaply replaced, since this would have little impact on the operator's business.

No doubt, some honourable members have been subject to representations from operators that their machines are merely amusement machines and not used for gaming. This is a completely fallacious argument. It is the clear intention of the Government that all such machines, whether they purport to be for amusement only or not, should be outlawed as contrivances for gaming.

Indeed, honourable members will also have received representations from concerned operators of legitimate amusement machines whose livelihoods are threatened by the proliferation of gambling orientated machines and devices. These operators of legitimate machines have nothing to fear from this Bill and fully support its intent.

The Government has again acted quickly in response to the problem that has developed in this area and will continue to monitor the situation to ensure that the intention of the legislation is not thwarted. I commend the Bill to the House.

On the motion of the Hon. F. J. Granter, for the Hon. H. R. WARD (South Eastern Province), the debate was adjourned.

It was ordered that the debate be adjourned until Tuesday, September 24.

RACING (FIXED PERCENTAGE DISTRIBUTION) BILL

The Hon. J. E. KIRNER (Minister for Conservation, Forests and Lands)—I move:

That this Bill be now read a second time.

As honourable members are aware, one of the most controversial areas in the racing industry over recent years has been the method of distribution to the three codes of the surplus from the Totalizator Agency Board. The primary purpose of the Bill is to resolve this problem in a just, equitable and rational manner by the establishment of a method of fixed percentage distribution.

The secondary, but related, purpose is that the Bill repeals section 16 of the Racing (Amendment) Act 1983, which imposes a sunset date of 1 April 1987 in respect of measures which are provided for in that Act; being:

An additional twelve metropolitan mid-week thoroughbred race meetings;

a revision of the basis of the allocation of race meetings among race meetings districts;
the provision of grants from the Racecourses Development Fund for essential racecourse equipment;

permission for patrons at horse race meetings to bet on greyhound races; and

the method of distribution of the Totalizator Agency Board surplus.

The measures, other than the question of the method of distribution, are not contentious. Their retention is clearly of benefit to the racing industry and they are supported by the Victoria Racing Club and the Victorian Country Racing Council.

The key issue to be considered is the question of the method of distribution. The history of this matter is that, until 1983, the distribution had been in accordance with the percentage of TAB turnover generated by each code. This meant, for instance, that in 1982 the relevant percentage of turnover in respect of each of the codes was:

- Thoroughbred racing—70.78 per cent
- Harness racing—19.81 per cent
- Greyhound racing—9.41 per cent

This was the percentage of the distribution that each of the codes obtained.

In 1983 the Government reformed the method of distribution in the light of changes that had occurred within the industry and to ensure the continued development and viability of the industry as a whole, and particularly to address problems in harness racing and greyhound racing. A new formula was introduced whereby each code would receive in money terms the amount that was distributed to it in the previous year together with a percentage of the increase in profit available for distribution from the Totalizator Agency Board in accordance with the proportion of turnover for that code. The formula was adopted but the House will recall that the Government agreed that it should be subject to a sunset clause with a date of 1 April 1985.

In the spring sessional period last year the question of the distribution formula was again examined in some detail and as a result the sunset date was extended to 1 April 1987. During the debate it was indicated that if the industry could demonstrate a convincing case the method of distribution would be reviewed and it was noted that the Racing and Gaming Division of the Department of Sport and Recreation would be undertaking a detailed economic review of the costs associated with ownership in racing and the return on investment. It was clearly stated that if it could be demonstrated that the present formula was not equitable, the matter would be again brought to Parliament before the sunset date.

The economic analysis has now been completed by the division and has been circulated in the industry for some time. The report has been very favourably received by all sections of the industry and the division deserves to be particularly commended for the excellent work that its officers have done in this exercise. Advice has been received from all areas of the industry that the report is accepted and that the information and material used for the calculations has been endorsed.

The exercise revealed the following facts in respect of the racing year 1983–84. In thoroughbred racing total costs were $80,186 million with stake money return to owners of $16,874 million, giving an owners’ return ratio of 21 per cent for harness racing costs were $24,084 million with return of $6,893 million with an owners’ return ratio of 28.6 per cent; and for greyhound racing there were costs of $9,152 million with stake money return to owners of $2,940 million and owners’ return ratio of 32.1 per cent. It is interesting to note that on a total industry basis costs were $113,422 million with a return to owners of $26,707 million and an owners’ return ratio of 23.5 per cent.

These figures lend considerable weight to the argument advanced by people in the thoroughbred industry that they have been disadvantaged by the change in the distribution.
formula and have been subsidizing harness and greyhound racing to an unreasonable extent. In accordance with the undertaking given to this House, therefore, the Racing and Gaming Division has critically analysed the current situation and held discussions with the industry to review the situation.

What emerged from this review is that there is general acceptance that it would be in the interests of the industry as a whole for a fixed percentage arrangement for distribution from the Totalizator Agency Board to be set down in the Racing Act, rather than for the figure to fluctuate from year to year.

By fixed percentage is meant a situation where a percentage distribution to each of the codes from the board would be set down as a constant figure in the legislation. This should be seen as a significant step forward in bringing consensus to the industry and providing a sound basis on which the industry may plan for the future.

It also removes much of the former antagonism between codes and frees the Totalizator Agency Board from a situation in which each code was seeking maximum coverage for its meetings to the point where the number of TAB meetings conducted has increased dramatically in recent years to a situation approaching saturation. This increase has resulted in some operational problems for the TAB and also in respect of the 3DB broadcasting contract. The situation is close to the point where there is simply not enough time for 3DB to broadcast each TAB meeting. Fixing percentages will allow this position to be rationalized.

The Bill proposes that a fixed percentage distribution should be established on the basis of:

- Thoroughbred racing—73·25 per cent
- Harness racing—18·00 per cent
- Greyhound racing—8·75 per cent

The effect of such a fixed distribution for the 1984-85 season on the basis of an estimated total TAB surplus of $37 710 would be as follows:

- Thoroughbred racing—$27 769 589 from an estimated percentage turnover of 78·77 per cent.
- Harness racing—$6 823 926 from an estimated percentage turnover of 14·2 per cent.
- Greyhound racing—$3 317 186 from an estimated percentage turnover of 7·03 per cent.

For comparison purposes it is interesting to note that under the previous scheme the codes would have received the following:

- Thoroughbred racing—$27 516 834 (72·6 per cent)
- Harness racing—$7 046 683 (18·6 per cent)
- Greyhound racing—$3 347 184 (8·8 per cent)

The Government believes the introduction of fixed percentage distribution is a significant step forward for the racing industry and will allow it to tackle problems in a more unified manner. The racing industry is to be congratulated for its responsible action in achieving consensus on this difficult matter.

The situation under the fixed percentage distribution and its effect on all the racing codes will continue to be carefully monitored and as part of this continuing review the Racing and Gaming Division will undertake an economic analysis of the costs of ownership on an annual basis in order to provide objective data.

The proposal has the support of the three controlling bodies of the industry. I commend the Bill to the House.
On the motion of the Hon. F. J. GRANTER (Central Highlands Province), the debate was adjourned.

It was ordered that the debate be adjourned until Tuesday, September 24.

ASSOCIATIONS INCORPORATION (MISCELLANEOUS AMENDMENTS) BILL

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

Discussion was resumed of clause 2.

The Hon. J. H. KENNAN (Attorney-General)—I have now received advice on the amendments proposed to be moved by Mr Chamberlain and I think the position will be, in summary, that my amendment No. 1 will proceed. That is the same amendment as Mr Chamberlain's first amendment. I believe amendment No. 2 of Mr Chamberlain's is superfluous but I am happy to accept it. I shall not accept his amendments Nos. 3 and 4. Amendment No. 5 is an interesting idea. I do not resile from what I said yesterday. I undertake to seek to have it placed on the agenda for the Standing Committee of Attorneys—which is meeting tomorrow. However, it will not be considered until the next meeting in December. Some problems are involved with enacting the Bill at this stage. I want to pursue an administrative structure agreement with the other States before the Bill is enacted.

I indicate that I will be proceeding with my amendments, except amendment No. 4, which I believe is superfluous.

The clause was agreed to, as was clause 3.

Clause 4

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

1. Clause 4, lines 12 and 13, omit "members vote in person or, where proxies are allowed, by proxy at that meeting" and insert "votes cast at that meeting, whether personally or, where proxies are allowed, by proxy, are votes".

The Hon. B. A. CHAMBERLAIN (Western Province)—Just briefly, Mr Chairman, the need for this amendment was brought to my attention by a number of people, including the member for Gisborne in another place, who wrote to me on behalf of the Kyneton District Racing Club. He pointed out the problem with clause 4 without this amendment, and said that it could be imputed that what is required is a vote of all the membership rather than those who attend the meeting called for this purpose.

The amendment proposed by the Attorney-General is exactly the same as the amendment I propose. Accordingly, I shall not proceed with my amendment No. 1 and I agree to the Attorney-General's amendment No. 1.

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 5 and 6.

Clause 7

The Hon. B. A. CHAMBERLAIN (Western Province)—I have received some advice generally on the clause. It deals with the subject matter of my private member's Bill to which I shall refer later. It is designed to ensure that associations which have a predominantly charitable purpose, with rules which prevent distribution of assets to its members but which also authorize trading, can be incorporated under this Bill, even if already incorporated under the principal Act.

It was suggested to me that the operation of proposed section 51 (4) (iii) was a little turbid and, consequently, the other way of expressing it was by the form I have put to the
Committee. The Minister has indicated that it is perhaps superfluous but it is better to err on the side of possible superfluity if it makes it clearer. I move:

2. Clause 7, line 41, after “association” insert “that complies with sub-section (6) and”.

The amendment was agreed to.

The Hon. B. A. CHAMBERLAIN (Western Province)—The Attorney-General has indicated that he is not prepared to accept the proposal set out in my amendment No. 3.

The Hon. J. H. Kennan—That is right.

The Hon. B. A. CHAMBERLAIN—I have examined the provisions and, in the light of that view expressed by the Attorney-General, although the amendment achieved clarification, I shall not proceed with it.

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

2. Clause 7, page 5, after line 23 insert:

’( ) in section 3 (1) in the definition of “association” the words “but not for the purpose of trading or securing pecuniary profit for its members; are repealed;’.

This picks up a previous gap in proposed section 51 and the definition requires amendment. As a consequence and as the definition of association contained a prohibition on trading, it conflicted with the new more lenient provisions. It was brought to my attention that this was an oversight. I would argue that this achieves the same result as Mr Chamberlain’s amendment No. 4.

The amendment was agreed to.

The Hon. B. A. CHAMBERLAIN (Western Province)—In view of the Attorney-General’s amendment No. 2 being passed, I shall not proceed with my amendment No. 4.

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

3. Clause 7, page 5, after line 25 insert:

’( ) in section 33 (1) (d) after the word “traded” there shall be inserted the expression “(except in accordance with section 51)”;

( ) in section 33 (1) (e) after the word “traded” there shall be inserted the expression “(except in accordance with section 51)”.

These are further consequential amendments in relation to section 33, which sets out the grounds upon which a court may wind up an association. It had been a ground of winding up that an association had traded, but as a result of the amendment to section 51, it will not be a ground for winding up provided the trading accords with that section. That is the purpose of that amendment.

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

Clause 8

The Hon. J. H. KENNAN (Attorney-General)—I do not propose to proceed with amendment No. 4 standing in my name but I shall proceed with amendment No. 5. Therefore, I move:

5. Clause 8, page 8, after line 12 insert:

’( ) After section 35 (1) there shall be inserted the following sub-section:

“(1A) The public officer of an incorporated association shall, within one month after the passing of a special resolution referred to in sub-section (1), lodge with the Registrar notice in writing of the special resolution together with a declaration signed by at least two members of the Committee of the incorporated association to the effect that the special resolution was passed in accordance with this Act.”;

This amendment relates to the voluntary winding up of an incorporated association. It requires a copy of the special resolution as to the distribution of assets on the winding up
to be lodged with the registrar within 30 days. It is hoped this will assist the registrar in assuring compliance with the Act.

The amendment was agreed to.

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

6. Clause 8, page 8, after line 20 insert:

'( ) After section 36 (2) (a) (i) there shall be inserted the following sub-paragraph:

"(ia) has not less than 5 members;".

This relates to cancellation of incorporation by the registrar. Section 36 (1) sets out the ground upon which the registrar may give notice of cancellation of incorporation. That section requires the association to show cause why it should not be cancelled. Those grounds are extended by this amendment to ensure that an association has not less than five members who remain incorporated.

The amendment was agreed to.

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

7. Clause 8, page 8, after line 36 insert:

'( ) After section 40 there shall be inserted the following section:

Duplicate certificate of incorporation.

"40A. A person may, on payment of the prescribed fee, obtain a certified duplicate of a certificate of incorporation of an incorporated association.";

Duplicate certificates of incorporation are frequently required and the amendment makes provision for certified duplicates on payment of a fee to be prescribed.

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

New clause

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

5. Insert the following new clause to follow clause 7:

Recognized associations.

'A. After Part VIII. of the Principal Act there shall be inserted the following Part:

"PART VIIIA.—RECOGNIZED ASSOCIATIONS"

Definition.

'37A. In this Part—

"Recognized association" means an association, society, club, institution or body formed or carried on for any lawful purpose that is incorporated under a corresponding law.

"Corresponding law" means a law of another State or Territory that is prescribed as a corresponding law for the purposes of this Part.'.

Recognized association.

'37B. (1) A recognized association may give notice in the prescribed form to the Registrar of its intention to carry on business in the State.

(2) If a recognized association has given notice under sub-section (1) and the notice has not been withdrawn or cancelled, none of the provisions of the Companies (Victoria) Code apply to the recognized association.

(3) A recognized association may at any time by notice in writing given to the Registrar withdraw a notice given under sub-section (1).

(4) If the Registrar has reasonable cause to believe that, if a recognized association which has given notice under sub-section (1) were an incorporated association, the Registrar would have power, under section 36, to give notice of the proposed cancellation of the association, the Registrar may, by notice in writing given to the recognized association, cancel the notice given by it under sub-section (1).".
Yesterday I outlined the problems that can occur with associations incorporated under this Act involving themselves in activities interstate and thereby being regarded as foreign companies in the other States. It is a cumbersome procedure and the uniform Companies Code provides for automatic recognition of those interstate agencies under the normal incorporation provisions but there is no such recognition of that situation in these cases under the Victorian and New South Wales legislation.

I propose a procedure whereby we have the ability to recognize interstate incorporated associations in Victoria and thereby encourage our neighbour States to take similar action. I suggest to the Attorney-General a mechanism whereby we pass the provision but not proclaim it until we have the agreement of other State Attorneys-General. As honourable members are aware, the Standing Committee of Attorneys-General meets only every so often and discusses many bigger issues. This would be a better way of obtaining agreement. That is still my view and it seems a pity to ignore this opportunity.

As I understand it, the Attorney-General has undertaken that this matter be listed for the December meeting of the Standing Committee. He has said that he will seek a co-operative approach with mutual recognition of these issues. Perhaps the Minister will then report back to the Committee, or to me, on this important issue.

It is unfortunate that in Australia today the borders are still real borders in a legal sense and people in places such as Albury and Wodonga, who are forced to operate in a two-State environment, become frustrated with this sort of situation.

I had hoped the Minister would have accepted the proposal or something similar. It is not an issue on which the Opposition should attempt to use its numbers in the Chamber to force its view on the Government because it requires co-operation anyway. Therefore, I ask the Attorney-General to accept the proposition in principle and to do everything he can to put it into practice.

The Hon. J. H. KENNAN (Attorney-General)—Mr Chamberlain has accurately reflected my position and I am happy to give the undertakings as he outlined them.

The new clause was negatived.

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

ASSOCIATIONS INCORPORATION (AMENDMENT) BILL

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

That the following Order of the Day, General Business, be read and discharged:

Associations Incorporation (Amendment) Bill—Second reading—Resumption of debate.

and that the Bill be withdrawn.

The issues covered in that private member's Bill introduced by me earlier this year have been adopted by the Government in the Bill that has just been passed and I am grateful for that because it covers a problem in the law. I point out to the Attorney-General that yesterday in the House he made certain statements on the previous Bill. I do not like to suggest that the Attorney-General alter Hansard, but there is a slight error in the remarks attributed to him. At page 44 of Hansard of 17 September 1985 the Attorney-General is reported as having said:

... and if I was thought to be ungracious by Mr Chamberlain in my second-reading speech, I apologize. I do not recognize that Mr Chamberlain introduced a Bill . . .

The Hansard report should have read:

I do recognize that Mr Chamberlain introduced a Bill . . .

The motion was agreed to, and the Bill was withdrawn.
The debate (adjourned from earlier this day) was resumed on the motion of the Hon. A. J. Hunt (South Eastern Province):

That this House—

(a) condemns the failure of the Government and of the Treasurer to give honest answers to the people of Victoria to the questions raised with respect to the creation of and borrowings by and from the so-called Capital Works Authority without lawful authority;

(b) requests the Government forthwith to provide those answers and to lay upon the table of the Library all files and documents preparatory or relating to the establishment and operation of the Capital Works Authority and any loans by or from it; and

(c) requests the Minister for Health as representing the Treasurer immediately to convey to him the requests aforesaid with a view to a response thereto being tabled at the commencement of proceedings on the next day of meeting.

The Hon. D. R. WHITE (Minister for Health)—In response to the issues of principle raised by the Leader of the Opposition about which Mr Chamberlain sought a response I wish to make the following comments regarding the Capital Works Authority and the question and issue of prerogative power. Prerogative power is the power of the Executive arm of Government. According to the English Constitution text, de Smith “prerogatives are non-statutory attributes of the Crown” that is at page 113 of the 3rd edition of Constitutional and Administrative Law. It further provides:

Prerogatives are inherent in so far as they are derived from customary common law. They are legal in so far as they are recognized and enforced by courts.

According to de Smith there is a prerogative power to create new courts to administer the common law. It further states:

The prerogative (in English) consists mainly of executive governmental powers—powers to conduct foreign relations to make war and peace, to regulate the disposition of the armed forces, to appoint and dismiss Ministers, to dissolve Parliament, to assent to Bills... The exercise of these powers is controlled by constitutional convention.

The use of the prerogative power to establish a public authority has been well recognized. In England the Criminal Injuries Compensation Board was established by a prerogative act of the Crown, not by Parliament, but by an Executive act.

The Queens Bench Division of the High Court held in 1967 that there was nothing novel about that method of establishing such a body. In the case of the Criminal Injuries Compensation Board, Lord Parker said:

I can see no reason either in principle or in authority why a board, set up as this board were set up, should not be a body of persons amenable to the jurisdiction of this court. True the boards are not set up by statute but the fact that they are set up by executive government, i.e., under the prerogative, does not render their acts any the less lawful.

Justice Diplock in the same judgment in the case of the Criminal Injuries Compensation Board said:

The Criminal Injuries Compensation Board is not constituted by statute or statutory instrument but by act of the Crown, that is the executive government, alone.

So far there is nothing novel about this.

The Victorian Government established the Capital Works Authority under the prerogative power and I believe there is evidence, and the Opposition is seeking evidence from English sources, in support of the exercise of that prerogative power and there is precedent for it. In respect to power to borrow, the Capital Works Authority has power to enter into agreements on behalf of the State of Victoria. Under the Management and Budget Act 1983, the Treasurer may appoint an agent to authenticate his seal. The Capital Works Authority is one such agent.
The Opposition's reference to English history is both wrong and largely irrelevant to the Australian Federal system. According to Durell, another English text, taxation is a matter for Parliament, Government borrowings a matter for the Executive. In relation to that I quote The Principles and Practice of the System of Control over Parliamentary Grants by Colonel Durell in 1917:

The most ancient, as well as the most valued, prerogative of the House of Commons is the right of supreme control over taxation, to which the right to control issues is a natural corollary. The prohibition of raising taxes without parliamentary authority would be nugatory if the proceeds, even of legal taxes, could be expended at the will of the sovereign.

