Tuesday, 15 April 1986

The PRESIDENT (the Hon. R. A. Mackenzie) took the chair at 3.4 p.m. and read the prayer.

DECENTRALIZED INDUSTRY (HOUSING) REPEAL BILL

This Bill was received from the Assembly and, on the motion of the Hon. J. H. KENNAN (Attorney-General), was read a first time.

POLLUTION OF WATERS BY OIL AND NOXIOUS SUBSTANCES BILL

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

POST-SECONDARY EDUCATION (AMENDMENT) BILL

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

LA TROBE UNIVERSITY (AMENDMENT) BILL

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

QUESTIONS WITHOUT NOTICE

BILLS LISTED ON NOTICE PAPER

The Hon. A. J. HUNT (South Eastern Province)—I direct the attention of the Leader of the House to the fact that Orders of the Day, General Business, Nos 15, Transport (Victorian Ports Authority) Bill, 17, Freedom of Information (Amendment) Bill, 18, Residential Tenancies Bill, 19, National Parks (Alpine National Park) Bill, and 20, Melbourne Corporation (Election of Council) (Proportional Representation) Bill have all been on the Notice Paper for a considerable period without having been brought on by the Government for debate.

Will the Leader of the House undertake that the House will sit on Thursday to deal with these Bills? If not, when will the Bills be dealt with?

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—The Leader of the Opposition should know better than anyone in this House, since he was at one time Leader of the House, that it is a matter for the Government to decide in what order and at what time business on the Notice Paper is brought on for debate. The honourable member should also understand that matters of this kind are matters about which Leaders of the parties have discussions.

The Hon. A. J. Hunt—Will you discuss it then?

The Hon. E. H. WALKER—The Leader of the Opposition has every right to talk to me about the matter and I should be pleased to discuss it with him. However, I do not intend to be lassoed into responding to the sort of question he is asking.
NUNAWADING PROVINCE BY-ELECTION

The Hon. W. R. BAXTER (North Eastern Province)—Because the police report on the Nunawading how-to-vote card scandal has received wide circulation and is now being handled by the Director of Public Prosecutions and the Chief Electoral Officer, will the Attorney-General inform the House whether he has read the report or whether he has been briefed about its contents?

The Hon. J. H. KENNAN (Attorney-General)—I thought Mr Baxter would have understood that this is a matter for the police and for the Chief Electoral Officer. The Director of Public Prosecutions was retained at the behest of the police, not at my behest.

The Hon. W. R. Baxter—I want to know whether you have read the report.

The Hon. J. H. KENNAN—I am not in possession of the report, nor have I read it.

NATIONAL DRUG OFFENSIVE

The Hon. JEAN McLEAN (Boronia Province)—Recently the Prime Minister and the Premier launched the $100 million national anti-drug campaign. In view of the estimate that more than one-third of Victorian prisoners and about one-quarter of offenders currently being supervised by community-based corrections agencies have drug abuse problems, can the Attorney-General outline the programs being introduced in the corrections area, especially in community-based corrections, to assist those people who want to break the cycle of drug abuse?

The Hon. J. H. KENNAN (Attorney-General)—I am grateful to Mrs McLean for her question about this important matter. A series of pilot programs for prisoners and offenders with drug abuse problems is being introduced as part of the national campaign against drug abuse. The new program will be implemented in Victorian prisons and community correction centres. Special programs to tackle drug addiction will be introduced at Pentridge and Fairlea prisons and at one medium and one minimum security prison in the State.

Other programs have been designed to assist offenders in community correction centres and prisoners on parole and/or prerelease. The pilot programs will run for three years. They are a joint initiative of Health Department Victoria and the Office of Corrections.

These measures are the first attempt to provide a comprehensive program of assessment, treatment and rehabilitation in the correctional system. Although honourable members will be aware that the problems have been in the system for many years, the previous Liberal Government did nothing whatsoever about it.