On page 11 it continues:

It is essential to a complete parliamentary control of the public money that no portion of it should be arrested in its progress to the consolidated fund from which alone it can be issued and applied with parliamentary sanction.

On page 14 it continues:

With the exception of the proceeds of local taxation previously mentioned, and of departmental receipts which will be referred to later...

which he refers to later in the chapter:

... all revenue is paid into one central fund at the Banks of England and Ireland, termed the consolidated fund, and from this fund alone the grants authorised by Parliament are issued. The fund originally formed in 1787, is replenished by the proceeds of taxation and by public loans when necessary. The former are the direct result of parliamentary action, the latter of treasury action alone.

The replenishment of the consolidated fund is therefore continuous and, up to a certain point, independent of direct annual legislation, though it is to be remembered that Parliament when granting the variable taxes and duties in the Finance Act and passing the Appropriation Act, gives the ultimate legal and financial sanction to the whole finance of the current year.

Although the executive has power over borrowings the power to appropriate those sums remains with Parliament so as to give Parliament ultimate control over finance. According to Durell, taxation is a matter for Parliament and Government borrowings are a matter for the Executive. Although the Executive has power over borrowings, the power to appropriate those sums remains with the Parliament, giving Parliament ultimate control over finance.

The Federal and State Government's powers to borrow are subject to the provisions of the Financial Agreement which has effect under the Commonwealth Constitution. Under section 105A of the Constitution, the Financial Agreement overrides State Constitutions.

A clear statement as to the power of the Government to borrow is to be found in Australian Constitutional Law by Fajgenbaum and Hanks. I quote from the Australian Constitutional Law 1980, page 207:

What are the legal restraints under which Australian governments borrow money? Very largely these restraints flow from s. 105A of the Commonwealth Constitution and from the Financial Agreement of 1927. For the present, it is enough to state that a government, State or Commonwealth, can (apart from the Financial Agreement and s. 105A) enter into a contract to borrow and to repay money without any legislative authority; that is, it is inherent in the executive power to enter into a binding contract to borrow and repay money. However, a government cannot spend the money raised in this way, nor can it repay the loan (although it will be legally obliged to repay it) until parliament has legislated to authorize the expenditure or the repayment; for while the government contracting power does not depend on parliament's consent, the government spending power does.

The whole question of Parliaments's control over Government expenditure is discussed in further sections of that text. On page 216, it states:

All taxes imposts rates and duties and all territorial casual and other revenues of the Crown in right of the State of Victoria (including royalties) which the parliament has power to appropriate shall form one Consolidated Revenue to be appropriated for the public service of Victoria in the manner and subject to the charges hereinafter mentioned.
No part of the Consolidated Fund shall be issued or shall be made issuable except in pursuance of warrants under the hand of the Government directed to the Treasurer of Victoria.

With respect to the points that have been made, the Government says that the Executive arm has this power and there is a precedent. I repeat that the prerogative consists of executive power to conduct foreign relations, to make war and peace, to regulate the disposition of the armed forces and to appoint and dismiss Ministers. The exercise of these powers is controlled by constitutional convention. The use of the prerogative power to establish a public authority has been well recognized. The precedent in England for the establishment of an authority similar to the Capital Works Authority here is the Criminal Injuries Compensation Board.

In other words and I reiterate for the Leader of the Opposition and the Leader of the National Party, there is evidence in support of a precedent for the establishment of the Capital Works Authority outside the Parliament with the emergence of the Criminal Injuries Compensation Board. In respect of that, there are judgments to that effect. With respect to the power to borrow, equally there is support for the actions that the Government has taken under the Management and Budget Act according to both English sources—Durell—that Government borrowings are appropriate and can be made appropriately a matter for the Executive. There is support for that view from both English and Australian sources. It is most important to reiterate the words in this text of Fajgenbaum and Hanks, *Australian Constitutional Law 1980*:

...that is, it is inherent in the executive power to enter into a binding contract to borrow and repay money.

It is enough to state that a Government, State or Commonwealth, can enter into a contract to borrow and to repay without any legislative authority. That is, it is inherent in the Executive power to enter into a binding contract to borrow and repay money. There is both authority in England and in Australia to constitute such a body outside the Legislature and in addition there is authority both in England and Australia to support the Government's contention that with such a body, having been duly and legally constituted, the Executive has the right and the power to enter into binding contracts to borrow and repay money. Therefore, the Government contends that the case outlined in paragraph (a) of the motion is not supportable and it should be opposed. The case outlined in paragraphs (b) and (c) in respect of both those requested have been met by the Government and therefore the motion should be opposed.

The Hon. HADDON STOREY (East Yarra Province)—The issue of the motion has been made clear by Mr Hunt in opening the debate this morning. What has not been appreciated by the Government in its response, both on this occasion and on a previous occasion, is the significance of the point made by Mr Hunt about the lack of capacity of the Government to borrow money without the authority of Parliament.

On this occasion, as on the earlier occasions we have much debate about the power of the Executive to set up corporations, to establish bodies, and about the power of the Crown to enter into contracts. None of those is really in any controversy. The real issue is whether there is power for the Executive to raise moneys without authority from Parliament. The Leader of the Opposition, Mr Hunt, clearly explained this morning that the whole course of authority shows there is no such power, and to talk about the other aspects is really to avoid that issue.

In the course of debating this matter, or the related matter on an earlier occasion, the Attorney-General made some comments about Mr Dawson, which were also the subject of a matter of privilege raised by my Leader yesterday. In the course of those comments he referred to what he described as repeated approaches to the High Court by the former Solicitor-General on behalf of the State of Victoria, given that a continual series of cases had been instituted at the behest of Mr Dawson, as he was then, to go to the High Court to have matters sorted out—that is, the cases that were more favourable.

To set the records straight, I inform the House that during the period in which Mr Dawson was Solicitor-General, only two cases launched by the State of Victoria and with
which he was concerned were instituted in the High Court. One was a case concerning the Petroleum Mineral Authority and the second was a case concerning the Australian Assistance Plan. The State of Victoria won the first of those cases. In the second case the court was equally divided on the question of assistance, but on technical points the case was lost. Far from being a stream of cases initiated by the Solicitor-General which were lost, the position was that of two, one was won and the other, on which the court was equally divided, was lost on a technicality. One further case was removed from another court to the High Court at the behest of Victoria. That was the Gazzo case re stamp duty and the Family Court issue. That case was also won by the State of Victoria.

What the Attorney-General had to say was totally wrong, as well as being totally unnecessary and irrelevant to what was before the House on that occasion and on this occasion. The fact is that on numerous occasions the State of Victoria has intervened in cases that have been started by other people because those cases involved issues of important law that affected the respective powers of the Commonwealth and the States. It is essential that the State be represented when these matters are being discussed because the decisions on these matters will affect the powers of the State. In most of those cases all of the States were represented and in most of them both the Liberal and Labor States were represented. These cases were occasioned by other people taking points which needed to be resolved in the interests of determining what were the powers of the State and in order to have High Court determinations on legislation often introduced by the Commonwealth, which was pushing to the limit of its powers.

Mr Justice Dawson was regarded as an outstanding Solicitor-General, especially by Attorneys-Generals around Australia from both Liberal and Labor States, and this was recognized by his appointment to the High Court.

This debate and its predecessor, have raised many red herrings. It seems clear that the Government has still failed to answer the essential points made by Mr Hunt and has not been able to justify the fact that the authority was set up without the knowledge of anyone, without publicity and in a way that meant that the community was not aware of what the Government was doing.

The Hon. B. A. CHAMBERLAIN (Western Province)—It is interesting to note how the Government’s argument has changed on this issue. The response from the Minister for Health today is entirely at odds with the response from the Treasurer on the day that the original statements and debate were launched in this House by the Leader of the Opposition, Mr Hunt. I recall vividly a debate on one of the television programs between the Leader of the Opposition and the Treasurer. The Treasurer said that the approval, contrary to what Alan Hunt said, of the funds in question had been given by Parliament. He made the point, not once, but many times. If what the Minister has told the House today about Parliamentary approval not being required is correct, why did the Treasurer make that point? The Leader of the Opposition, Alan Hunt, pointed to the page of the Budget Papers, Table B.1 of Estimates of Receipts for the year ending 30 June 1985. We were told that Parliamentary approval had been obtained for that borrowing. However, now the Minister for Health is telling the House that Parliamentary approval was not required.

The second point is that the Treasurer said on that previous occasion that Parliament did have control over the borrowing. As we know, he is at odds with the Attorney-General. The Attorney-General refused today to resign from his position, which was in contradic-

The Hon. B. P. Dunn—There is no by-election this week.
The Hon. B. A. CHAMBERLAIN—Obviously, the Government's stand is a movable feast. The thought for today may not be the same as for tomorrow. I would like the Minister for Health, who is handling the issue, to explain the position of the Treasurer. On a previous occasion the Treasurer told us and the public at large that Parliament did have control over borrowing, but now he is trying to tell us that something else applies. He told us on a previous occasion that he had Parliamentary approval. Now, the Minister for Health says that is irrelevant. It is interesting that the line of authority produced by the Minister for Health today as the first line of authority absolutely backed up the line taken by the Leader of the Opposition, Mr Hunt, and has been supported by eminent constitutional writers over the centuries, right up until the views of Professor Colin Howard, regarded as the pre-eminent constitutional expert, in 1975 reasserting the control of Parliament over borrowings.

The Government, in contradiction to that long line of authority, and this is perfectly consistent, has provided one legal tome which suggests something else—but it suggests it only because it does not address itself to the issues. What is the position of the Government?

When the Opposition raised the matter on day one, the Government said one thing; today it has said something else. What will be the position next month? If that is the way the Government is handling the State, it is another indication of its contempt for the legal process and the law. The information produced by the Minister for Health has been grabbed from the Parliamentary Library only this afternoon. Someone decided that the Government should have some justification for its action, and that information was plucked from the shelves. The Government has forgotten about the logic put forward by Mr Hunt and has decided to produce something that goes along with its actions.

It is not good enough and does not conform with the law. Parliament must control authorities responsible for taxing its citizens and having power to borrow money from outside sources which must be repaid from the public purse. The Government has failed to address itself to the issues, and honourable members must support the motion put forward by the Leader of the Opposition.

The Hon. M. J. ARNOLD (Templestowe Province)—In his contribution Mr Storey concentrated on references made to previous Solicitors-General and remarks that were made in the previous debate on this subject.

It is unfortunate that remarks were made about the existing Solicitor-General and the previous Solicitor-General. However, the Leader of the Opposition opened the batting when it came to unleashing an attack on the people who are the prime legal advisors to the Victorian Government. It did not reflect any credit on Mr Hunt to make accusations which impinged on the integrity of the Solicitor-General. Mr Storey defended the previous Solicitor-General, Mr Justice Dawson, who is now a member of the High Court. It was not necessary for Mr Storey to refer to the ability of the previous Solicitor-General and the fact that he has been an eminent legal personage who has contributed significantly to the State.

The current Solicitor-General has acted with the same degree of integrity and forthrightness that would be expected of any Victorian Solicitor-General. Honourable members should recognize that it is inappropriate to reflect in debates in this House upon any Solicitor-General, irrespective of which administration may have appointed him.

Mr Chamberlain has now taken a different tack from that taken this morning. The Minister for Health directed his attentions to the motion moved by Mr Hunt and he dealt with it in three sections that specifically related to the motion. He supplied the information requested by Mr Hunt and gave an undertaking that the information requested in paragraph (b) of the motion would be laid on the Library table tomorrow.

The Minister dealt fully with the motion this morning, but Mr Chamberlain then leapt to his feet and stated that it was inappropriate for the matter to be dealt with that way and he wanted the Minister to deal with the principles.
The Minister gave an undertaking to deal with the matter under the heading of "principles" this afternoon, and he did so. However, Mr Chamberlain now states that the Government has changed its tack. It is clear that the Minister responded to a further approach for information. He dealt with certain information this morning and, after being requested to speak on the principles applying to Parliamentary control of taxation, he responded this afternoon. The Minister provided a powerful set of precedents and authorities which supported his argument and demonstrated that the Government had done the right thing and did not take any action that was unprecedented, as the Opposition suggested on two occasions. The Minister made it clear that the Capital Works Authority was a legally constituted body, established under the powers of the Government. It was not established with any suggestion of secrecy, as claimed by the Opposition.

The authority was legally constituted, and the Government did not spend or borrow $1 more than had been approved by Parliament and the Loan Council. In the previous debate on the motion, the Minister stated that the borrowings were made within the global limits approved by the Loan Council. The honourable gentleman made it clear that it was a machinery operation by a Government that has shown since it was first elected in 1982 that it has been the only Government since 1955 that has had any idea of financial management. This fact is illustrated by the economic upturn and strong leadership in Victoria.

Mr Chamberlain is still concerned about the prerogatives of Parliament. He spent some time in the previous debate reciting the history of the prerogatives of Parliament commencing from the "Domesday Book," moving to the Magna Carta, the Bill of Rights in 1688, and finally reaching Victoria in 1985. Unfortunately, as has been demonstrated by the Minister, what Mr Chamberlain said is not in concert with the authorities that apply for Victorian Parliamentary government in 1985.

It is all right for Mr Chamberlain to say that the authorities the Minister quoted, which supported the action of the Government, were not inconsistent with the arguments he espoused about the prerogatives of Parliament. The Government does not disagree with that view. However, the Minister made it clear that the Capital Works Authority was established legitimately under the power of the Executive and that it in no way operated illegally.

Mr Chamberlain suggested that in a debate on television the Treasurer used another tack from that taken by the Minister for Health in this debate. Mr Chamberlain has called upon the Minister for Health to address the question of the principle of Parliamentary prerogative and that is what the Minister did in the debate on this motion. In fact, the Treasurer said that Parliament had approved all Government borrowings, the total amount of Government borrowings as described in the Budget Papers, and he stands by that comment made in the television debate.

The Budget Papers do not describe individual loans nor do they need to. Mr Hunt's authorities would confirm that. Parliament agrees only to the over-all expenditure programs and not to individual borrowings. The Appropriation Act is the mechanism by which Parliament has control over Government taxing and borrowings.

Mr Hunt, in the motion before the House, drew attention to a section in the Budget Papers where the over-all amount of moneys are set out. On two separate occasions the Government has made it crystal clear that the Opposition motion is misconceived and that the Minister for Health addressed the matters raised, dealing with both the motion and—to use the expression used by Mr Chamberlain—the prerogative of Parliament.

The motion before the House is misconceived and it is opposed by the Government.

The Hon. J. H. KENNAH (Attorney-General)—It is sad that Mr Hunt has descended into an hysterical attack in the debate on this motion. Mr Hunt has launched a vicious personal attack on the Solicitor-General.

The Hon. M. A. Birrell—At least he does not have to doctor Hansard.
The Hon. J. H. KENNAN—Nor did I. Mr Hunt said that the Solicitor-General knowingly and wilfully behaved dishonourably and illegally. That, of course, is quite outrageous.

The Hon. M. A. Birrell—It is a pity he did not say that.

The Hon. J. H. KENNAN—He did say it. The interesting thing is that Mr Hunt is not prepared to repeat outside this Chamber what he said in it.

The Hon. M. A. Birrell—Are you going to repeat what you said outside the Chamber?

The Hon. J. H. KENNAN—I did yesterday.

The Hon. M. A. Birrell—Which version?

The Hon. J. H. KENNAN—There was nothing in what I said that suggested that Mr Berkeley's predecessor was dishonest and knowingly acted illegally, but I said his advice was not upheld by the High Court.

Mr Hunt has abused Parliamentary privilege because he comes into the Chamber and says things under privilege that he would not say outside the Chamber. It is time Parliament looked at whether Parliamentary privilege should provide the sort of protection that is open to the sort of abuse that has occurred in this Chamber.

Honourable members interjecting.

The Hon. M. A. Birrell—What a hypocrite!

The PRESIDENT—Order! I ask the honourable member to withdraw that remark.

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

The Hon. J. H. KENNAN (Attorney-General)—Mr Hunt has said that the Opposition would pursue and continue to pursue the matter until it got an answer. The Treasurer sits in another place but the Opposition did not put one question without notice to the Treasurer yesterday or today. That is the sort of stunt Mr Hunt is pursuing in this House, where the Opposition has the numbers. However, during the past two sitting days the Opposition has not been prepared to ask the Treasurer a single question about the matter—not one question. Is this evidence of the ruthless determination and sincerity of the Opposition?

The Opposition says that the Treasurer has failed to give proper and honest answers—it is an allegation of dishonesty and illegality and cannot be much stronger in its terms—but in the very Chamber where the Treasurer sits the Opposition is not prepared to ask him a single question. Not a single question was put to the Treasurer or the Premier about the matter and the Opposition has the audacity to move a motion in this House.

Honourable members opposite beat their breasts over the Parliamentary process. Opposition members believe in question time but Mr Hunt is moving a motion condemning the failure of the Government and the Treasurer to give honest answers to the people of Victoria. He requests the Minister for Health to convey his request for him, but the Opposition will not ask the Treasurer directly in the House where he sits. It is an example of the way in which Mr Hunt is playing games and making allegations.

Mr Hunt has made considerable fuss about the prerogative powers of Parliament. Is it not typical of Mr Hunt, to talk about the privileges of Parliament on one day, having abused them a month or so ago? The honourable member demands, on behalf of his party, that a Minister representing another Minister convey this request to that Minister, when his own party is not even prepared to ask a question of the appropriate Minister during question time.

The House has heard references ranging from the Magna Carta to the first Bill of Rights—400 years of Parliamentary history up to the seventeenth century—but no reference has been made to the Australian context. There is an assertion that the Constitution
of this country is governed by the common law of England as it stood in the seventeenth century. As the references have already shown, the restraints under which Governments in Australia borrow money are largely imposed by section 105A of the Australian Constitution and by the Financial Agreements.

The authorities observe that the borrowing of money by Governments involves the making of a contract between the Government and the lender and there are some restrictions on expenditure. The ostensible authorities are discussed in Bardolph's case, which states that a Government, State or Commonwealth, can enter a contract to borrow or repay money without any legal authority. That appears in the work of Fajgenbaum and Hanks.

Honourable members interjecting.

The PRESIDENT—Order! The Minister for Health is not in his seat and should not be interjecting.

The Hon. J. H. KENNAN—The rule is quite clear, that a Government can appropriate or spend money without Parliamentary authority and it is nonsense to suggest that Governments cannot enter into contracts for the borrowing of money.

In any event, honourable members are getting a long way from the point today. After spending his time on the previous occasion on vicious ad hominem attacks, Mr Hunt has come into this place today and, in the form of a motion, has launched a personal attack on the Treasurer, which his party is not prepared to carry to the forum where the Treasurer and the Premier sit.

This is, in the form of a motion, an attack on the Government and on the Treasurer by people who are apparently the great Parliamentarians. Why are they not prepared to launch it in the Legislative Assembly where the Treasurer and the Premier sit? They suggest that the Government is withholding relevant information and that it has not answered the 50 questions. Yesterday members of the Opposition had their first Parliamentary opportunity, since they raised the matter, to question the Treasurer in Parliament. They are the men who believe in the absolute supremacy of Parliament. Mr Hunt believes in every nuance and in every tradition—even in putting pieces of paper on his head—more seriously than it is possible to imagine anyone could. Yet I doubt the sincerity of the Opposition when it attempts to use this House for a vicarious attack on the Treasurer who is sitting in another place.

Honourable members have heard everything but a preparedness to use the Parliamentary forum in the Legislative Assembly to press the questions. At the end of his remarks before the luncheon adjournment, Mr Hunt said that the Opposition would press and press, and fight and fight again; it would be relentless in its quest for knowledge over this matter.

Two periods of question time have now passed, which means there was a total of one and a quarter hours in which questions could have been asked in the Legislative Assembly. However, not a single question was asked of the Premier or Treasurer in this regard.

Nothing can show more the thinness of the argument than the way in which the Opposition and Mr Hunt, who has led the party into it, have gone about this matter. Apparently, members of the Opposition in the Lower House do not wish to take up the matter and get whacked on the head.

The Hon. M. J. Arnold—Members of the Legislative Assembly must have been in the sauna when this was discussed at Queenscliff.

The Hon. J. H. KENNAN—Perhaps the steam got to them; perhaps, as a result of the steam, they are unable to ask questions properly in the Lower House. It really is an enormous condemnation of an Opposition in this State that it would have the audacity to move such a motion. When one thinks about it, it is really farcical.
Part of the motion is requesting the Minister for Health, as representing the Treasurer, to immediately convey to him the requests. The Opposition could have conveyed its requests to the Treasurer yesterday or today during the question time each day, yet Mr Hunt has moved a motion requesting the Minister representing the Treasurer to convey certain requests to the Treasurer. One would imagine that the Treasurer was lost in Alaska somewhere or that he was incommunicado, that no one could get in touch with him, and only that the Minister for Health knows where he is; and that, therefore, Mr Hunt has moved his motion.

Mr Hunt says that the Opposition is pressing this matter ruthlessly, that it will hound the Government over the matter and really press it, because it is so sincere about it and because it cannot find out where the Treasurer is; and that, because the Opposition cannot ask any questions—and it cannot trust Mr Kennett and Mr Stockdale to get them right, as it has some doubt about their understanding—Mr Hunt will bring the matter before the Upper House and ask the Minister representing the Treasurer to convey to him the aforesaid request. What a terrific little idea!

The situation is a bit sad, because I thought Mr Hunt was a man who had much ability and much to contribute.

The Hon. W. A. Landeryou—He does not want to talk to Mr Kennett.

The Hon. J. H. Kennan—It may be that members of the Liberal Party in this place have lost confidence in the shadow Treasurer and the shadow Premier. This motion is about the Government and the Treasurer, and one would expect the shadow Premier and the shadow Treasurer in the Lower House to be asking the questions. This has probably been the case in regard to other issues that have been raised, such as registration labels and so on.

Mr Hunt has said that the Government is treating the motion with contempt. It deserves to be treated with contempt when it contains the sort of nonsense referred to by Mr Hunt. As I pointed out, the motion is requesting the Minister for Health, as representing the Treasurer, to convey to the Treasurer the requests. I assure Mr Hunt that I saw the Treasurer last night; that he is alive and well; that he is around; and that he was present in the Lower House during question time yesterday and today.

It is absolutely bogus to go on with the motion, and I hope for the sake of Mr Hunt and his reputation that he gets out of it as soon as possible, because there is not a thread of credibility in the way in which he has gone about it.

The Hon. A. J. Hunt (South Eastern Province)—What has occurred this afternoon fills me with the gravest of misgivings. What the Government has done is to change tack from the Treasurer's past acknowledgement that Parliamentary consent is needed. Ministers have now joined together and claimed that the Executive can borrow without any consent from Parliament. That is what the Government is now saying, and that is an horrific prospect with a Government that has been leading this State into debt in any event.

The Hon. J. H. Kennan—We got the State out of debt.

The Hon. A. J. Hunt—The Government has taken the State into a record level of debt, which is increasing all the time. Mr Chamberlain outlined to the House the way in which past kings, particularly in the Stuart times, sought to circumvent Parliamentary control of taxation by borrowing and running up debts and Parliament had to take control over loans and debts as well. It had to authorize loans and payments. That is the way Parliamentary control occurred.

This morning I quoted from the Bill of Rights of 1688 which was passed in the first year after the last of the Stuart kings had been deposed—and he was deposed because he falsely claimed prerogatives that he did not have.
He claimed that his Government could go behind the back of Parliament to raise money by pretence of prerogative. The Bill of Rights outlawed the pretence of prerogative to raise moneys, whether by way of tax or loans. I quoted that this morning.

It is clear, beyond a shadow of a doubt, that if there were a prerogative at any stage, it was gone by 1688, and gone for ever. It is also quite clear from the whole course of constitutional history and from the thrust of all the great constitutional historians and lawyers that no new prerogatives have been created since 1688 and that there is no Royal prerogative or prerogative of the Executive arm of Government simply to raise funds without Parliamentary consent.

If members of the Government party doubt that fact, I suggest they examine the works of the great constitutional historians such as Maitland, Broom, Stubbs, Dicey, Jennings and a host of others. They all make that principle very clear indeed. If Governments could borrow without Parliamentary consent—

The Hon. W. A. Landeryou—There would be no need for Parliament.

The Hon. A. J. Hunt—Mr Landeryou is right, one would not need Parliament. If Governments could borrow without Parliamentary consent, they could postpone the calling together of Parliament indefinitely; they could postpone the obtaining of Supply. They would not have to resign if Supply were denied; they would just borrow and carry on.

The claim that there is a Royal prerogative that can be exercised by the Government to do this borrowing without Parliamentary consent is a monstrous claim, yet the Government has embraced it. Mention has been made of Durell, who is certainly not the foremost authority because all recognized authorities go the other way. I suggest honourable members read any of the authorities; such as Halsbury's Laws of England, to which I referred earlier, and read the specific paragraphs to which I referred the House this morning.

It is abundantly clear that there is no such prerogative. The Minister for Health got one thing right about the question of prerogatives: he says they are inherent, they are customary and they are recognized.

There is certainly no inherent power to borrow money; otherwise we would have found Governments borrowing without Parliamentary consent over the centuries; 1680 was the last time, until it happened late last century in an incident to which Mr Chamberlain referred when we were discussing the matter, when Disraeli borrowed without Parliamentary consent for a purpose which was unexceptionable. The Government believed it had good reason to borrow without Parliamentary consent. There was an enormous furor in the House of Commons because the Government had acted unconstitutionally. The Government acknowledged it had done so and gave the reasons and expressed regret. That was unprecedented since the days of James II. It was the first borrowing by a Government without consent since the days of James II.

How could it be said that the power to borrow without consent was customary or that it is recognized? Why was the Khemlani case such a matter of public note? Why was it thought so important: because there was an attempt to avoid Parliamentary consent and to go out and borrow a huge amount of money. Professor Howard said the inference was that the Government was seeking to overcome the control of Parliament in the event that Supply was defeated. He referred to the course of constitutional history. He referred to the fact that there was no such inherent power.

I go back to the Suez Canal case where the British Government admitted that it had raised the money illegally—frankly acknowledged it. Gladstone had asked a question of the Government about why it had gone secretly to a bank other than its normal bank. Does not that have shades of this case—a secret borrowing using an agency other than the normal one. The Chancellor of the Exchequer replied:
We knew that we were taking a step outside of strict law, and we had to consider whether we should be in the right in asking a public body like the Bank of England with a public obligation to concur in that breach which would have involved a break of law on their part also.

The Chancellor of the Exchequer then added that it would have necessitated the consideration of the transaction by the Court of Directors and that some of the directors might have objected. In any case it would have involved delay. Undoubtedly that is what the Chancellor of the Exchequer said.

In the Whitlam case, when the banks were approached for loan money the banks obtained the advice of the most eminent constitutional lawyers in the country on whether they could lend to the Government when the Government had no Parliamentary consent to its borrowing. The most eminent constitutional lawyers in the country advised them against it.

I have referred to an incident that happened in relation to the Government of Victoria in 1952 when the fall of the McDonald Government was imminent and the same issue arose. There was consideration of the question whether borrowing could take place by virtue of any Royal prerogative and the Government was advised that there was no Royal prerogative—nothing the Government could do to borrow without public consent.

This false doctrine—a doctrine Parliament fought for centuries—the divine right of all Government's to do what they choose—is now raised again. It is a monstrous right which no Parliament can accept and it runs against the whole course of constitutional history. There is nothing inherent about such a right; there is nothing customary about that right; there is nothing recognized about that right. Yet those are the three features of Royal prerogative to which the Minister for Health referred. That is a nonsense doctrine.

There are two modern Australian texts, both written since 1975, that claim that there is an Executive power of borrowing. One is Fajgenbaum and Hanks and the other is Geoffrey Sawer's book attacking the dismissal of the Whitlam Government—an adversarial text. Both rely on the reasoning in Bardolph's case to which the Attorney-General referred and extend that reasoning in an unreasonable way. Bardolph's case says that the Crown has power to enter into contracts and, of course, it does. In this case, the Crown means the Executive Government. Of course, the Executive Government has power to enter into contracts, but it takes another great step of logic to suggest that means the Crown has power to enter into contracts on matters reserved for the consent of Parliament. Of course, that proposition is untenable. The consent of Parliament is required. Parliament can give general consent, and it has done so.

Probably some persons may have been misled by the fact that there is certain power to borrow within the context of Loan Council approvals under the Financial Agreements Acts and pursuant to section 105A of the Commonwealth Constitution, but borrowings under those Acts must be in conformity with those Acts; they must be in conformity with the approval of the Loan Council.

In this case the Loan Council approved certain funds for this Government which were fully taken up. The Loan Council approved other funds under this Gentlemen's Agreement to prescribe global limits for semi-government authorities and local government. That is where the shortfall was. That is where there were funds available which the Government sought to convert behind the door so that nobody would know about them—and to falsely claim that therefore these are funds authorized by the Loan Council. They are not; they are clearly not authorized Government borrowings.

Mr President, the Government has apparently abandoned the Treasurer's claim that the item $604 million shown as to be transferred from the Works and Services Account to the Consolidated Fund authorized those borrowings. The Government now appears to claim that no consent is necessary. The Minister for Health certainly did not address that earlier issue.
I have shown that that claim was a false claim. I have shown it was a dishonest claim. I have shown it was a claim intended to mislead. Unfortunately it has misled. What has happened is that there has been unauthorized borrowing designed to get around the Loan Council limits for the Government, designed to subvert the whole arrangement, designed to convert funds available to authorities under the Gentlemen’s Agreement into funds available to the Government as if approved under the Financial Agreement. That case has not been answered. Ministers have not answered the allegation that they are trying to take funds from one pool behind closed doors—no one would have known about it had it not been for the Opposition raising it—and to put those funds in another pool.

The Government has not answered the major questions raised. In essence, the 50 answers given evade the issues raised; they have not been squarely met. It is clear that there has not been any Royal prerogative, any Executive prerogative to raise funds without consent for 300 years.

It is clear that there was no approval by the Loan Council with provision to convert those funds from one pool to another, and it is clear that the secrecy was designed so that no one would know about this issue.

The Government has failed to answer those questions, it has certainly failed to give proper answers. The Government has given nothing but elliptical and evasive answers. I am grateful that at least some answers have been given—the issue has been met and members of the Opposition now know where the Government stands. The Government claims to have a power it does not possess; it pretends a Royal prerogative of borrowing—a prerogative outlawed finally and for ever in 1688. That has been part of the constitutional history of Britain and this country ever since that day. The Government stands condemned, and I invite the House to support the motion. The House divided on the motion (the Hon. R. A. Mackenzie in the chair).

Ayes . . . . . . . . . . . . . 19
Noes . . . . . . . . . . . . 18

Majority for the motion . . . . . 1

AYES
Mr Baxter
Mr Birrell
Mr Chamberlain
Mr Connard
Mr de Fegely
Mr Dunn
Mr Evans
Mr Hallam
Mr Hunt
Mr Lawson
Mr Long
Mr Macey
Mr Miles
Mr Reid
Mr Storey
Mrs Varty
Mr Wright
Tellers
Mr Grimwade
Mr Knowles

NOES
Mr Arnold
Mrs Coxedge
Mr Crawford
Mr Henshaw
Mrs Hogg
Mr Kennan
Mr Kennedy
Mr Kirner
Ms Lyster
Mr Murphy
Mr Pullen
Mr Sandon
Mr Sgro
Mr Van Buren
Mr Walker
Mr White
Tellers
Ms Lyster
Mrs McLean
Mr Granter
Mr Guest
Mr Ward

Adjournment

Accounts of Department of Conservation, Forests and Lands—Noise levels of motor cycles— Permanent tenure of permanent heads—Victorian Crops Research Institute—Relocation of Prince Henry’s Hospital—Fruit and vegetable industry—Appointment of field officers by the Fisheries and Wildlife Service—Southern Family Life Volunteer Agency

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—I move:

That the Council, at its rising, adjourn until Tuesday, September 24.

The motion was agreed to.

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—I move:

That the House do now adjourn.

The Hon. N. B. REID (Bendigo Province)—In answer to a question from Mr Chamberlain, the Minister for Conservation, Forests and Lands stated that a summary of outstanding creditors was prepared and submitted to her by the Director-General of Conservation, Forests and Lands and that she was not certain whether the Road Traffic Authority account for registration and insurance of 1500 vehicles was in one of the categories on that summary list. I ask the Minister whether she will make the summary list available in the Parliamentary Library at the same time as she makes available her file of telegrams, letters and memoranda of complaints.

I understand that it will take some time for the Minister to collect all the memoranda, telegrams and letters of complaints from her regional offices as well as her Melbourne office, but I ask her whether she knows when this information and summary list will be available.

The Hon. D. M. EVANS (North Eastern Province)—I refer the Minister for Planning and Environment to the concern of the Federated Chamber of Automotive Industries over the proposal of the Environment Protection Authority to reduce the noise levels allowable for motor cycles in the State of Victoria. The acceptable noise level will be reduced from 94 decibels to 90 decibels.

I have received voluminous correspondence expressing concern about the proposals from that organization and many motor cycle dealers throughout the State. It has been pointed out that the majority of motor cycles that are imported into Australia have a design capacity to meet the requirement of 94 decibels. If that allowable level were reduced to 90 decibels, many of those motor cycles would not meet the design specifications.

As Victoria and Australia have relatively small markets in this field, on a world scale they would not have sufficient impact on the world market to force a change in the design of the motor cycle. I understand that 1 per cent of the average number of motor cycles manufactured come to this State.

I ask the Minister to carefully consider the proposals, and before they are implemented, that he meet with those people who have expressed concern and who have invested heavily in the industry, to try to meet consensus on the issue. Those people’s businesses could be drastically affected by a sudden change in the design specifications which would not be in line with world specifications. The matter is serious because many people rely on motor cycles for both transport and sport.
The National Party accepts that standards for reasonable levels of noise should be adhered to by those vehicles; nevertheless it appears unreasonable that Victoria should be out of step with the rest of the world. This State cannot take the lead in a world market because its motor cycle market is too small. It would be left out in most cases. Again I ask the Minister to examine the issue carefully. Can the Minister indicate his intentions in this matter?

The Hon. G. P. CONNARD (Higinbotham Province)—I raise a matter with the Leader of the House, who is the representative of the Premier. I noticed in the Australian of 11 September 1985 an article which reported that senior public servants in South Australia are to have their permanent tenure revoked and replaced by five-year employment terms under proposed legislation entitled the Government Management and Employment Bill.

Under the proposed legislation departmental heads who now have permanent tenure will be given employment terms of five years or less. Will the Minister inform the House whether such action is being considered by the Victorian Government?

The Hon. B. P. DUNN (North Western Province)—I raise with the Minister for Agriculture and Rural Affairs a matter of grave concern to me and anyone interested in the important work of the Victorian Crops Research Institute at Horsham. The institute was established in 1980 by the Wheat Research Council of Victoria to carry out research into all crops.

The centre represents a $6·5 million investment in capital works and some of the most important research into crops and their varieties to be undertaken anywhere in Australia. It is inconceivable that that centre, which represents such an important investment both financially and for the future of the industry, has no caretaker living on site. Therefore, the building and those research programs are wide open to vandalism. It is one thing to cope with vandalism of a school building which may involve the breaking of windows and damage to physical facilities, but it is another matter when one considers that damage to this important centre could involve the destruction of important research programs and equipment. The research undertaken there could, therefore, be set back decades.

The problem hinges around the need to build a new residence for the caretaker. The present residence is uninhabitable and was vacated by the caretaker in 1982. The former caretaker has since found accommodation in the city area. The residence now on site is dilapidated and no one is prepared to repair it.

The present Government is committed to a lease agreement which was entered into by the former Government. The Government is leasing the site from the owner, the Victorian Wheat Research Foundation. Part of the terms and conditions of that agreement are as follows:

The Minister will maintain the buildings on the said land in a proper state of repair.

That document is legally binding on the undertaking to lease that site. Since that lease agreement was entered into the building has fallen into disrepair.

There has been a flow of correspondence from Mr Jim Nuske, the Chairman of the Victorian Wheat Research Foundation, and the Minister, yet the department has declined to replace the residence. It has stated that the replacement cost of $50 000 is excessive. That is hard to believe. That amount is not excessive for a reasonable residence in the country.

I ask the Minister to ensure that the site is secure and that the Government will live up to the conditions of the lease agreement. The Government should provide a new residence on site for the caretaker so that he can look after the buildings and carry out the important work first hand. The matter is urgent. The people involved have not raised this matter publicly because of the fear of vandalism due to the lack of security on site. Now they have had to bring the matter into the wider forum because the Government and the Minister have not acted. I hope the Minister will recognize the importance of the issue and act accordingly.
The Hon. REG MACEY (Monash Province)—I refer to the Minister for Health the matter of the relocation of Prince Henry's Hospital. I have raised this matter before during the debate on the motion for the adjournment of the sitting. Once again I direct the attention of the Minister to the concern expressed by Lady Sonia McMahon about the implications of the relocation of Prince Henry's Hospital away from its central city position. Lady McMahon was in Melbourne to publicize a campaign which she is promoting to raise funds to re-establish a specialized research unit which previously existed at the Crown Street Women's Hospital in Sydney.

The specialized unit has now been relocated to the outer suburbs as a consequence of the relocation of the hospital. Other specialized research staff have found the relocation inconvenient and it has become impracticable for them to continue their activities in the new hospital. Therefore, it has been necessary for a dedicated group of people to raise funds to replace that facility.

I direct the attention of the Minister to the fact that there could well be implications of similar dissatisfaction as a result of the relocation of the Prince Henry's Hospital. The Minister indicated on a previous occasion that he would be happy to meet with senior medical staff of the Prince Henry's Hospital. The Minister has been true to his word and has held discussions with the staff of that hospital. Is the Minister in a position to discuss the results of that meeting with the House?

The Hon. K. I. M. WRIGHT (North Western Province)—I raise with the Minister for Agriculture and Rural Affairs a matter concerning proposals that have been made from time to time for the registration of all fruit and vegetable growers, retailers and the like in Victoria. That matter first cropped up several years ago. Some of the proposed fees were as high as $300 a grower. I think retailers were to be charged a fee of $50 per annum. A number of objections were raised, including the fact that some fruit growers sent all of their produce interstate or, alternatively, if they were growers of fruit for drying they sent none of their produce to the market.

I acknowledge, as do most National Party members, that it would probably be a good and valuable move to introduce registration of fruit and vegetable growers, and I understand that funds would be available not only to administer the registration procedure but also for use in certain types of promotions.