The pilot programs include a court advice and assessment program to enhance the work of the Office of Corrections Court Advisory Service to ensure that comprehensive assessments and reports of drug abuse offenders are available to the courts; a community-based corrections program that will provide additional resources to community alcohol and drug centres to increase offenders' access to treatment centres; a prisons program to assist convicted prisoners in State prisons to give up their drug habits; and a methadone clinic funded and staffed by Health Department Victoria to conduct withdrawal and maintenance programs for offenders referred by sentencing or releasing authorities.

Health Department Victoria, Office of Corrections and drug treatment agency staff will undergo special training programs to give them the special skills required to conduct the program.

BUILDING DISPUTES AT HOSPITALS

The Hon. M. A. BIRRELL (East Yarra Province)—Is the Minister for Health aware that more than $27 million worth of building projects have been stopped at the Western General and Geelong hospitals because of the senseless bans imposed by the Builders
Labourers Federation? What extra expenditure will be needed to cover the costs imposed by these lengthy delays and who will pick up the bill—the Government or the hospitals?

The Hon. D. R. WHITE (Minister for Health)—So far as I am aware, construction has resumed at the Western General and Geelong hospitals.

CROWN LAND LEASES

The Hon. B. P. DUNN (North Western Province)—I refer the Minister for Conservation, Forests and Lands to Crown land leases and rentals that were established at a time when rural land values were at their highest levels. In view of the fact that land values have now declined considerably, particularly in the Mallee area, as a matter of urgency will these charges now be reviewed and set and maintained at a much lower level? If not, why not?

The Hon. J. E. KIRNER (Minister for Conservation, Forests and Lands)—It is correct that the department has been working with the Victorian Farmers and Graziers Association to examine alternative methods of assessing Crown land rentals for rural areas, not just because of the rural downturn but because it was clear that the previous method of assessing land on dry sheep equivalents assumed that all land was productive. This was not an effective way of dealing with all lands.

Therefore, the department, with the Victorian Farmers and Graziers Association, is re-examining the issue. We have taken recent action on parcels of what we call “unproductive land.” We have decided that land can be classified as unproductive. These may all be grouped together for accounting purposes and a minimum charge of $31 applied. With respect to productive land, we are still working with the Valuer-General and the Victorian Farmers and Graziers Association to reach an agreed decision on a reasonable rental for those lands.

PENGUINS

The Hon. D. E. HENSHAW (Geelong Province)—I refer the Minister for Conservation, Forests and Lands to the recent deaths of a large number of penguins in the Portland area. Will the Minister inform the House what action she is taking about those deaths?

The Hon. J. E. KIRNER (Minister for Conservation, Forests and Lands)—I thank the honourable member for his question and for his interest in this important area. I am sure all honourable members were concerned to learn of the deaths of about 1000 penguins in the Portland and Warrnambool areas, and also of a perhaps larger number in Tasmania.

Honourable members will remember the penguin protection plan that I launched last year, which included a buy-back of Summerland land on Phillip Island, a program already totalling $2.7 million, and $150,000 from Government sources is being spent on research. Further funds are coming in from the sale of the penguin record, which is from private sources and which I understand has already raised $70,000. The essential questions that have to be asked and to which there are no clear answers are: is starvation the underlying cause of penguin deaths; where do the penguins go to feed; and where do they come from?

The research that is currently being done with the University of Melbourne is along the lines of pathological studies that are needed to determine the cause of death. The research that Victoria is undertaking with Tasmania concerns the tracking of penguins, and it is interesting to note that a penguin washed up at Portland had on it a Phillip Island tag, and therefore the degree of movement of penguins is considerable. A further area of research is building on the Commonwealth Scientific and Industrial Research Organization's investigation of penguin food species and that research will be done by Victoria at the Marine Sciences Laboratories.