I understand that there have been at least two working parties whose recommendations were not accepted and a further working party that was probably conducted within the Minister's administration and probably involved people from the Melbourne Wholesale Fruit and Vegetable Market, grower organizations, departmental officers and the like. I further understand that recommendations have this week been released by that working party, and I am concerned that members of this House have not received a copy of the recommendations. Can the Minister inform the House about those recommendations and about the steps that will be taken to ensure that honourable members receive a copy of this report at the earliest opportunity?

The Hon. R. S. de FEGELY (Ballarat Province)—My remarks to the Minister for Conservation, Forests and Lands refer in part to a question put to the Minister yesterday by Mr Reid concerning the appointment of field officers to the Fisheries and Wildlife Service. When the Budget allocations were made in 1984-85, the appropriation for the Department of Conservation, Forests and Lands was increased by some 32·3 per cent or approximately $942 000. At the same time, a promise was made to increase the number of fisheries and wildlife field officers, and it was envisaged that fourteen such officers would be appointed to north-central Victoria. To date it appears that those appointments have not been made and the residents of that area are concerned that the moneys that were allocated for that purpose might have been used for other purposes. This feeling is running high in St Arnaud, where the services of an officer of the Fisheries and Wildlife Service were removed two years ago so that one officer now services the whole of the Loddon-Campaspe region, and the officer is currently stationed at Kerang.
I shall quote briefly from the editorial of the North Central News of 10 September 1985, which states in part:

Under the guise of “departmental restructuring and greater efficiency” we have seen, in fact, the demise of what service we had.

In an area filled with lakes, rivers, bush, and stubble country, the active and visible presence of wildlife officers is essential if the department is to make any contribution, not only to the protection of wildlife, but the protection of farmers, from an avalanche of shooters on to their properties.

These sportsmen usually come from the city, in large parties, well armed, and do not take kindly to a farmer who directs them to leave his property.

The editorial comments on the need to call police when trouble occurs, thus placing an extra workload on the police force, and continues:

There is no doubt that the question must be asked and asked immediately, and to the Minister—Where are our officers and what has happened to the money that was intended to fund them?

Will the Minister advise me whether funds are still available to make the appointments referred to; if so, when will the appointments be made; if not, where has the money been spent?

The Hon. ROBERT LAWSON (Higinbotham Province)—I direct the attention of the Minister for Health to the Southern Family Life Volunteer Agency which operates from premises in Bluff Road, Sandringham, and I also ask the Minister for Community Services to note my remarks.

This agency has operated for a number of years training volunteers to service the local community. The volunteers act as counsellors for families in distress; for example, they counsel families where there is a possibility of child battering and in numerous situations of that nature. I understand that the Department of Health has been funding this agency but its difficulty is that the funds for its car transport service are almost exhausted.

As part of its service to the local community, the agency supplies volunteer drivers who take elderly patients to hospital or to visit relatives in hospital and provides for all sorts of services of that nature for people who are unable to get around but need some sort of human contact. This transport service will cease at the end of the month because of a lack of funds.

I ask the Ministers concerned to examine the matter jointly, because that agency, especially its transport service, does a marvellous job for the local community. Many old folk need the human contact of the drivers who come along, talk to them and form associations with them. Without that contact many of them would be isolated in their homes. It would be possible for the service to be replaced by subsidized taxi services, but that would not provide the same contact because there is a change in taxi drivers all the time.

The Hon. E. H. WALKER (Minister for Planning and Environment)—Mr Evans raised a matter concerning noise levels of motor cycles. I understand that he is concerned about efforts by the Government through the Environment Protection Authority to reduce noise levels on the basis that he believes the motor cycle industry will be adversely affected.

The authority has prepared a thorough review of the problems created by off-road motor cycles and has listed options for their control. The off-road motor cycles are the extremely noisy ones and cause a significant amount of noise annoyance in the community when used at unsuitable locations, at odd times of the day or night or at week-ends.

The authority recommends the following noise controls: point of sale noise controls on new off-road motor cycles; point of sale controls on replacement exhaust systems; and in-service noise controls for off-road motor cycles. It is proposed that the authority should develop these controls in the order set out and should initiate the necessary industry consultation.
Regulations should require that off-road motor cycles and replacement exhaust systems meet specified noise limits. The regulations would be supplemented by section 48A of the Environment Protection Act, which can be used by the police and local councils to control motor cycles on residential premises. The authority will continue to provide input to the statutory planning processes in relation to the noise impact of new motor cycle parks. These regulations are currently being prepared.

In the present circumstances, I believe the level Mr Evans mentions—a reduction from 94 decibels to 90 decibels—is proposed. I do not believe it is yet a statutory requirement. I have outlined the procedure that the authority is currently using to advise the Government on noise levels.

However, I shall seek further information and provide the honourable member with a more complete response next week. The matter is important and I understand his point. However, I point out to him that many people hold the opposite view—that noisy motorbikes, particularly when ridden near urban or built-up areas, are a problem.

The Hon. D. M. Evans—My concern is that it not be a different standard from that which obtains in the majority of cases.

The Hon. E. H. Walker—Yes, I have made a note of that. I do not have that information directly, but if the honourable member is patient I shall speak to him about it next week.

Mr Connard asked a question that was directed to the Premier and it concerned circumstances that have arisen in South Australia where there is a program for the conversion of tenure appointments to contract appointments. The honourable member asked whether the Victorian Government is considering a similar approach. I shall refer the question to the Premier, but I understand that the Government has not moved to make that conversion, although several recent appointments, particularly at senior levels, have been contractual.

Mr Dunn asked a question relating to the Victorian Crops Research Institute, Horsham, and he is concerned about the dilapidated state of the caretaker’s residence to a degree that the caretaker has had to live off-site for three and a half years. Mr Dunn has given me some background on the matter and believes the Government has a responsibility to maintain the caretaker’s residence and to maintain a caretaker on the site, and I have corresponded with Mr Nuske. I should like the chance of being briefed further on this matter and I shall speak to Mr Dunn next week. I agree with him that the site must be secure.

Mr Wright asked about registration of fruit and vegetable growers. A report was prepared by the working party and was distributed last week, with press releases. Relevant organizations were sent copies, as were the spokespersons of the various parties. In the case of the National Party, a copy of the report was sent to Mr Ross-Edwards. If Mr Wright wants a copy of the report immediately he will be able to obtain one from Mr Ross-Edwards. If Mr Wright wishes to have a personal copy he should contact one of my advisers or my department and a report will be made available to him. The report has been set to be circulated for two months to allow for a response from the industry.

The Hon. D. R. White (Minister for Health)—Mr Macey referred to the future of Prince Henry’s Hospital. It is correct that I have spoken to senior medical staff, administrators and specialists at Prince Henry’s Hospital. Several issues were raised, to some of which I have responded; the specialists wish to consider certain other issues. As I have indicated to them, there are still matters before the steering committee that are of relevance, including the appointment of a project director.

Under the brief that will go to the project director will be consideration of the costs of relocation and other issues which are all matters relevant to the discussions I am having with senior medical staff at Prince Henry’s Hospital. I believe arrangements are in the
process of being made for the resumption of those discussions. Naturally, at the time, these concerns will be considered.

The Hon. C. J. Hogg (Minister for Community Services)—Mr Lawson raised a question of funding for the Southern Family Life Volunteer Agency. There are three things in the social justice and social development area that make Victoria unique amongst the States: one is the degree of development of local government in the human services area; another is the role of the non-Government sector in that development; and, further, there is the interrelationship between the State Government, the local government sector and the non-Government sector.

I have some knowledge of the work of the Southern Family Life Volunteer Agency through a relation of mine. I believe the services of the agency, chiefly to the elderly, do an immense amount of good that is extremely difficult to measure monetarily. I believe the small amounts of money that are put into services like that can reap rich human rewards.

In principle, I can see absolutely no reason for doing anything other than to proceed with that funding. In practice, I shall consult with my colleague, the Minister for Health, to determine the financial situation. I assure Mr Lawson that this will occur quickly, as the funding will run out in September and it will be unfortunate if that occurs. I will examine this question in detail and I will endeavour to make arrangements for it.

The Hon. J. E. Kirner (Minister for Conservation, Forests and Lands)—I point out to Mr Reid that my first priority in the matters he has raised, as well as after informing the House as I did yesterday of the details of the occurrence, is to get the amounts paid, not to provide information to the Opposition, and I have to make choices about where I put the work of my officers.

I am perfectly happy to provide that information to Mr Reid. As I said, I have information to provide to Mr Lawson also. These two pieces of information should be provided together so that they make a comparison between information on the number of creditors and on the progress in regard to the number of creditors which that small sheet provides.

It is my recollection of my reply to Mr Chamberlain that I did not say that I did not know whether the Road Traffic Authority Bill was on that list. In fact, the Government sector Bills were not enumerated but were listed under the one heading of “Government sector”.

The Hon. N. B. Reid—I think you referred to categories. Are they included on that list?

The Hon. J. E. Kirner—I do now know; there is just that heading, “Government sector”. I am perfectly happy to provide the information requested. I shall provide information to both questions together as soon as I have consulted my department on the workload.

In reply to Mr de Fegely, I thank him and the St Arnaud newspaper for the appreciation of the work of officers of the Fisheries and Wildlife Service. Mr de Fegely referred to the number of officers. Of the 48 positions in the service at present, only 41 are filled. As I said in the House yesterday, I hope to move to fill those positions shortly. My department has been operating for the past two years and will be required to operate for the next two years on a declining budget of $10 million.

It is true that funds were allocated last year for the provision of what we call two-person stations; some people call them two-man stations. Those positions were not filled this financial year because of rather drawn out negotiations over another important issue in the department, the career structure classifications of technical officers which, in the long term, will be of great benefit to people in the department who normally do not get the same promotion as people with degrees. However, because of prolonged negotiations, that money was not spent.
I assure Mr de Fegely and people not only in his region but also in all other regions involved that those two-person station positions will be appointed this coming financial year.

The Hon. R. S. de Fegely—Does that mean we will get the fourteen people that the north-central region was promised?

The Hon. J. E. KIRNER—I shall have to study the figures. I am not certain whether Mr de Fegely is correct in those figures because, in percentage terms, I would be very surprised if the allocation to that region were of that size.

The motion was agreed to.

*The House adjourned at 5.30 p.m. until Tuesday, September 24.*
Tuesday, 24 September 1985

The PRESIDENT (the Hon. R. A. Mackenzie) took the chair at 3.4 p.m. and read the prayer.

LOCAL GOVERNMENT (RATING APPEALS) BILL

This Bill was received from the Assembly and, on the motion of the Hon. C. J. HOGG (Minister for Community Services), was read a first time.

WESTERNPORT (OIL REFINERY) (FURTHER AGREEMENT) BILL

This Bill was received from the Assembly and, on the motion of the Hon. D. R. WHITE (Minister for Health), was read a first time.

CLERK OF THE PARLIAMENTS

The PRESIDENT—Order! I have to announce that Mr Robert Keegan Evans, the Clerk of the Council, has been appointed by His Excellency the Governor in Council to be also Clerk of the Parliaments and such appointment is to take effect from the retirement of Mr J. H. Campbell on 29 September 1985.

ABSENCE OF THE CLERK

The PRESIDENT—I inform honourable members that I have granted leave of absence to the Clerk from 30 September 1985 to enable him to undertake duties in connection with the 31st Commonwealth Parliamentary Conference.

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs) (By leave)—I am sure all honourable members would like me to express on their behalf congratulations to Mr Evans on his elevation to Clerk of the Parliaments. I make those comments in preface to moving the motion:

That the Clerk-Assistant perform the duties of the Clerk of the Council during his absence and take the chair at the table.

The motion was agreed to.

The PRESIDENT—Order! I advise the House that I have directed that appropriate support staff be available as necessary to assist at the table during the Clerk’s absence.

QUESTIONS WITHOUT NOTICE

PRESIDENT’S DELIBERATIVE VOTE

The Hon. A. J. HUNT (South Eastern Province)—Mr President, I direct a question without notice to you: as the Premier has to date failed to make public legal advice extended to you on your powers as President and as that must have placed you, Mr President, in a position of difficulty and embarrassment, would you be prepared to make representations to the Premier for the release of that advice?

The PRESIDENT—Order! As I said in the House when I made my ruling on that particular issue, I had access to legal advice which was provided to the Attorney-General—advice that was not provided to me as such. It is a decision for the Attorney-General and the Government whether they should make that information available to the Opposition.
Nevertheless, as requested by the Leader of the Opposition in this place, I shall discuss the matter with the Premier.

HUMANE DISPOSAL OF AGED SHEEP

The Hon. R. M. HALLAM (Western Province)—Is the Minister for Agriculture and Rural Affairs aware of the emerging problem of unsaleable stock coming into Victoria's sale-yards, in particular aged sheep off-shears, and is he able to offer any assistance to municipal authorities on the humane disposal of these animals which have no commercial value?

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—I am glad Mr Hallam has asked this question because I wish to comment on farming practices that I do not support. I refer in particular to cracker ewes and five and six-year-old ewes that are being kept longer than they should. Sometimes they are kept to produce an extra lamb or for another clip. I have received reports from Hamilton that indicate that serious animal welfare problems are arising.

I shall respond to the question differently from the way in which it was asked. Frankly, farmers should not be asking the Government for help in circumstances in which their practices would not necessarily stand up to scrutiny as good practice. I believe they should be taking more responsibility themselves. Animal welfare issues are also involved. When wethers and cracker ewes become old, they lose teeth and have difficulty feeding. Good farmers would undertake practices to ensure that they did not keep sheep longer than they ought.

It is suggested that the Government should step in after such poor practices, making money available or bailing out farmers; in many cases this could involve thousands of farmers and thousands of sheep, and the problem would not have arisen had better farming practices been used in the first place. I answer Mr Hallam in this fashion: I am aware of the problem. It has concerned me not only as Minister for Agriculture and Rural Affairs but also in my extra role concerning animal welfare.

I shall ask for further information from departmental officers and request close scrutiny of some practices that have developed, which I believe good farmers would not regard as justifiable. The Government does not accept that it has any responsibility for this issue. Many of the farmers should review their own practices.

TRIBUTE TO SIR MACFARLANE BURNET

The Hon. D. E. HENSHAW (Geelong Province)—As a person who was once a scientist, I was particularly moved by the death several weeks ago of Sir Macfarlane Burnet. As he was an inspiration to all scientists, I consider it appropriate to ask the Minister for Health to indicate the contributions made by Sir Macfarlane Burnet to Victoria.

The Hon. D. R. WHITE (Minister for Health)—I thank the honourable member for the question. Sir Macfarlane Burnet was born in 1899 and attended Geelong College, where he was dux and won a residential scholarship to the University of Melbourne. He then commenced a career in medical research. Sir Macfarlane's achievements were recognized by many formal honours, including the Nobel Prize and the Order of Merit. He left a decisive mark on scientific and medical research in Australia. He revolutionized the study of viral disease, was a pioneer of biotechnological research and made a significant contribution to the study of immune reactions.

Through his work, which spanned more than half a century, Sir Macfarlane Burnet brought credit to Australia for his substantial contributions to world scientific and medical knowledge. To the public he was identified primarily with the Walter and Eliza Hall Institute of Medical Research. Under his directorship from 1944 to 1955 the institute developed specialized research programs which gained recognition internationally and
afforded it a place alongside world institutions which have been at the forefront of world medical progress.

He remained active and attended meetings at the Walter and Eliza Hall Institute of Medical Research until a few months ago. With other researchers at the institute he was responsible for major advancements in the health of many Australians. His earlier work on influenza, Q-fever, poliomyelitis and Australian encephalitis and later work on immunology have been of lasting public importance and benefit.

Sir Macfarlane also made a major contribution to the achievements of the National Health and Medical Research Council. It is of note that he was born, educated and worked in Victoria. He was a great admirer of the work of Charles Darwin. As a young child he was actively interested in beetles. Throughout his life and during his retirement when he became active on the lecture circuit, one of the conditions he imposed on those who invited him to be host or guest lecturer was that they provide him with a day for birdwatching. The nature of his curiosity may be a guide to people who are of scientific bent. Sir Macfarlane Burnet was an example and an inspiration to young scientists and health trainees in Victoria. His contribution to medical science in this country will ensure that he and his work are remembered.

**PRESIDENT’S DELIBERATIVE VOTE**

The Hon. HADDON STOREY (East Yarra Province)—I direct a question without notice to the Leader of the House. I refer again to the advice given to the Government concerning the powers of the President to exercise a deliberative vote and I ask the Minister for Agriculture and Rural Affairs whether the advice given was verbal or in writing. If the advice was in writing was it contained in one or more documents and did those documents deal with anything other than the question of the powers of the President’s deliberative vote? Was the Attorney-General’s action in making the advice available to the President done with the approval of the Leader of the House?

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—I have discussed this matter with Mr Storey since the House last met and I indicate to him and to the House that the advice to which he refers was in writing, of course. I have indicated to Mr Storey that there were two documents, one which originated with the Solicitor-General and one which originated with the Crown Solicitor. The details Mr Storey asks following receipt of that information he should discuss directly with the Attorney-General, who is the custodian of the documents.

Mr Storey’s final question was whether I was aware at the time that the Attorney-General was to make the advice available to the President. I indicate that I was. I make it quite clear that the advice was made available to the President simply at the request of the President. It was made in no other sense as was suggested last week in the House. The advice was offered in no fashion other than at the request of the President.

**REGIONAL DIRECTORS OF HEALTH**

The Hon. K. I. M. WRIGHT (North Western Province)—I refer the Minister for Health to reports circulating that two regional directors of health have resigned or have signified their intention to resign. Is this correct? If so, will the honourable gentleman inform the House of the reasons?

The Hon. D. R. WHITE (Minister for Health)—At present there are eight regional directors. One regional director, Alan Hughes, who is responsible for one of the major metropolitan regions, has indicated that he anticipates taking up an appointment with the Victorian Hospitals’ Association Ltd, and the Government wishes him well in that endeavour and looks forward to a close and ongoing association with him. Alan Hughes is a person of the highest capacity. In indicating his intention to take up the position with the Victorian Hospitals’ Association Ltd, he has affirmed, for which the Government is
grateful, that he is and will remain strongly committed to the regionalization program and that he looks forward in his new capacity to assisting the Government in that regard.

The only other impending action concerns John MacLelland, who will be retiring at some stage in the future. I hope his services can be retained as long as possible; obviously, he is nearing the age of retirement.

ACCOUNTS OF DEPARTMENT OF CONSERVATION, FORESTS AND LANDS

The Hon. N. B. Reid (Bendigo Province)—I ask the Minister for Conservation, Forests and Lands: have the eleven creditors referred to in the House last week been paid; have the 150,000 creditors of her department been paid and, if not, why not; what is the total debt of the Department of Conservation, Forests and Lands; is Telecom included as a creditor and, if so, what is the amount outstanding to that organization?

The Hon. J. E. Kirner (Minister for Conservation, Forests and Lands)—Following the debate in the House last week I have had the eleven creditors checked. Most of these accounts have been paid; the others are in the process of being paid. I believe Mr Reid's detailed questions about which bills have been paid and which have not been paid are not appropriate for me to answer now; those questions should be put on notice.

I have, in fact, already offered to provide to Mr Reid and Mr Lawson, in the appropriate time frame, a record of how the 150,000 creditors in my department would be paid and over what time period.

VICKERS-RUWOLT SITE, RICHMOND

The Hon. B. T. Pullen (Melbourne Province)—I address my question to the Minister for Planning and Environment. I understand that the Government has been approached by an overseas investor with an option to purchase the 8-hectare Vickers-Ruwolt site in Richmond. Could the Minister advise the House on the possible future of that site and, in particular, what measures are being taken for official consultation and to ensure that the interests of the residents of Richmond are properly taken into account?

The Hon. E. H. Walker (Minister for Planning and Environment)—I am glad Mr Pullen asked the question because some reference to this matter was made in one of the newspapers today. The Vickers-Ruwolt site is currently in an industrial zone. As honourable members would know, it is on the Yarra River adjacent to Victoria Street. Any future use of the site for other than industrial purposes, would, of course, involve rezoning it.

The Government has been approached by a prospective purchaser of the site and, in further discussions, the prospective purchaser has expressed an interest in developing the site for a mix of residential, retail and commercial uses.

In conjunction with the Richmond City Council—and I mention that to Mr Pullen because discussions with the council have certainly occurred—the Government has been considering the best future use of this major and strategically located site, in anticipation of approaches from prospective purchasers, and has yet to determine a final position on this matter.

I mention that also because the reference in the newspaper seemed to indicate that the Government had reached a conclusion and made a decision. That is not the case. A long procedure is involved before decisions are made. Therefore, no undertaking has been given to any prospective purchaser about the future zoning of the site.

It is an important piece of land; and it will be handled most carefully, not only by the Government but also by local government—the Richmond City Council—which is also involved. We have already had some discussions with representatives of the local com-
munity. I can assure Mr Pullen that there will not be a development on that site without proper and full consultation with all parties involved.

Nevertheless, I want it to be known that the Government is keen to see good and appropriate development and use of those few large areas of land that are available, such as the one to which Mr Pullen referred. The Government is keen to ensure that the site is developed properly and in full consultation with all who have an interest.

**PROPOSED IDENTIFICATION CARDS**

The Hon. W. R. BAXTER (North Eastern Province)—Is the Attorney-General aware of the remarks made in Melbourne yesterday by the Federal Treasurer, when talking about the proposed identification cards, that it is intended that the cards will bear a number that not only has a relationship to a person's taxation files but also to the State Registrar of Births, Deaths and Marriages, but before that can take place, the State registry offices will need to be computerized?

My question to the Attorney-General is whether the Commonwealth has had any discussions with the States and whether it has sought approval for the use of such information; and, if so, whether the Commonwealth has made any offer to contribute financially towards the cost of the computerization of the State registry offices.

The Hon. J. H. KENNAN (Attorney-General)—I am not aware of the statement to which Mr Baxter referred. In regard to the second part of the question, I do not know.

**RAPE LAWS**

The Hon. M. A. LYSTER (Chelsea Province)—I direct my question to the Attorney-General. Given the widespread public concern about a recent ruling by a court that a man cannot be guilty of the rape or sexual assault of his spouse, can the Attorney-General advise the House whether this Government intends to legislate to remove this outdated rule?

The Hon. J. H. KENNAN (Attorney-General)—The Government has examined the position, which is that section 62 (2) which was introduced in the Crimes (Sexual Offences) Act of 1980 by the former Government, did not go far enough, nor did it purport to go far enough, in that it removed immunity for husbands and wives living apart. It was regrettable at that time, despite comments made, for instance, by Mrs Coxsedge—which are reported in *Hansard*—that the Government of the day did not see fit to get rid of the immunity altogether. Community reaction to the matter has now indicated that there is total community revulsion at the old-fashioned notion that the wife is the property of her husband and that, therefore, a man cannot be guilty of raping his wife.

To that end, Cabinet has now approved of a Bill in principle and in detail. I will be giving notice later today that I will introduce a Bill tomorrow to remove, once and for all, the notion that a man cannot be guilty of raping his wife.

**FREEDOM OF INFORMATION ACT**

The Hon. B. A. CHAMBERLAIN (Western Province)—I ask the Attorney-General: has the Government agreed to a request from Monash University to amend the Freedom of Information Act to prevent the release of documents relating to research on human and animal subjects? If the Government has not agreed to such a request, is it still considering that request?

The Hon. J. H. KENNAN (Attorney-General)—The answer is, no, there is no agreement and, so far as I am concerned, I will not be disposed to favourably consider such a request.
VETERINARY RESEARCH CENTRES

The Hon. B. P. DUNN (North Western Province)—I refer to representations that have been made to the Minister for Agriculture and Rural Affairs over a long period concerning the funding of veterinary research centres throughout Victoria. In view of a document released by the Treasurer today which indicates that there has been a cut in real terms and in dollar terms in funds available to regional veterinarian centres throughout Victoria, does this indicate that what we have been saying for a long time is true, that the Government is in fact cutting back on those services? If so, what effect will those reductions in funding have on the staffing and important work of those centres in future?

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—I want to make it clear that the Budget, which will be brought down by the Treasurer today, indicates a significant increase in real terms in funds for the portfolio of agriculture and rural affairs. I reject entirely the notion that the Government is cutting back in terms of resources.

The proper time for debates on parts of the Budget is when the Budget comes before the House. Nevertheless, I have made it clear in this House previously that we are continuing a program of reduction of some staff. I have said that repeatedly and Mr Dunn is aware of it. I have made it clear, and there is no doubt about the facts, that there was a reduction of 102 staff over the past year. It is not believed that the reduction in staff numbers this year will be as high but there will be some reduction in staff numbers. As to where that will take place specifically, it is difficult to determine because the reduction is to be by attrition and when reduction is by attrition it is at random.

The honourable member should ask how the Government will reinforce certain services to ensure that they are maintained. The Government will reinforce services in a way that will ensure that important services such as those mentioned by the honourable member will not be damaged. That is the assurance that the honourable member should ask for and which he should get. At this stage, the honourable member cannot ask for a debate on a Budget that has not been brought down, the details of which will come before this House in due course.

ODOUR PROBLEMS AT TULLAMARINE

The Hon. W. A. LANDERYOU (Doutta Galla Province)—I direct a question to the Minister for Agriculture and Rural Affairs who should be aware of my continuing interest and that of other local members in what is a disgraceful stench which, on most occasions, comes from the so-called waste dump at Tullamarine. This fairly nauseating and obnoxious smell greets not only residents but also visitors. Anyone who uses the airport or who travels past it a couple of times a day, as I do, would be aware of and concerned about the stench that greets anyone travelling through that part of the city.

I am sure that the Minister is aware of the constant interest of myself and others and of his own concern about the problem. Is the Minister able to advise the House what steps the Government intends to take to redress the problem?

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—I am conscious of the problem. I am aware of Mr Landeryou's concern for this matter over a number of years; because he has to drive past that location at least twice a day, he is constantly aware of the problem.

There are odour problems at Tullamarine. As recently as yesterday I received a large deputation from the shires of Bulla and Broadmeadows and from residents who live near the tip. A very worth-while discussion occurred over a period of about one and a half hours.

I was able to tell the deputation a number of things, and I shall now inform the House of those points. The Government is aware of the problem and has taken significant action to address and attack it. The site is important to Victorian industry and cannot be phased
out tomorrow or next week because it is the only site in the metropolitan area that takes second grade of waste that cannot be put through Melbourne and Metropolitan Board of Works sewers in any form, diluted or otherwise. It is an extremely important tip. Alternatives should be available and the industrial waste strategy, which has been prepared just recently by the Environment Protection Authority, indicates that alternative sites are being sought. However, it is difficult to set a time-table. The Government has been told by the Environment Protection Authority and the Board of Works, which is now involved, that to find a usable alternative and bring it to completion will take up to five years.

Further, there is no real prospect of a complete phasing out of the Tullamarine tip in under eight years at the earliest. To require that the company that runs the tip—Cleanaway or Brambles Liquid Waste Disposals—should undertake the necessary works quickly, we have to be able to assure it that the tip will operate for something like eight years. The company intends to carry out major works, such as the enclosure of certain processes and significant changes to other processes. These works are in hand, and have been discussed in detail with the company.

Yesterday I informed the deputation that we could foresee a significant reduction of odour in the next short while. I cannot put a time on it, but the works will quickly be put in hand.

We inherited a difficult problem; it was a problem about which I, when in opposition, took every opportunity to attack the then Minister, Mr Vasey Houghton. When in opposition, I was unhappy about the tip and I still am. The Government is working hard to find alternatives and, in due course, I hope to get rid of the tip.

The Hon. H. R. Ward—It is not easy in government!

The Hon. E. H. Walker—It is a problem the former Government did not tackle in a forthright fashion. The Labor Government has done so and has developed a strategy to attack not only that problem but also many others involved in the disposal of toxic wastes.

I assure Mr Landeryou that I am giving the matter consideration and direct attention to the Government's decision to have the Board of Works become the operative body for waste disposal, which is good. Its quality of engineering will assist and the Environment Protection Authority has done a good job in preparing an industrial waste strategy.

The company is aware of the Government's concern. I point out to Mr Landeryou that we went through a prosecution process early in the year, which was successful. A large fine was paid by the company. I have advised the company that we will have to continue to prosecute unless there are significant improvements in the odour and litter problems. Much is being achieved and, in the next short while, I hope noticeable improvements will take place.

**QUESTIONS WITHOUT NOTICE**

The Hon. B. A. Chamberlain (Western Province) (By leave)—With respect to the time allocated for questions without notice, I remind the House that, Mr President, on your third day in office you suggested to the House, as reported in *Hansard* of 18 July, that Ministers should be concise in the answers they give to questions. I consider the alternative to be Ministerial statements. We have had today two examples—one of which I did not want to interrupt because of its importance. I refer to the statement about the late Sir Macfarlane Burnet and his contribution to the community. That is an issue on which I am sure other honourable members would have liked the opportunity of making a contribution.

With respect to the final question without notice, honourable members heard a 4-minute reply from the Leader of the Government on a matter that could have been the subject of a Ministerial statement, thus allowing more time to be made available for questions without notice. Therefore, Mr President, I ask you to reaffirm the request you made of Ministers on 18 July, to leave question time available for real questions without notice.
The PRESIDENT—Order! I extended the time for the asking of questions without notice because several detailed answers had been given. I agree that the question concerning the late Sir Macfarlane Burnet may not have been appropriate, but it was right that the House should place on record its regard for the work he achieved.

Twelve questions were asked, and that is fairly normal for question time. However, I take the point and remind Ministers that they should keep their answers as short as possible to allow members of the back bench to have the opportunity of asking questions in the time available.

1985–86 BUDGET DOCUMENTS

The Hon. J. V. C. GUEST (Monash Province)—By leave, I move:

That there be laid before this House a copy of the following 1985–86 Budget documents:

(a) Budget Speech (Budget Paper No. 1);
(b) Budget Strategy and Review (Budget Paper No. 2);
(c) Estimates of the Expenditure requiring Annual Appropriation (as included in Budget Paper No. 3); and
(d) Receipts and Program Expenditures (Budget Paper No. 4).

I am indebted to the Minister for Health for providing an opportunity for me to move this historic motion. It is historic in the sense that it makes possible an enormous advance in the effectiveness with which the House can consider the Budget and associated documents. For as long as two months, this House will be able to give additional consideration to the Budget documents. Previously, the Opposition in this place was able to deal with the Budget only in the dying days of the sessional period.

The Hon. D. R. WHITE (Minister for Health)—I welcome the motion moved by Mr Guest which, as he indicated, is historic and provides the opportunity for a debate on the Appropriation Bill perhaps before the Budget Papers are placed formally before the House. Although welcoming the initiative from the Opposition, I point out that it might be appropriate in future for the Budget Papers to be tabled by the Government, and it will take up the initiative of Mr Guest. With respect to the resumption of the debate, the Government looks forward to the debate on the Budget Papers and the Appropriation Bill in due course.

The Hon. J. V. C. GUEST (Monash Province) (By leave)—I thought when the Minister for Health rose to speak that he was making a point of order. Perhaps I might add to what has already been said. This is a practice which the Australian Senate adopted at least twenty years ago. I think it is worth mentioning the efforts of Dr Kevin Foley, who tried to persuade the Government to adopt the practice seven years ago. The Commonwealth instituted these proceedings in the Senate in 1970, with the setting up of Estimates Committees.

I am glad the Minister for Health was good enough to allow me the honour of moving the motion today and that in future the Government will be prepared to take on the responsibility of bringing important documents dealing with the State's finances before the House for timely consideration.

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—Mr Guest has made it seem as though the House has adopted procedures that exist in the Senate. I make it clear that the discussions that occurred today do not mean that what we are doing today puts us in that position. It may be that in years to come we will head in that direction. Today's move is a far more limited move and, by what has been agreed, we are not adopting the Senate procedures.

The motion was agreed to.

The Hon. J. V. C. GUEST (Monash Province) presented the documents in compliance with the foregoing order.
It was ordered that the documents be laid on the table.

On the motion of the Hon. J. V. C. GUEST (Monash Province), it was ordered that the documents be taken into consideration on the next day of meeting.

AMUSEMENT PARLOURS AND AMUSEMENT MACHINES

The Hon. A. J. HUNT (South Eastern Province)—By leave, I move:

That the report of the working party inquiring into amusement machines and amusement parlours be laid on the table.

This will assist in debating Government Business, Orders of the Day, No. 2.

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—Leave is refused. The document has not been made available publicly by the Government and leave to have it tabled is refused.

The Hon. A. J. HUNT (South Eastern Province) (By leave)—I must accept the Minister’s decision, but the document will be referred to in debate and I thought it would be more convenient if it were before the House.

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs) (By leave)—I am not sure how Mr Hunt obtained possession of the document. He may care to indicate that. The reality is, as I have indicated, that the document is not one that the Government has made public. It was prepared for the Minister for Local Government of the day, and the Government has not made it public. I do not believe it is proper to grant leave for it to be tabled.

The Hon. A. J. HUNT (South Eastern Province) (By leave)—In response to the Minister’s question, the document was handed to me by a member of a deputation that I received yesterday. That was the first occasion on which I had seen it. I am aware, however, that a copy was made available to the then shadow Minister for Youth, Sport and Recreation some time ago and publicly released to the press by him because the Government had not seen fit to release it, even though a Bill directly on the subject was then before the House.

PETITIONS

Child care services

The Hon. B. T. PULLEN (Melbourne Province) presented a petition from certain citizens of Victoria praying for the continuation of child care and kindergarten programs in Victoria. He stated that the petition was respectfully worded, in order, and bore fifteen signatures.

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

The Hon. C. J. KENNEDY (Waverley Province) presented a petition from certain citizens of Victoria praying for the continuation of child care and kindergarten programs in Victoria. He stated that the petition was respectfully worded, in order, and bore 126 signatures.

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

Planning (Brothels) Act 1984

The Hon. W. R. BAXTER (North Eastern Province)—I desire to present a petition from certain citizens of Victoria praying for the immediate repeal of the Planning (Brothels) Act 1984. The petition is respectfully worded, in order, and, unlike those presented by Mr Murphy last week, it bears 2066 signatures.
It was ordered that the petition be laid on the table.

Residential Tenancies Act 1980

The Hon. B. T. PULLEN (Melbourne Province) presented a petition from certain citizens of Victoria praying that the Residential Tenancies Act 1980 be repealed and that it be replaced with fair equitable plain English legislation. He stated that the petition was respectfully worded, in order, and bore 1462 signatures.

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

DENTAL TECHNICIANS (LICENCES) BILL

The Hon. D. R. WHITE (Minister for Health), by leave, moved for leave to bring in a Bill to amend the Dental Technicians Act 1972 and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

CRIMES (AMENDMENT) BILL

The Hon. J. H. KENNAN (Attorney-General), by leave, moved for leave to bring in a Bill to amend and codify the law relating to the offence of attempt, to reform the law relating to certain offences against the person and for those and certain other purposes to amend the Crimes Act 1958 and Part VIII of the Magistrates' Courts Act 1971 and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

ADMINISTRATIVE LAW (UNIVERSITY VISITOR) BILL

The Hon. J. H. KENNAN (Attorney-General), by leave, moved for leave to bring in a Bill to amend the Administrative Law Act 1978.

The motion was agreed to.

The Bill was brought in and read a first time.

PAPERS

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


Police Service Board—Determinations Nos 436 to 438.

Statutory Rules under the following Acts of Parliament:


County Court Act 1958—No. 300.

Firearms Act 1958—No. 308.

Motor Car Act 1958—No. 309.


* * * *

Proclamation of His Excellency the Governor in Council fixing an operative date in respect of the following Act:
On the motion of the Hon. A. J. HUNT (South Eastern Province), it was ordered that the papers tabled by the Clerk, with the exception of statutory rules and proclamation, be taken into consideration on the next day of meeting.

**LOTTERIES GAMING AND BETTING (GAMING MACHINES) BILL**

The debate (adjourned from September 18) on the motion of the Hon. J. E. Kirner (Minister for Conservation, Forests and Lands) for the second reading of this Bill was resumed.

The Hon. REG MACEY (Monash Province)—I thank my Leader for the opportunity of leading the debate on this Bill on behalf of the Opposition. I shall explain to the House the position relating to the Open Family Foundation and the problems that exist within the Fitzroy Street, St Kilda area in the electorate I represent—Monash Province.

I have sought the opportunity to answer the Minister in relation to this matter because it is of great concern to the people of Monash Province and to me personally. I would be doing less than my duty to the electorate I represent if I were to allow the Bill to pass without comment.

In considering a matter such as this, we need to look beyond what is before us today. I have had a long involvement in the Albert Park area—the area that abuts Fitzroy Street—and some years ago I was involved in an issue that has turned out to lead directly to the problems that have occurred in Fitzroy Street. I am talking about the decisions taken by councils and Governments that have led to the tragic situation facing some of the children of Melbourne—the street kids.

These things have been done quite inadvertently and in good faith. On their face, they may have seemed to be the right things to do, but they have led to a situation about which all members of the community should be concerned and I am sure all honourable members are concerned about it. The question is, “What is the correct and appropriate thing to do”?

Some ten or twelve years ago, the Army used a large section of the Albert Park Reserve and I, along with many other conservationists, sought to remove that Army area from the reserve because we argued that open space should be available to the people. That was the idea of the reserve and it was long past time for the Army to be removed.

That move ended up having bipartisan political support. The South Melbourne City Council, the St Kilda City Council and all political parties supported the move. It was only the Albert Park Committee of Management that sought to retain the Army in that place and its views were related to economics—it needed the revenue.

Although that was a reasonable argument, it was subsequently discovered, when the Army moved, that no one had examined the significance to the economy of Fitzroy Street and the St Kilda-Melbourne railway line of that Army facility and the staff being there.

At that stage, there were only mixed businesses, such as haberdasheries and clothes shops, at that end of Fitzroy Street and in Grey Street and the 2500 people who worked at the Army facility were a very important component of the economy of that end of Fitzroy Street; indeed, as shopping centres relate one end to the other, they were an important part of the total economy of the whole of Fitzroy Street.

However, no one investigated how that economy would be affected by the removal of the workers at the Albert Park barracks or what would happen to the railway line if the large number of people who worked there were removed.
The Hon. D. R. WHITE (Minister for Health)—On a point of order, this Bill concerns lotteries, gaming and betting. I am not sure what the Army depot and railway line have to do with the Bill.

The PRESIDENT—Order! I invite the honourable member to explain to the House how his remarks relate to the Bill.

The Hon. REG MACKEY (Monash Province)—I shall do that immediately, Mr President. The fact is that those shops then failed and the owners of the properties sought to obtain rents as high as those that were previously available. The only people who would pay those types of rents were those who operated pinball parlours and sex shops. In other words, there was a lack of consideration for the total consequences, and I was as guilty as anyone.