Through those various activities the Government hopes to establish the food preferences of penguins, their patterns of movement, and whether what is happening is a natural cyclical phenomenon or is caused by human actions or commercial intrusion.
SHIRE OF KORUMBURRA

The Hon. N. B. Reid (Bendigo Province)—The Minister for Conservation, Forests and Lands will be aware that on 19 March 1986 the Shire of Korumburra moved a vote of no confidence in her. Will the Minister give an undertaking to visit the shire to hold discussions with the council on land management services in that area and to resolve the issues that were unsatisfactorily dealt with at a meeting held with Carole Marple, Mr King and Mr Griffin on 5 March 1986; if not, why not?

The Hon. J. E. Kirner (Minister for Conservation, Forests and Lands)—I thank Mr Reid for his prompt notification of the Shire of Korumburra’s vote of no confidence in me! The issue is related to the fact that the vermin and noxious weeds person, so called, is no longer located full time in the Shire of Korumburra. I did send the deputy director-general of my department to discuss the matter with the shire, as well as other issues of particular concern to the shire. It is true that because of wet summers there has been a considerable increase in the problem of ragwort in the whole south Gippsland area. The matter was not satisfactorily resolved to the satisfaction of the shire.

I do not believe the matter will be resolved satisfactorily by the appointment of an officer in that area. However, as I have now made approximately 80 visits to country areas in the twelve months I have been in office, and I have been to most of the south Gippsland municipalities, I shall be more than happy to visit the Shire of Korumburra as my schedule permits.

COUNTRY POLICE SERVICES

The Hon. R. M. Hallam (Western Province)—In view of the fact that the Office of Rural Affairs was established to advise the Government on matters relating particularly to country people, I ask the Minister for Agriculture and Rural Affairs: what advice has he received in relation to the growing concern among rural communities at the prospect of a cutback in police numbers and the closure of several police stations?

The Hon. E. H. Walker (Minister for Agriculture and Rural Affairs)—As Mr Hallam knows, this Government has done something that the previous Government did not ever imagine itself doing, and that is to set up a sub-committee of Cabinet to deal with rural affairs.

Some six Ministers are on that sub-committee of Cabinet, one of whom is the Minister for Police and Emergency Services—and, quite properly so—because of his responsibilities throughout the State, particularly in regard to the Country Fire Authority.

When that Cabinet sub-committee meets, it discusses a wide range of issues in endeavouring to co-ordinate Government services to rural areas in a way that has never been done before. In that regard, Mr Hallam can be assured that matters relating to the Minister for Police and Emergency Services that are brought before the Cabinet sub-committee will be dealt with in the proper manner.

TRANSFER OF METROPOLITAN PLANNING FUNCTION

The Hon. B. T. Pullen (Melbourne Province)—The matter I raise with the Minister for Planning and Environment concerns local government planning powers. At the time when the Planning Branch of the Board of Works was transferred to the Ministry for Planning and Environment, the Government gave an undertaking that it would strengthen the metropolitan planning powers of local government, particularly through the creation of regional groupings of local councils.

I ask the Minister to indicate to the House what is the current status of that matter, when action will be undertaken, and when an announcement can be expected that the transfer of those powers to those regional groupings will take place?
The Hon. J. H. KENNAN (Minister for Planning and Environment)—Certainly, as Mr Pullen indicated, at the time of the Planning Branch transfer, the Government set up a broadly-based consultative committee, chaired by Mr Linton Lethlean, to report on the extent of interest in regional groupings of metropolitan councils, possible planning roles for such groupings; and the possible working relationships between regional groupings and the State Government. The consultative committee sought the views of metropolitan councils and other interested groups on that issue.

I have now been advised that there is a strong degree of council interest in forming regional groupings, and that there is a strong preference for such groups to play an advisory role to the State Government on regional matters, as distinct from becoming formal statutory planning bodies.

In accordance with the wishes of local government, I now intend to move to set up regional groupings, which will: provide co-ordinated local government advice to me on planning issues; be based on standard State Government boundaries; and will have widely representative membership but with a majority of local councillor membership.

Advisory roles for such groups are likely to extend to matters such as initiating requests for rezonings in the region; preparation of regional strategies and policies; and advice on major development proposals with regional impacts.