Despite the good intentions of the Government, this Bill is a shooting from the hip response to the problems associated with illegal gambling in amusement parlours. I shall put forward arguments that have been put to me by people involved for a long time in attempting to assist the street kids by doing something about the situation that exists in St Kilda as a result of decisions made by local and State Governments in the past.

These mistakes should not be repeated, yet the Bill is another example of the Government taking the easy option. The Government is taking what it claims is an opportunity to proscribe or ban any machine where it is decided that the machine can be used for unlawful gambling purposes.

Those who have been very much involved in seeking to protect the street kids, as they are known, argue that this proposal goes too far and that there are grounds for suggesting that the situation will become far worse than it is now. I believe there is merit in what they are saying.

The problem the Minister has sought to overcome by introducing this proposed amendment to the principal Act is that at these amusement parlours there are machines that are capable of being used for gambling. Virtually any machine is capable of being used for gambling.

The Hon. J. E. Kirner—They are being used for gambling!

The Hon. REG MACKEY—Yes, some are, but they are not all being used for gambling. That is my argument and the argument of those involved with the street kids. They are saying that there are many operators who are legitimate operators.

The Hon. J. E. Kirner—And they support the Bill.

The Hon. REG MACKEY—Legitimate operators do not seek to take advantage of the opportunity to make gains. Yes, there are operators who support the Bill. Whether those operators are, in fact, legitimate operators, I do not know, but what I do know is that those who have been working with the street kids for up to seven years argue that a consequence of the proposed legislation going through will be that machines that are used for gambling and are then proscribed as being unlawful may be forfeited; they may be seized.

If legitimate operators have machines which are not allowed to be used but are capable of being used for gambling, and those machines are then proscribed under legislation because they have been unlawfully used elsewhere, they may be seized. The argument put forward by the supporters of the street kids is that this will not lead to the removal of unscrupulous operators, who are most likely to remain, but to the removal of legitimate operators because their machines will be taken away. Legitimate operators will be penalized because the types of machines that they have were used unlawfully elsewhere.

The operator with financial backing has the opportunity and funds to alter his machines. The Minister stated in her second-reading speech that what is wrong with existing legislation is that operators are able to alter their machines as any one game is deemed unlawful. The Bill will not prevent that from happening.
For an amount of approximately $600 an operator can change the way a machine works. The operators who will be able to afford to do that will be those making funds illegally and improperly from the use of their machines for gaming purposes. An operator takes money from people who wish to gamble. Children are encouraged to "rack up" credits. Those credits are fed into the machine and the amount available for gambling purposes could total $20 or $30.

Subsequently, the player of a machine calls the proprietor or occupier of a shop when he wants to take his profit, and it is then converted into funds.

The Open Family Foundation suggested that the proposed legislation will quickly squeeze out the legitimate operators because the Bill, although containing provisions to seize machines and inflict penalties, does not go far enough when dealing with operators who endeavour to gain illegally from these machines.

I was disappointed that the Eddy report was not tabled today. That report makes recommendations that would come to grips with the issues I have raised. I fear that the result of what the Government, in isolation seeks to do, will be contrary to what it wants to achieve. I ask the House to consider adjourning the debate to allow the Council of Accredited Amusement Machine Operators, the Amusement Machine Operators Association of Victoria Ltd, the Victoria Police Force, representatives from the Department of Sport and Recreation and local government to make further submissions. The former Minister for Local Government was responsible for seeking the Eddy report which considered extensive and well-canvassed submissions made by a large number of organizations. The report suggested that to begin to come to grips with the problem, it would be necessary to establish an amusement machine registration board. Nothing has been said about that in the Bill.

The report suggested that every machine should be licensed. Machines have owners, and the proprietors of those machines should be identified. It suggested that any premises with more than two machines should be licensed. I recognize that a local government planning permit is required for amusement parlours, so there is some control, but that does not go far enough. Access to the machines by juveniles should be restricted to certain hours and the operation of machines should be prevented in many premises.

The Open Family Foundation has gone further. It is an experienced organization and I am prepared to listen to it. It has a thorough understanding and real compassion which cannot be ignored on this issue. A report in the press yesterday morning referred to the death of a sixteen-year-old girl as a consequence of an overdose of heroin. I have been informed by representatives of the foundation that that girl is one of many who had been introduced to the heroin and street prostitution scene as a result of these apparently innocent amusement machines being used for gambling.

Young children of 9, 10 and 11 years, after initially spending some of their own money, are encouraged to "rack up" credits with operators of these machines. I have been advised that unscrupulous operators use that opportunity to obtain payment by involving the children in drug trafficking and prostitution.

The Hon. G. A. Sgro—That is why we have introduced the Bill.

The Hon. REG MACEY—I understand the well-meaning intention of the Government, but the Bill may miss the target. The foundation believes the legitimate operators will be driven out of business. The Bill must contain a tough component if it is to be successful. The foundation suggested that gaming on these machines should be prohibited by law and that a licence disqualification should be the penalty. If anyone is found guilty of owning or operating a machine used for gambling that has provisions involving an electronic "switch over" arrangement whereby an illegitimate game can be switched over to a legitimate game when the need arises—a lifetime licence disqualification is not too strong a penalty for such a crime, given the associated crimes that have been identified.
Government members have agreed with the nature, extent and seriousness of associated crimes. Honourable members on both sides of the House and in another place have agreed that it is not the machines but the operators or owners that are the problem. I have learnt, as a result of investigations I have carried out in the province I represent, that no one denies that the major problem is in the Albert Park electorate, which is part of the Monash Province.

I hope the Government will heed the points I have raised. There is a strong need to hold a conference of organizations such as the two amusement machine operator groups, the Victoria Police Force, the Open Family Foundation, the Department of Sport and Recreation and local government representatives to discuss this issue. A great deal can be learnt from the expertise of those involved in local government.

The Eddy report demonstrated an understanding shared by people involved in local government. The House should be concerned with getting to the core of the problem because a similar Bill will not be debated in Parliament again for some time. My conscience did not allow me to sit idly by without expressing the attitudes I have.

Some honourable members may believe my views are parochial. As a former local government councillor, I have frequently dealt with street kids and other matters associated with wards of the State. Today I am speaking about matters associated with the province I represent. I have some knowledge and experience in one geographical area with which the Bill is concerned and I ask the Government to consider the matter further before proceeding with the Bill.

The Hon. D. M. EVANS (North Eastern Province)—I congratulate Mr Macey on a sincere, detailed and sensible speech to the House. Anybody who listened to the speech, including one or two honourable members who interjected, would not doubt Mr Macey's sincerity and his real purpose in speaking on the Bill, which was to highlight an invidious menace that is affecting the lives of many young people. In that sense at least, his views and intentions are in line with the Government's intentions, as expressed in the Minister's second-reading speech, which were to control the menace and to remove, if possible, the real problem: the temptation provided by space-age video and pinball machines to young people.

Young people, by the use of space-age technology, can be transported into a fantasy land. The element of gambling can be a potent force for people of all ages. I have heard it said that there are many Australians who would bet on two flies crawling up a wall, so the community does not need pinball machines for that purpose.

Mr Macey made a lot of sense when he said that many of the issues that need to be addressed have not been addressed. The honourable member referred to the Eddy report and, although I have not read the report, I have seen some extracts from it, which indicate that the report contains a good deal of common sense. Honourable members who know Mr Eddy, who served in this Chamber for a number of years, will appreciate that considerable sincerity and goodwill would be involved in his making a report involving young and less privileged children. I am disappointed, therefore, to hear that the Government has not taken adequate account of the recommendations of the Eddy report, especially on the registration of proprietors and the sheeting home of responsibility for gambling on the premises to the proprietor rather than to the style of machine involved. That seems to be a sensible way of dealing with the real problem.

Gambling is a potent attraction to many people. An enormous number of people have some degree of social problem, some degree of difficulty in filling in their leisure time or in facing the fact that their aspirations in life may not be realized. These difficulties perhaps, reinforce the belief that a lucky streak that will set them up for life is just around the corner.

The fact that you, Mr President, and I appreciate that pinball machines do not provide that opportunity is beside the point. That realization may not be so clear to the children
who are involved in the scene. The other view, that it can take them into a fantasy land
with the possibility of rising to a higher income group or whatever, may be attractive to
them. Even more so, these children may not realize that if their money were not spent on
video machines or pinball machines they would be better off, because that money could
be spent on things that would better advantage them.

The Parliament and the Victorian community have, for a number of years, been sub­
jected to a concentrated media campaign designed to have poker machines introduced
into Victoria. I live not far from the Victoria-New South Wales border and I have had the
opportunity of seeing the one-armed bandits in operation.

The Hon. G. A. Sgro—Have you played the machines?

The Hon. D. M. EVANS—Yes, I have played poker machines on odd occasions. I
usually lose the first $2 that I put into the machine, so I find them rather pointless. Perhaps
I would have a different view if I had some of the luck some of my colleagues seem to
have!

Poker machines are available in New South Wales and I have seen some of the effects
they have on the community. There has been, over a number of years, a concerted effort
by certain interest groups to introduce poker machines into Victoria. The main lobbyists
are the poker machine manufacturers and the people who believe if they have a licence to
run a club that has the use of poker machines, the golden gate will open and money and
largesse will pour forth into their hands. Honourable members know there is no such thing
as a free feed; if someone has a free feed, someone else will be paying for it.

If poker machines are making money for the licensees of clubs and also paying their
tribute to Caesar in the form of taxation, someone will be going short, namely, the
customer. The same situation is involved in the use of video and pinball machines. When
there is the inducement of a gambling element, one can be sure that the money being
invested by the children will not find its way back into their pockets, but will find its way
into other hands. This is exploitation of young people who have not had the opportunity
of learning enough about life to protect themselves.

In that sense, the speech made by Mr Macey homed in on the problems of the proposed
legislation. It also homed in on the recommendations of the Eddy report, certainly those
sections of it that I have been fortunate enough to see quoted.

Like Mr Macey, I have some real concerns about the adequacy of the proposed legisla­
tion, which amends legislation that was presented to Parliament less than twelve months
ago. It was found to be inadequate. Individuals who want to ensure that the proposed
legislation is adequate are again expressing grave fear that it will not. Although the Na­
tional Party clearly supports any effort to control the industry and to protect the young
children who, far too often, are its victims, at the same time it recognizes that there may
be some good sense in the suggestion put forward by Mr Macey that more thought should
be given to the proposed legislation. Otherwise, Parliament may well find itself with yet
another series of measures dealing with pinball machines.

The Hon. W. A. Landeryou—Do you have an amendment to the proposed legislation?

The Hon. D. M. EVANS—I have not, but there appears to be good sense in what Mr
Macey has put forward. After discussion of this issue, that good sense may also become
apparent to the Government, which I believe has the intention of introducing good
legislation.

I shall listen to the debate with interest and if an amendment is proposed later I shall
react to it on behalf of my party.

I dealt, in general terms, with the philosophy of the Bill and the views of the National
Party on the need for it. I shall listen with a degree of interest to the balance of the debate,
control those aspects of the operation of pinball and video machines that lead to the exploitation of young people in amusement parlours.

As a corollary, I can understand the attraction and the entertainment value that can be derived by young persons from the operation of such machines. I did say it is a trip into fantasy land for children of 12, 13, 14 and 15 years of age, and, from time to time, this is not all that bad a thing. Perhaps children grow up too quickly and do not go there often enough in this day and age. However, if as a result of that trip to fantasy land the few cents and dollars that are available to them are also whisked away unreasonably by greedy people, the National Party believes that situation cannot be tolerated.

The National Party supports the proposed legislation, which is aimed at controlling the situation. I shall be interested to see how the debate develops during the course of the afternoon to determine how the National Party may react to any propositions that might be put forward. I hope the Minister examines and responds to the sincere comments made by Mr Macey.

The Hon. M. J. Arnold (Templestowe Province)—This is a simple but important amendment to the Lotteries Gaming and Betting Act. It seeks to amend section 68 (3) by substituting the following sub-section, which states:

For the purposes of sub-section (2), “electronic gaming machine” means an electronic, or partly electronic, machine, device or contrivance (whether or not it involves the use of a micro-processor or is otherwise able to be programmed) that—

(a) depicts, or controls the depiction of, unlawful games; or

(b) that is prescribed by the regulations as a prohibited machine.

It also seeks to amend section 68 (4) by inserting the words:

and, if a person is convicted of an offence under this section in respect of or relating to a machine, device or contrivance so seized, the court shall order that the machine, device or contrivance be forfeited to the Crown.

The Bill is another attempt by the Government to address the question of video amusement machines, which purport to be for amusement but are being used for gambling purposes. It is the intention of the Government that all such machines and devices be proscribed as contrivances for gaming.

Mr Macey referred to a number of matters which touched upon his particular experiences in his electorate. There is no doubting the sincerity of his feelings on those matters. However, he touched upon a number of matters that were not relevant to the Bill, namely, the shifting of the Albert Park barracks and how that affected his electorate and the constituency of the South Melbourne City Council when he was a member of that council and how it altered the nature of businesses in Fitzroy Street and adjoining streets.

Although those matters were not relevant to the Bill, they occasioned Mr Macey some concern when he represented that municipality. Those matters form part and parcel of the concern that people in that area and representatives of people in that area feel about the changing mores and attitudes of young people in the area and who are subject to some of its temptations and challenges.

I should like to point out, however, that the problems that affect St Kilda and those other areas are not confined to those areas. The same problems that are caused by machines of this nature—the subject of the Bill—that are used for illegal purposes affect a whole range of municipalities, areas and people who are concerned at the effect of misuse of the machines. That is why today the Government could not consider any application to delay the passage of the Bill. The problems posed by these machines have to be addressed now and on an ongoing basis.

The Government does not purport to have the simple, singular answer to all of the problems that are caused by changing technology which can introduce new temptations through new gambling devices. However, the Government believes it is a problem that should be addressed on a continual basis.
Honourable members who have faced a whole range of problems would like to be able to reel the answers straight off the bat by saying, "This is the solution. We should produce this change in policy or legislation and it will solve the problem forever and a day or even a meaningful period." However, honourable members know that that is not possible. That is why the Government has to be ever vigilant to the anomalies, misuses and changes that operators of these machines engage in, especially when these machines are ostensibly established for amusement purposes but are misused for gaming and other purposes.

If the Government is not vigilant on a regular basis in addressing these anomalies and misuses, it will become such a problem that an enormous exercise will be required to deal with it. The delays inherent in dealing with problems that can be created over a long period are reprehensible and not to the benefit of the young men and women who are subject to these temptations.

The Bill is an endeavour by the Government to proscribe machines commonly known as draw poker and video poker machines together with electronic game machines which depict unlawful games as contrivances for gaming pursuant to section 68 (2) of the Lotteries Gaming and Betting Act. This section of the Act provides that it is an offence to possess such machines.

The amending Bill is supported by a whole range of groups, especially the Police Force, the members of which have to deal from day-to-day with the problems created by these machines. The police have to deal with the every day offences and are forced into making tricky decisions on whether people are using these machines for amusement or gaming purposes.

As Mr Macey would know, the police in his electorate have a lot of other important duties which take up their time and for which they are responsible. I am sure the police would appreciate the passage of the Bill to make their task easier in this area. The Government completely agrees with the sentiments espoused by Mr Macey and Mr Evans on the need to protect young men and women who are forced by economic and social conditions to take to the streets of various suburbs and who are being tempted to use these machines. That is why it is essential that the Government keep a vigilant eye on the Lotteries Gaming and Betting Act to control machines such as these.

Mr Macey referred to the legitimate operators of amusement parlours. The Bill has been specifically introduced to protect such legitimate operators.

The Government has made it as clear as possible that all devices that are operated as amusement machines and continued to be operated as amusement machines will not be in any difficulty. The problem will lie with those operators who have amusement machines which purport to be amusement machines but are really dressed up poker machines. It is not the intention of the Government to prohibit only video poker machines that are multiple coin or credit over the bar machines or have been altered to permit gaming, but rather it is the specific intention that absolutely all video poker machines and similar devices should be prohibited because of the reputation they have gathered for being misused over the time that the legislation has been in operation.

Mr Macey would appreciate that a difficulty sometimes arises in separating legitimate operators from illegitimate operators and that some may suffer because of legislation or regulation. It is the firm belief of the Government that legitimate operators can survive and will continue to survive when this Bill is proclaimed as an Act of Parliament. It is for the benefit of all people in the community, especially young men and women, that operators who misuse their machines and flaunt the existing law are wiped out.

It is the intention of the Government to rid the community of machines that are misused in that they attract young men and women to gamble illegally. These machines are situated in many coffee parlours and other places without the permission of local government and without any control. They lend themselves to misuse and proposed legislation to control the misuse of these machines should be applauded.
The Bill amends section 68 of the Lotteries Gaming and Betting Act so that new machines will be easily identified and machines that are proscribed by regulation as prohibited machines will be deemed to be contrivances for gaming.

Mr Evans has spoken about continuing concern for our community and all honourable members would share his concern. It is important to protect young men and women who, in circumstances beyond their control, are forced into certain forms of entertainment and relaxation because of other pressures upon them. The Government wants to ensure that those pressures cannot be misused by illegal operators for their own benefit.

The Government does not resile from the fact that in the future further changes may be necessary. This is the type of legislation which needs to be constantly reviewed because it is a situation that is fluid; that is, circumstances facing people are constantly changing. It should be without any criticism that the Government reviews and amends legislation to meet changing needs and implements recommendations that deal with the problems. It is a responsible position that Government takes just as it is a responsible position for opposition parties to take—to face up to and to debate changed circumstances and to admit the passage of proposed legislation to deal with those circumstances.

The Lotteries Gaming and Betting (Gaming Machines) Act 1984 was introduced as recently as fifteen months ago. It is not working as effectively as it should be and the amendments introduced in this Bill should have the support of all sides of the House to ensure the continued protection of young people in our community.

I am sure that all honourable members have been subjected to a range of representations from machine operators who say that their machines are not illegal and are used for amusement purposes only. Operators who can establish that to be true will not suffer from the provisions of this proposed legislation and any regulations that may be covered by it because it is the intention of the Government that all such machines which are used for the purpose of amusement and which do not go over the line and are used for gambling purposes will not be outlawed. It is the illegal machines that will be affected by the proposed legislation.

All honourable members who have received representations would acknowledge that those representations are from people who have a vested interest and might not put the case as squarely as they should. It is a matter on which all honourable members must be careful because we have all been told stories by people who purport to be carrying out legitimate operations but are in fact misusing machines, taking advantage of anomalies or discrepancies in the legislation.

In this instance, the Government has acted promptly to overcome problems that have cropped up under the existing legislation. The Bill should be passed today. Any recommendations put forward in the future for further improvements in the legislation will be welcomed by the Government. The Government will not be embarrassed about introducing further legislation.

I commend the Bill to the House as being an important piece of continuing legislation to deal with social problems facing the young men and women of today.

The Hon. H. R. WARD (South Eastern Province)—The Bill is the Government’s contribution to International Youth Year. However, for the past four months, the Government has allowed this trail of human degradation to increase by delaying even this poor form of proposed legislation. The existing legislation was presumed to regulate gambling machines, but it was a licence that directly contributed to crime, child prostitution, child exploitation, theft, assault, the wrecking of families and to drugs. When the existing legislation was enacted, 3000 to 4000 gambling machines operated in Victoria. I wonder how many there are today.

What action has been taken? The Government chose to ignore the Eddy report which contained submissions from 133 organizations. Some 50 people of repute in social welfare, local government and many other organizations appeared before the Eddy committee.
What happened to the Eddy report? Cabinet turned it down twice. Is this how the Government endorsed its contribution to the International Youth Year? Three other Labor Party committees also turned it down. That shows the attitude of the Government. The Bill should have been passed four months ago. Nothing has been done about it, although the Government has stated how it would manipulate Parliament in the interests of its survival rather than for the assistance of young people who have been torn apart by illegal operators of organized crime.

That is typical of the mismanagement of the Government. For three years the Labor Party, when in opposition, criticized the then Liberal Government about fixing up a tip at Tullamarine. However, three and a half years after it was elected, the Labor Government has done nothing about it. That is the way it treats people.

Unforeseen delays have been mentioned. There is no room in the gambling world for a Mr Nice Guy and that is the problem with the present Minister for Sport and Recreation. One must act and act ruthlessly against gambling and the way young people in this State have been treated.

The proposed legislation will only be as good as the regulations that are framed and God only knows when Parliament will see them. What happened to the threatened court cases that would deal with the people operating the amusement parlours? The previously enacted legislation was unenforceable and plainly stupid, but that is to be expected from a Government that is not interested in looking after the welfare of young people. The Government is in a state of inertia so far as controlling amusement parlours is concerned.

It is worth repeating that the present situation provides an open licence for drug abuse, alcohol abuse, theft, truancy and child prostitution. That statement should be repeated again and again so that the message will get through to the Government. It has been stated that the Government is addressing the misuses of gaming machines and that it is ever vigilant. What a lot of rhetoric about nothing!

When Mr Landeryou makes his contribution to this debate, I hope he will support me and that the Government he supports—with tongue in cheek at the moment—will get around to doing something about the problem.

The Honourable R. J. Eddy headed an inquiry into amusement machines and received 133 submissions and spoke to approximately 50 people who appeared before him. The recommendations of the Eddy report are closely akin to the recommendations that appeared in a submission from amusement operators.

It is estimated that there are approximately 6000 to 8000 illegal gaming machines in Victoria that can be manipulated and are being used to help to destroy the lives of young people. One report estimated that there are approximately 45 casino-type operations using the gaming machines.

In Victoria each family spends an average of $700 a year on gambling while the figure in New South Wales is $1500 a family. Although it may be said that gambling in this State is not as bad as it is in New South Wales, Victoria is fighting extremely hard to catch up to the conditions prevailing in New South Wales.

The Eddy report made ten recommendations: It referred to the establishment of a proposed Amusement Machines Registration Board and recommended that machines and premises should be licensed. It recommended prescribed ages of supervisors for amusement parlours and that children under the age of 14 years should not be allowed in parlours between 8 p.m. and 9 a.m. It recommended that the hours of operation should be set, preferably from 9 a.m. to 10 p.m. The report recommended that an annual fee should be prescribed for payment by the proprietor and that he should appear before the proposed board to establish whether he should receive a licence. It was also recommended that the proposed board should have the power to issue or revoke licences and that certain gaming machines should be banned. The report recommended that the proposed board should be
empowered to refuse the licensing of certain types of machines and to prevent certain people getting into the business.

It does not matter what proposed legislation the Government puts forward unless it is prepared to back it with the introduction of ruthless penalties. If not, the Government will not get rid of the types of people who operate amusement parlours. The Bill is meek and mild; it does nothing about the problem.

What does the Bill do to ensure that only certain machines will be installed and that they will be unable to be manipulated? The smarties of the world will get around what the Government is putting forward in the proposed legislation.

Mr Arnold stated that the Government is ever vigilant and that it is addressing misuses of gaming machines. The smarties of the Government would not know what a misuse was in the world of illegal gambling. The honourable member for Doncaster in another place, Mr Williams, hit the nail on the head when he spoke about the situation with regard to the operation of amusement parlours.

The Hon. J. E. Kirner—I support him.

The Hon. H. R. WARD—If the Minister for Conservation, Forests and Lands supports the comments made by the honourable member for Doncaster in another place, I ask her to indicate what she is going to do about the problem because the Bill does nothing about it. It is the Government's contribution to International Youth Year that this human trail of degradation continue. The Government has not produced any effective proposed legislation to deal with the problem.

The Bill is a farce; to produce this meek and mild piece of proposed legislation and claim that it will be effective is a joke. Under the previously enacted legislation, nothing could be enforced and the Government did nothing about it for four months. The Government wanted to run a political scheme for the Nunawading by-election and it was not interested in the human problems occurring in St Kilda, South Melbourne and the other places referred to by Mr Macey.

The Government is a Government of inertia and mismanagement; it is not interested in the human problems existing today. The Bill does nothing about the problem and it should be tipped out of Parliament so decent, proposed legislation can be introduced. It is no good for the Minister for Sport and Recreation to be a Mr Nice Guy as the proposed legislation will be turned over and after 24 hours the operators will be operating in the same old way. The Government will do nothing about it because it is not game.

The Hon. G. A. SGRO (Melbourne North Province)—I support the Bill although I agree that no legislation will stop the gamblers and the crooks. Nevertheless, the Government is prepared to attempt to do something about it. All honourable members have received deputations from parent organizations, schools and principals asking us to outlaw gaming machines. In the past few weeks I have received twelve or thirteen deputations from people who operate the machines urging me to request the Government to withdraw the proposed legislation. I have been offered money by some people, not crooks.

In the province I represent, police have found two gaming machines that were full of drugs. I know Mr Macey did not mean to say it, but they were the machines Mr Macey said should be allowed to operate. Everyone knows that crooks will get around the proposed legislation as they employ clever lawyers to ensure that the Bill will not be implemented. We all know that they have stacks of money with which to pay for expensive lawyers and to pay the fines imposed by the court.

In the province I represent, every week one or two people appear in court because the police have confiscated the gaming machines. However, the machine operators pay their fines and a week later they are using them once again. They somehow manage to overcome the law and the police. There is plenty of money available for those people to operate the machines illegally.
Mr Ward stated that young people under 14 years of age should be stopped from using the machines. The law currently states that children under 14 years of age are not allowed to operate the machines. Somehow they get inside amusement parlours to use the machines.

The law says that premises must be a certain distance from a high school or primary school before it is allowed to have these machines on the premises, but somehow these premises manage to operate not far from schools. Therefore the Government saw fit to introduce a Bill to ensure that a law that was passed fourteen months ago was reinforced. I do not believe the Bill will stop all the crooks but it will go a long way to frighten the people concerned and to stop those machines operating.

The Bill will not stop the machines operating, but somehow the people who manufacture those machines, pay thousands of dollars on those gambling machines. The operators are fined but they pay their lawyers to overcome the fines and the confiscation of machines.

Recently in my area, four or five premises had machines removed. The next day the machines were there again because somehow the operators of the premises had gone to court and managed to convince the court to overcome the law—I do not know how—and the machines were returned. Those people said to my face, “You told the police to shift the machines and we have got the machines here because of some law of the court”.

The Bill is an attempt to stop those people. I have been offered money by those people who operate those premises to shut my mouth and to influence the Government so that the machines may be operated. This is true. It may not be the right thing to say in Parliament but it is true. It is crook. I am disgusted with some people of my own nationality who have come to see me to try to influence me to influence the Minister to allow them to operate these machines. I say, “No”.

The Bill must be supported because recently I received deputations from high schools in my province that machines not operate. The schools begged me to take their case to the Minister. They had done everything under the sun to stop the kids going to these premises but somehow after 3.30 p.m., when the schools had shut their doors, the kids instead of going home would go to these premises to operate these machines. There have been cases in my area of kids who have stolen money in shops for gambling and, therefore, it must be stopped. I agree with Mr Macey that perhaps the Bill does not go far enough, but I am certain that in twelve months or perhaps six months if it is found that the proposed legislation does not go far enough, we are intelligent enough to amend it to ensure that illegal gambling is stopped.

People laugh in my face. Mr Evans said there is nothing wrong with the fantasy of people trying to win, but they never win because the machines have been fiddled with by the parlour operators and there is nothing left in the kitty for the kids to win. By the time the operators have taken the money out, there is nothing left in the machines to win. Therefore, I support the Bill. I agree with Mr Macey and Mr Ward that it does not go far enough, but I am convinced that in six months’ time, if the Bill proves not to be strong enough, the Government will do something. Honourable members should support the measure.

The Hon. A. J. HUNT (South Eastern Province)—I am sure the House was most interested in the remarks of Mr Sgro. His remarks and those of Mr Macey reinforce each other. They are in effect making the same case. I am sure all honourable members were shocked to hear Mr Sgro’s statement that he had been approached and offered money in connection with the issue. If that is true, his duty is clear. He should inform the police of the details and have the matter investigated. He should also consider raising the matter promptly in detail in the House, perhaps after the police have investigated it, because that represents a serious breach of privilege. What he has said indicates that all is not well, particularly in some parlours.

I believe honourable members on both sides of the House are agreed about this and I believe both sides of the House are equally agreed that there is a need to take the strongest
and the most effective action we can to remedy the abuses that are agreed by both sides of
the House do exist. During the course of the debate, honourable members should examine
whether the proposed legislation does meet the problems that have been raised. As I have
said, the remarks of Mr Macey and Mr Sgro reinforce each other, and clearly they do; in
some instances, it could be said that what Mr Sgro has had to say is equally frightening.
Furthermore, the remarks of each of them reinforce what the Eddy report said on this
issue. This report has never been officially released by the Government and it has never
been officially addressed by the Government.

All honourable members know Mr Eddy. Those who served in this House with him
know of his deep and sincere concern on social problems, of his concern for the underdog,
of his concern for the underprivileged, his concern for the exploited, his concern for the
needy and for children. Those concerns shine through the report in the preparation of
which he was ably assisted by a range of people with different interests.

For those who have not read the report—I suppose many have not done so because it
has not been publicly released by the Government—the relevant paragraphs as to the
findings of what occurs in some amusement parlours are in paragraphs 343-357. I empha­
size that the Eddy report makes no findings adversely implicating the great majority of
amusement parlours or premises with pinball machines, but it does make findings with
respect to some. There was evidence that drug and alcohol-related problems were associ­
ated with some locations at least. That ties in with what was said by Mr Macey today,
when he referred to the death of a girl through heroin addiction which arose in the first
instance because she became indebted through credit betting in a pinball machine parlour,
and later she drifted into prostitution and drug addiction. That is a serious allegation and
Mr Sgro has confirmed it by referring to drugs being hidden in machines in a parlour
known to him. This appears also in the Eddy report, the report of the committee chaired
by Randolf Eddy, which was appointed by the then Minister for Local Government to
look into this problem.

Mr Ward mentioned that the report says that theft of money by children to use the
machines often occurs and that this may be contributed to by credit betting. The segment
refers to the addiction of some children to using the machines beyond their means, to
betting by them—although it doubts whether addiction is the correct word—to truancy
and to gambling, although the report also acknowledges that that is not common and does
not apply to a majority of machines. But gambling clearly occurs, in some cases with the
operator, fostered by him or in other cases with tacit approval.

The Eddy report referred to crime-related activities centred on some parlours—again I
say "some". The child exploitation developing from some parlours and the behavioural
problems associated with others should be considered.

I shall now turn to the remedies proposed by the Eddy report, which proposed a triple
set of controls, and licensing of the premises, the proprietors and the machines. That is a
comprehensive approach. The Bill does not do that, yet the Eddy report provided for it. A
response must be given by the Government to that proposal. That is the point raised by
Mr Macey. No response has been given by the Government as to whether that triple form
of restraint or control is desirable, or the reason it has not been adopted.

The triple control is reinforced under the Eddy proposals by requirements for supervi­
sors of premises. It is also reinforced by enabling conditions of the licence and by enabling
the revocation of licences for breach of the conditions or breach of the law. Furthermore
the Eddy report recommended the introduction of a Bill that deals not only with the
machines and the premises but also with gaming. That is the real problem.

The complaint registered by Mr Macey is that the Bill deals with machines, yet the real
problem is unlawful gaming. I am the first to acknowledge that the Lotteries Gaming and
Betting Act already deals inferentially with that problem but it does not directly deal with
gaming in amusement parlours. That proposed Bill, which is a schedule to the Eddy
committee report, does precisely that; it provides direct offences relating to the use of
premises for gaming, the use of machines on premises for gaming and the use of parlours for gaming. It is interesting that this Bill, which was endorsed by the Eddy committee, was on file. It had been prepared before the Government took office and was on file for three years. The committee recommended a number of substantial improvements to that Bill as a result of its inquiries, but for three years the Government has not dealt with those problems.

Mr Sgro raised a case that needs to be answered. Mr Macey, Mr Ward and Mr Evans have also raised cases that need to be answered. We want to know what is the Government's response to those cases. What is the Government's response to the Eddy report? It is not good enough to say, as Mr Arnold did, that this measure is gradual and that further improvements will be made if and when that is shown to be necessary. The Government has had a Bill on file for three years. It has also had the Eddy report for a long time. It has not made a response to that report.

The evidence given to the House today reinforces the report and reinforces the need for the Government to at least announce its responses to the Eddy report and to the solutions that it proposes. In the light of the report which the Government already has, the Bill is just fiddling with the problem at the edges. It may be that it makes an improvement, but the Government needs to give a better answer than it has before this sort of Bill should be passed, especially in the light of the report which the Government has before it.

The House is entitled to answers on these issues before the second-reading debate is concluded. I acknowledge and understand that the Minister would need to consult with the Minister in another place who has initiated the Bill before those answers can be given. I appreciate the desire expressed on both sides of the House to avoid any undue delay because even the first step is important, although, as Mr Macey has said, we want to be extremely careful that what is being done will be a genuine improvement and will not exacerbate the situation.

I invite the Minister for Conservation, Forests and Lands to consult with her colleague in another place and to provide the answers and proper responses to the report which the House now at least knows something about, even though it has been given an oversimplified outline. I acknowledge that my outline is an oversimplification but, in the time available, I could not do more. Therefore, I suggest that the debate be adjourned until tomorrow. My party would certainly grant leave for the Minister to speak again prior to the conclusion of the second-reading debate.

The Hon. E. H. Walker—Would it suit you if progress were reported?

The Hon. A. J. HUNT—No, that would mean that the House would have to vote on the second reading of the measure without getting the answers which have really been called for, and have been called for on both sides of the House. I gather that the Minister for Conservation, Forests and Lands is nodding her head in agreement to that course. Therefore, I move:

That the debate be adjourned until the next day of meeting.

The Hon. W. A. Landeryou (Doutta Galla Province)—Speaking on the motion for the adjournment of the debate, I cannot sit here idly or silently after hearing this afternoon the most serious allegation I have ever heard yet made in this place. That matter needs to be addressed urgently, because the proposed legislation has been drafted on the basis of what was put forward in the Chamber or our attitude to the Government on the basis of the activities of some operators in the State.

That puts me, as one who is committed to supporting the proposed legislation, in a dreadful position. There are many things that I wanted to say about my attitudes not only to the Bill but also about society’s prejudices toward those matters. What has been said today puts the House in a position in which honourable members are prevented from discussing the matter correctly in the sort of atmosphere that has been painted for us.
Again, Mr President, I draw your attention to what was said and I seek your guidance. I welcome the motion for the adjournment of the debate and welcome the co-operation indicated by the Leader of the Government and the Minister for Conservation, Forests and Lands for the adjournment and, in particular, the indication from Mr Hunt that leave will be granted for the Minister to speak again without forgoing her rights to respond to the second-reading debate. Today serious matters have been raised which need to be addressed, if not by the Attorney-General, at least by the Chamber and yourself, Mr President.

The motion for the adjournment of the debate was agreed to, and it was ordered that the debate be adjourned until the next day of meeting.

RACING (FIXED PERCENTAGE DISTRIBUTION) BILL

The debate (adjourned from September 18) on the motion of the Hon. J. E. Kirner (Minister for Conservation, Forests and Lands) for the second reading of this Bill was resumed.

The Hon. F. J. GRANTER (Central Highlands Province)—The Liberal Party supports the Racing (Fixed Percentage Distribution) Bill. Perhaps it should have been introduced in the last sessional period because the matter had been mooted for some time and general agreement was reached between the three codes of racing, namely, thoroughbred, harness and greyhound. However, the Minister for Sport and Recreation in the other House saw fit to delay the second reading on the Bill for some time. Although agreement was reached by the three sections of the racing industry, for a period the Harness Racing Board believed it should receive a larger percentage of the take. I do not consider it has a just case. It has been fairly well treated by the distribution for some time and thoroughbred racing has provided a percentage of its income which has gone to the harness racing industry.

Some time ago at a meeting of the three codes a change in the formula was discussed. The Harness Racing Board was represented at that meeting by its members at the time, Mr Abeam and Mr Bowles. If my memory serves me correctly, they sought a percentage of between 22 and 23 per cent for harness racing. This was not agreed to by the thoroughbred industry, in particular, and the greyhound industry. However, those gentlemen settled for an amount of approximately 18 per cent. Although it is still 18 per cent, I doubt whether the harness racing section of the industry is generating that percentage of totalizator revenue. It is generating approximately 14 per cent. Under the formula suggested I believe it is being well treated.

I am sure members of Parliament would have received telegrams in the past couple of weeks from people interested in the harness racing industry. I received four telegrams. They were from Mr W. J. Rose, Secretary of the Association of Victorian Country Trotting Clubs, Mr Bruce Barron, President of the Victorian Trainers and Drivers Association, the Bendigo Harness Racing Club and Mr Tim Walsh, President of the Victorian Harness Racing Club. Two of the telegrams, particularly the one from Mr Rose, pointed out that harness racing cannot afford to lose $400 000. It was a gross mistake that caused it to lose $400 000.

The Minister for Sport and Recreation, Mr Trezise, has answered this allegation in two of the metropolitan newspapers—the Age and the Sun—pointing out where a considerable mistake was made. I am also informed that one of the members of the Harness Racing Board resigned over the mistake. The fault for the mistake cannot be entirely attributed to that member because other members of the Harness Racing Board are versed in figures as well. I refer to the chairman, Mr Trevor Craddock, and the chief executive, Dr Phillip Swann. They should have checked the figures before they made the public statement.

Dr Swann and Mr Craddock were both big enough, eventually, to realize a mistake had been made, and Dr Swann indicated recently in the Sun that harness racing would have to accept the result and lift its game. I hope the people will be positive in their approach. The board was appointed by the Minister only twelve months ago. To date, I do not know
whether it has performed as well as the Minister would have expected or as well as it could have performed. I do not believe the chairman, Mr Trevor Craddock, was experienced in harness racing. He was previously a member of the State Savings Bank Board. Some years ago he and I joined trading banks together and were junior clerks at Northcote. We enjoyed good friendship.

The Hon. H. R. Ward—Did you handle the Premier's account?

The Hon. F. J. GRANTER—We handled the late Jack Cain's trading account at the Commercial Bank of Australia in High Street, Northcote. He was a fine gentleman who often came in to ask for his account balance with his characteristic pipe for which he was so well known; he enjoyed it at smoke very much.

Dr Phillip Swann, the chief executive, came from the Road Safety and Traffic Authority. He was a first-class officer in that authority when I was Minister for Police and Emergency Services. I believe he should have stayed there. Perhaps he is out of his depth as the chief executive of the Harness Racing Board. He was a successful owner/trainer and a great enthusiast, but one needs promotional flair to be a secretary or chief executive of a racing board, as Dr Swann is today.

I cannot suggest a person who should be in this position, but the Minister should reconsider the membership of the Harness Racing Board. The board is not in keeping with harness racing in Victoria. I do not question the integrity of its members, but they are not promotional people, which the board needs. Mr Bill Collins, the radio station 3DB racing announcer is fit for the position because he promotes harness racing on 3DB continually. His efforts are rewarded in the attendances at Saturday night meetings.