I have been pleased with the very positive and enthusiastic response by councils on this issue. My Ministry will now commence discussions, on a region-by-region basis, on the formation of regional groupings.

Where some form of regional groups of councils exists, such as the Western Region Commission and the Association of Inner Eastern Councils, the Government hopes to build on those current arrangements.

The result will be a strong two-tier system of metropolitan planning, building on the already successful transfer of the metropolitan planning function of the Board of Works to the Ministry for Planning and Environment.

ASSISTANCE FOR CHILD CARE CENTRES

The Hon. R. I. KNOWLES (Ballarat Province)—I refer the Minister for Community Services to the Treasurer’s direction that State Government assistance to 36 child care centres will be available only until 30 June. I ask the Minister whether the Federal Government has agreed to accept responsibility for funding those centres from 30 June; and, if that is not the case, what measures she intends to adopt to ensure the continued operation of those centres after that date.

The Hon. C. J. HOGG (Minister for Community Services)—I thank Mr Knowles for his question. At this stage, I have to report that Senator Grimes has been relatively unresponsive to correspondence from Victoria about the fate of the child care centres.

As Mr Knowles and other honourable members would be aware, a review of pre-school services is taking place. Regulations for early childhood services generally are being examined, and much activity is occurring in that field.

I shall continue to make application to Senator Grimes, at the same time as making application to the State Treasurer.

FUNDING OF HOMES FOR THE AGED

The Hon. J. L. DIXON (Boronia Province)—I raise a question with the Minister for Community Services. Recent press speculation has suggested that homes for the aged could be facing cuts in funding. I ask the Minister whether that is correct and, if so, what action she is taking in that regard.
The Hon. C. J. HOGG (Minister for Community Services)—I thank Mrs Dixon for her question, which is of great interest to the Minister for Health and to me.

There has indeed been newspaper speculation about changes in services for elderly persons, and that may have created some alarm within the community. The speculation developed around Senator Grimes's release of the report of the Review of Nursing Homes and Hostels, which emphasizes something all honourable members know: that, for a long period, there has been an excessive concentration on nursing home care.

Most people do not want nursing home care and many are inappropriately and prematurely admitted to nursing home care. The community generally wants options to nursing home care. Those options may broadly be summarized as hostel care and options for community living, such as one sees in the Home and Community Care program.

The report released by Senator Grimes emphasizes more hostel care, better community services and a number of other important changes. Senator Grimes has emphasized that, if the recommendations of the report were accepted by the Government, no State would lose nursing home beds; all States would gain more hostel accommodation and better home and community care services. He also said that it would take up to five years to implement any significant changes.

Later this week I shall discuss with him further dimensions of the Home and Community Care program and I should expect that, over the next few weeks, the Minister for Health and I shall seek further consultation with Senator Grimes on that report.

SALE-YARDS FOR CRAIGIEBURN

The Hon. F. S. GRIMWADE (Central Highlands Province)—Three weeks ago I asked the Minister for Planning and Environment a question concerning the proposed sale-yards at Craigieburn and whether an alternative site was being considered. The honourable gentleman responded by saying that he would investigate the matter.

Last week I asked the Minister for Agriculture and Rural Affairs a similar question and he, in response, confirmed that the Government would facilitate the move from Newmarket to Craigieburn and that the Attorney-General had taken over part of this issue with his new role as Minister for Planning and Environment.

I have subsequently learnt that the honourable member for Thomastown Province, the Honourable Jim Kennan, visited Cooper Street ten days ago to inspect a proposed sale-yards site.

I therefore ask the Minister for Planning and Environment what he is doing to facilitate the development of sale-yards at Craigieburn and what he can now report to the House concerning the suitability of the two sites that are under consideration.

The Hon. J. H. KENNAN (Minister for Planning and Environment)—I am sure the date given by the honourable member was about right. I did visit Craigieburn where I met with representatives of the Craigieburn community and the Shire of Bulla. The residents of Craigieburn displayed a lack of enthusiasm for sale-yards at the Craigieburn site. I inspected the Craigieburn site, with which I am familiar, and the site at the intersection of Cooper Street and the Hume Freeway.