Although attendances may have increased, the tote figures have decreased. This is not a good sign because although good attendances are welcome, good figures through the tote are needed for profits. The new board changed race meetings from Friday to Saturday. This has been successful in increasing attendance, but the turnover figures have not been good. I thought Friday night was suitable for harness racing because it coincided with the meetings at Harold Park in New South Wales. I thought it was a good idea to have betting on both venues at both meetings. In addition, harness racing would have received the first bite of the gambling dollar. The Minister should reconsider the appointments and perhaps reinstate some of the former members of the board because they have more expertise in harness racing, trotting or whatever it is called.

Thoroughbred racing is progressive. I was pleased when the President of the Legislative Council paid a visit to the Bendigo club and viewed the facilities available for the public. I am sure he will agree with me that the Bendigo club has good facilities to cater for the racing public, members, or the ordinary person who pays his or her way through the turnstiles. Greyhound racing also seems to be progressing well and is led by people who are progressive and deserve success. As I stated previously, harness racing does not appear to be enjoying the same progress.

In her second-reading speech, the Minister said that an additional twelve metropolitan midweek thoroughbred race meetings were granted in the 1983 Bill and, further in her second-reading speech, she said that this was revised on the basis of allocation of race meetings among race meeting districts. It is rather hard to understand, although I know what the Minister is driving at.

I am not convinced, and I do not believe country administrators of racing are convinced, that the additional twelve metropolitan midweek thoroughbred meetings are successful. They may be successful in totalizator turnover to metropolitan clubs but I do not believe they are attracting the attendance that is desired and I believe this has a detrimental effect on several country race meetings and race clubs. One only needs to look at the number of entries received and the number of acceptances taken at country race meetings to realize that country racing has a problem. The situation is serious for country
administrators when only four or five horses are entered in the main race of a midweek program.

I believe this House and Parliament went wrong when they granted further midweek race meetings to the metropolitan area. One may say that I have a pecuniary interest in making that statement: I have. The Bendigo Racing Club lost two Wednesday meetings which are prime meetings to any midweek racing club. Also, the change of location of race meetings in country districts caused trouble, especially to clubs such as Coleraine and others which lost meetings or had their number of meetings reduced. St Arnaud is another that comes to mind. That change should be re-examined.

I have discussed with Mr Peter Armitage, the Deputy Chairman of the Victoria Racing Club, the proposition that I have put to the House today; that due consideration should be given to country clubs regarding the number of races that are programmed for the metropolitan area and the number of horses that they are allowed to start in each race. I believe there should be only eight races and that the field should be limited to fourteen. That would encourage a number of horses to be entered at country race meetings.

The main purpose of the Bill is fixed distributions. I realize that both the thoroughbred racing and greyhound racing codes agree that the formula is more equitable to them. The Liberal Party supports it also and I only hope that harness racing can lift itself and increase its revenue through the Totalizator Agency Board, which is vital for the future of the industry. A lot of younger trainers are in the harness racing industry. These young men and women are up at 5 a.m. to train horses. They would then go to a meeting, for instance, at Wedderburn, which was held this week, and perhaps to another meeting that may be located at Shepparton or somewhere else. They travel long distances. They should be encouraged within the industry and the only way to do so is to increase the stakes or the revenue that they may receive through their endeavours.

The activities of the harness racing industry should be examined seriously. As I have stated, I believe the Minister should examine the composition of the Harness Racing Board. There must be something wrong somewhere if a person employed by the board can make the mistake of saying that harness racing would lose $400,000 or would be disadvantaged. I understand that the person resigned. I do not think he should have resigned because there should have been some cross-check somewhere and the responsibility should not have been all his. I can only hope that he will have received some just reward for his past labours because I am sure he was an officer who gave a lot of service to the board. I shall confer later with the Minister to learn what has happened to him. I reiterate that the Liberal Party supports the Bill.

The Hon. D. M. EVANS (North Eastern Province)—The National Party supported similar proposed legislation when a previous Bill was before the House and it intends to support this measure. When stripped down to the essentials it removes a sunset clause that applied to the previous legislation which, in effect, means that Parliament does not necessarily need to amend the legislation or review it prior to the date in 1987 that was the subject of the sunset clause in the previous legislation. In other words, Parliament recognizes that the legislation has had some validity and has had the opportunity of settling down over a period. Parliament does not believe it is necessary to maintain that mandatory review at the end of the sunset period.

Also, the Bill sets a very firm and fixed percentage, at least for the time being, of distributions of the Totalizator Agency Board surplus to the three codes of racing; thoroughbred, harness and greyhound. Under the previous legislation it was spelt out clearly in the Minister's second-reading speech that the actual distribution to the three different codes was based on an historic figure plus the movements within the board on a fixed percentage basis, which meant that each year a different figure would be made available to each of the codes.

However, the three racing codes now have been prepared to get together and to agree to a fixed percentage that appears reasonable. It is a fact, as has been pointed out clearly, that
both the harness and greyhound racing industries do rather better out of the proposed formula than the thoroughbred racing industry, in the sense that the thoroughbred racing industry gets a smaller percentage than its actual percentage of TAB takings returned to it for surplus purposes. At the same time, the Harness Racing Board particularly, and also, to some extent, the Greyhound Racing Board will make the point that the thoroughbred racing industry is in a somewhat better position because of its complete dominance of the racing industry in that well in excess of 70 per cent of TAB business is done on thoroughbred racing.

Thoroughbred racing also has a somewhat more appropriate choice of racing dates and times to attract the general public to its meetings and into the enclosures where the actual percentage of Totalizator Agency Board betting can be decided. Therefore, it is in a better and more competitive position. At the same time, I believe Parliament has, through the proposed legislation, recognized and continues to recognize that both of the other two minor, or smaller, codes of betting should have legitimacy and should continue.

It is also a fact that, more and more, the thoroughbred racing industry is becoming dominant in the racing scene in Victoria and that the other two codes are receiving somewhat reduced support. That, again, leaves them in the cumulative position of moving downwards and having less opportunity to generate adequate funds to promote their industries, and to encourage owners, trainers and the general public to attend. Of course, that situation could be considerably compounded if the rebates from the Totalizator Agency Board surpluses followed downwards the attendance figures.

To some extent, the Bill represents a subsidization by the thoroughbred industry of the other two codes. The thoroughbred industry has agreed to that. The Victoria Racing Club and the country racing clubs have agreed that, despite the fact that there is a considerable element of subsidization—to the tune of some $2.5 million or $2.6 million, in fact, in the coming financial year—of the other two codes, they believe it is not an inequitable situation.

As a number of people have pointed out, considerable concern was caused particularly within the Harness Racing Board, following a report that suggested the new formula would lead to a reduction of $400,000 in the board’s TAB allocation. That miscalculation by an officer of the Harness Racing Board led to some quite red faces. As Mr Granter pointed out, it led to the resignation of the officer concerned—and this has been reported in the press in recent days—because, in fact, the Harness Racing Board will not be $400,000 worse off, but it will be some $200,000 better off as a result of the passage of the proposed legislation.

The National Party understands that the Bill is a fairly simple measure. It means that Parliament has now settled down a little in its appreciation of this measure and no longer requires the sunset clause to ensure that a review takes place at the end of the period culminating in 1987. However, it must also be recognized that it is the prerogative of Parliament to amend any legislation at any time. Therefore, regardless of the fact that the sunset clause is not included in the Bill, if it is seen to be equitable, correct, just, or desirable that any facet of the proposed legislation should be amended at any time, Parliament certainly has the right and the power to do so.

What has been removed is simply the requirement that the review be undertaken by a certain date. All parts of the racing industry are in agreement on the formula contained in the proposed legislation. It seems to me that Parliament is correct in supporting it, as is the National Party, to ensure that the review is carried out. Again, it ought to be recognized that, should there appear to be real inequities or injustices as a result of the proposed legislation, Parliament has the power, at any time, to amend the measure.

By accepting the provisions of the Bill, some degree of certainty is provided to the racing industry; there is some sort of commitment to that particular course; and that form of distribution is also provided through Parliament. With those comments, I indicate that
the National Party supports the proposed legislation, as does each of the three codes of racing in this State.

The Hon. N. B. Reid (Bendigo Province)—I raise a couple of matters with the Minister handling the proposed legislation. I have received representations on behalf of the Bendigo Harness Racing Club from Mr Brian Jennings, the secretary of that organization, relating to the allocation to the harness racing sport in Victoria. I have had a long association with the people involved in harness racing. Mr Jennings expressed concern that that club would receive less from the fund now that the formula has been changed. It is a very important part of the sport particularly throughout country Victoria, where the real foundation of harness racing has been established. It has developed right through the wheat fields of Victoria, and has provided many champions to the sport.

Many active sporting clubs exist throughout Victoria, particularly in northern Victoria, and I bring that concern to the attention of the Minister for Conservation, Forests and Lands for her comments.

The motion was agreed to.

The Bill was read a second time.

The Hon. J. E. Kirner (Minister for Conservation, Forests and Lands)—By leave, I move:

That this Bill be now read a third time.

I thank honourable members for their support of the Bill. I particularly thank Mr Granter for his further extension of my education and the education of the House on the culture and management of racing. I shall direct the attention of the Minister for Sport and Recreation to Mr Granter's comments on the Harness Racing Board and the harness racing industry generally. I shall also direct the Minister's attention to the remarks of Mr Reid on behalf of the Bendigo Harness Racing Club.

I also thank Mr Evans for his comments on the Bill, particularly his statements that the measure is more equitable in its distribution than some interests have claimed it to be, and harness racing will not be disadvantaged.

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

ADJOURNMENT

Secretarial assistance for small schools—Prescription of drugs—Dismissal of Country Fire Authority employees—Accident involving Government vehicle—Rabbit population—Bendigo sale-yards—Rural mail boxes—Mordialloc pier—Ambulance services—Nursing training—Rural economics—Remarks of Minister for Agriculture and Rural Affairs—Housing Commission's Orana development—Environmental impact studies by Metropolitan Transit Authority

The Hon. J. E. Kirner (Minister for Conservation, Forests and Lands)—I move:

That the House do now adjourn.

The Hon. H. R. Ward (South Eastern Province)—I raise with the Minister for Conservation, Forests and Lands, for the attention of the Minister for Education in another place, the concerns of the principal and school council of the Clyde North Primary School, which is a small country school, the operations of which are hampered to some extent by its inability to have appointed to its staff a full-time or part-time secretary.

Small schools have much paperwork that needs to be answered; telephone calls and so on that must also be attended to. When one is a head teacher of a small school, such as the Clyde North Primary School, one must teach two or three grades, and, at the same time answer and make telephone calls, open and read the mail, attend to the weekly newsletter,
and look after the sports, concerts and other curriculum matters involved. One must do all those things and more.

Another matter that affects the up-to-date movements in education relates to the ability of teachers in those schools to get away to attend in-service meetings, or training seminars. The staff of the Clyde North Primary School support the principal and the school council in their concerns.

The Hon. D. R. White—Lawn bowls is not in-service training.

The Hon. H. R. WARD—It is educational training. They play bowls and any other sport one likes to mention. The principal of a small school also has to conduct all of the physical training.

I have been asked to point out to the Minister for Education the absolute need to provide secretarial assistance to maintain the operations of the school. Therefore, I ask the Minister representing the Minister for Education to raise this matter with the Minister and the Treasurer and to point out the problems faced by these small country schools that do not have secretarial assistance.

The Hon. B. A. CHAMBERLAIN (Western Province)—I direct to the attention of the Minister for Health an issue I have previously raised with the Minister and his predecessor. It concerns a constituent of mine, Mrs K. Clarke of Hamilton, who is undergoing treatment at the Royal Melbourne Hospital; she requires multiple hormone replacement therapy following an adrenalectomy and removal of the pituitary gland.

Mrs Clarke needs to travel from Hamilton to Melbourne to visit a specialist who prescribes drugs which she needs to take to keep her alive, but the problem is that under changes made in 1983 regarding the administration of drugs in public hospitals the doctor can prescribe only one month’s supply of drugs, whereas previously he could prescribe drugs for six months. In this case, the drugs are life-saving drugs.

The Minister’s predecessor explained this situation away by saying that as a result of cuts by the Commonwealth Government it was necessary to cut down on drugs made available through hospitals. In 1984, the Minister told me that he had established a working party to examine this issue of the provision of pharmaceutical preparations in public hospitals.

On 22 July this year I wrote to the Minister for Health, again restating the case and asking the Minister to comment. I pointed out that this lady constantly requires drugs and as the doctor can prescribe only a month’s supply of drugs from the Royal Melbourne Hospital, it requires her to come to Melbourne each month rather than every six months.

I received a reply from the Minister for Health on 29 July stating that the matter would be examined. I have heard nothing since. That is two months ago. I ask the Minister to follow up this matter with his department with a view to obtaining a solution to this problem.

The Hon. D. R. White—Is she coming to Melbourne each month now?

The Hon. B. A. CHAMBERLAIN—She has to, to get her prescription.

The Hon. R. I. KNOWLES (Ballarat Province)—I raise a matter with the Minister representing the Minister for Police and Emergency Services relating to the Country Fire Authority station at Kyneton. I understand that nine people are employed by that authority and are responsible for minor construction and the maintenance of CFA facilities over a wide area.

Last week, all but one of those employees was given notice without any explanation on how the work they have been undertaking is to be carried out. This is a significant industry in the Kyneton area not only because of those directly employed but also in terms of goods purchased and used to carry out maintenance work. No explanation has been given about
what system is to be introduced in future and I raise with the Minister the concern expressed by the local community about the loss of employment and this significant activity in terms of the Kyneton economy.

The Hon. ROBERT LAWSON (Higinbotham Province)—I direct a matter to the attention of the Minister for Conservation, Forests and Lands which relates to a minor accident that took place during a field day at Toolleen.

The Hon. W. R. Baxter—that is in my province. Be careful!

The Hon. ROBERT LAWSON—The accident occurred on 3 May 1984.

The Hon. W. R. Baxter—it was not in my province then.

The Hon. ROBERT LAWSON—A private vehicle and a vehicle belonging to the Minister for Conservation, Forests and Lands were involved in an accident. To relieve the Minister's mind, the departmental vehicle was registered. The lady driving the private vehicle that was involved in the accident was irate when she received a demand from the State Insurance Office for $317.17, which she paid under protest, because she believed she was only partly responsible for the accident and that the department should have paid part of the bill. It was then brought to her attention that there were at least two other accidents involving vehicles from the Department of Conservation, Forests and Lands that were not registered or insured.

The Hon. B. A. Chamberlain—is this last year?

The Hon. ROBERT LAWSON—No, those accidents took place on 1 August and 9 September 1985. Is the Minister aware that as a taxpayer this lady will have to carry part of the burden of paying for accidents that involved unregistered departmental vehicles?

The Hon. D. M. EVANS (North Eastern Province)—I raise a matter with the Minister for Conservation, Forests and Lands. Is the Minister aware of a report circulating in the rural press expressing grave concern about the steady and rather quick increase in the rabbit population in Victoria?

Honourable members interjecting.

The Hon. D. M. EVANS—This is not a laughing matter. Anyone with knowledge of the situation in rural areas will clearly understand that the rabbit is perhaps the most damaging of all animals introduced into Australia because it destroys pasture and native plants and causes the erosion of public and private land. There is considerable concern not only about the spread of this pest on Crown land and farming land but also that research into biological control of rabbits is not being carried out at a fast enough rate.

Honourable members who have some knowledge of rural industries and of the history of the rabbit pest in Australia will know that rabbits were introduced from England in the 1800s. The first batch of rabbits died, so more were brought to Australia from England and unfortunately they survived and spread throughout the State.

Rabbits were a major problem in the 1920s and 1930s and some people would say that rabbits were responsible for most, if not all, of the damage caused during droughts that occurred at that time, because of their destructive habits. In the early 1950s, with the introduction of myxomatosis, the rabbit pest had a natural enemy in the myxoma virus.

The PRESIDENT—Order! The honourable member is developing his remarks into a set speech. I suggest that he come to the point of the matter.

The Hon. D. M. EVANS—Mr President, thank you for your guidance. There is a real necessity to deal with this pest and I ask the Minister for Conservation, Forests and Lands whether she will ensure that vermin and noxious weeds are given a higher priority than eighteenth on the list of priorities recently published and dated 6 June and that the necessary resources, both of manpower and machinery, are provided by her department for the control of these pests on public land.
Will the Minister ensure that the necessary manpower will be made available and that instructions will be given to officers of the department to deal severely with landowners who are not carrying out their part in the destruction of rabbits on their properties? Further, will the Minister ensure that adequate resources are made available for continuation of research into the development of new and powerful strains of the myxoma virus and that it is released in the latter part of the season—in October, November and December—at the time most propitious for its spread amongst the rabbit population? It is a serious matter and I ask the Minister to respond appropriately.

The Hon. F. J. GRANTER (Central Highlands Province)—I refer the Minister for Agriculture and Rural Affairs to the continuing saga of the Bendigo sale-yards and the non-decision as to whether they will be relocated in either Maiden Gully or Welshford Forest. I favour the latter and, if I could influence the Minister, I would suggest that place. The Minister has received advice from his departmental officers and I ask him to make a decision as soon as possible. The people in Bendigo and the surrounding districts cannot make the decision for him because they are divided on the issue. The Minister is the only man who can settle the argument.

The Hon. W. R. BAXTER (North Eastern Province)—The matter I raise concerns the Minister for Health in his capacity as the Minister in charge of the WorkCare legislation. However, the principle is much broader than that and goes to the inability of this city-based Government to understand reality beyond the tram tracks because its departments, agencies and instrumentalities will not accept rural mail boxes as sufficient address for the registration of various categories of licences, forms, motor registration details and so on.

A constituent of mine received a letter from the WorkCare office which stated:

Thank you for registering with WorkCare. There are some apparent discrepancies on your registration form which need to be resolved before your registration can be completed in full. This office will shortly complete registration or contact you for more details.

It transpired when the office telephoned my constituent that “Rural Mail Box 1001, Picola”, is an insufficient address. The office wanted to know on what road the constituent lived. The reality is that the road is technically known as the Echuca–Nathalia Road. The property is 28 kilometres from Nathalia and 55 kilometres from Echuca. Anyone seeking my constituent on the Echuca–Nathalia Road would not find the road because it does not go directly from Nathalia to Echuca. However, if they were looking for “RMB 1001” they would find it printed on the mail box.

It is crazy that Government departments are refusing to accept rural mail boxes as sufficient addresses. They are different from post office boxes, which are located in post offices and not at places of residence. A rural mail box is usually located at the entrance of a property and has the number clearly marked on it. This is a far more descriptive address for my constituent than to name a road, which, in this instance, would be entirely misleading.

The Hon. G. P. CONNARD (Higinbotham Province)—I direct the attention of the Minister for Planning and Environment to the proposed reconstruction of the Mordialloc pier. The Minister would be aware that a rebuilding program is currently under consideration. Originally the pier was 317 metres long. However, the rebuilding program allows for a pier of 257 metres.

In 1983 the council was reluctantly forced by the Government to agree to the proposal. Cr Atkinson, who is the Mayor of Mordialloc, has said that the plans submitted by the Ports and Harbors Division of the Public Works Department were hand delivered at that time and that the council had only a few days to have its reply for the project considered in the annual Budget allocations. The council was told that because of the limited funds made available by the State Government the pier would be 60 metres shorter and that if the council did not accept the shorter length the matter might not be considered at all.