I am still awaiting a report in respect of the proposal concerning the Craigieburn site. That matter has been the subject of discussions between the Minister for Agriculture and Rural Affairs and myself. I shall wait until the ordinary process of receiving the panel report in respect of that site before taking any other action.

I also indicate that I have consulted not only with the Shire of Bulla but also with the Shire of Whittlesea about this matter because, as I recall, the site is in the Shire of Whittlesea. Interestingly enough, a pocket on the western side of the Hume Freeway also
for some reason falls within that shire. However, the residents of Craigieburn also have an intense interest in the matter.

I thank Mr Grimwade for raising the matter with me. I assure him of my close and continuing interest in the issue. He will be kept informed of any decision that I may make in respect of the matter.

INCREASES IN GOVERNMENT TAXES AND CHARGES

The Hon. D. M. EVANS (North Eastern Province)—I remind the Leader of the House of the pre-election promise of the Premier that taxes and charges would not increase beyond the consumer price index during the four-year term of the Government. I further remind the honourable gentleman of the answer given last Tuesday to my colleague, Mr Hallam, by the Minister for Conservation, Forests and Lands with regard to licence fees for unused roads and the fact that the annual rate of inflation does not apply to those fees despite the fact that, in many cases, they have increased by 300 per cent—more than ten times the rate of inflation. Has the Leader of the House spoken to this recalcitrant Minister about this matter and does he intend to allow this breach of a pre-election promise of the Government to continue?

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—I listened carefully to the response from the Minister for Conservation, Forests and Lands, and I thought it was more than an adequate answer to the question that was asked. However, if Mr Evans wants to bring to my attention any details of any increases in taxes, charges or fees established by the Government over recent times that he believes do not fit the Premier's guidelines, I invite him to do so and I shall follow up the matter.

LODDON–CAMPASPE REGIONAL PLANNING AUTHORITY BILL

The Hon. J. H. KENNAN (Minister for Planning and Environment), by leave, moved for leave to bring in a Bill to facilitate the planning of the Loddon–Campaspe region and to reconstitute the Loddon–Campaspe Regional Planning Authority, and for other purposes.

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:

Statutory Rules under the following Acts of Parliament:
  Companies (Acquisition of Shares) (Application of Laws) Act 1981—No. 74.
  County Court Act 1958—No. 71.
  Dentists Act 1958—No. 63.
  Fisheries Act 1968—Nos 79 and 82.
  Motor Car Act 1958—No. 66.
  Port of Geelong Authority Act 1958—No. 87.
  Public Service Act 1974—PSD No. 7.
  Racing Act 1958—Nos 84 to 86.
On the motion of the Hon. HADDON STOREY (East Yarra Province), it was ordered that the reports tabled by the Clerk be taken into consideration on the next day of meeting.

LOCAL GOVERNMENT (GENERAL AMENDMENT) BILL

The Hon. C. J. HOGG (Minister for Community Services)—I move:

That this Bill be now read a second time.

It has three main purposes:

(a) to give municipal councils greater discretion in the carrying out of functions;
(b) to increase the accountability of municipal councils; and
(c) generally to increase the efficient operation of local government.

The Government believes that if councils are to act effectively their powers must be strengthened. This Bill is a further step along the road to providing an adequate legislative base for local government in Victoria.

As honourable members will be aware, draft proposals for a Local Government (General Amendment) Bill were earlier circulated among municipalities. On the whole, councils indicated their general support for the matters contained in the draft proposals.

A representative working party was established to consider the draft proposals and submissions received on them and as a result of its considerations a number of amendments have been made and are contained in the Bill. A number of mainly minor amendments were made to the Bill in another place.

I now turn to the Bill. The most important provisions in the Bill, which give effect to its stated purposes, are contained in Part 2—Council Powers.

Clause 4 enables a municipality to conduct a municipal enterprise, subject to the approval of the Minister for Local Government and the Treasurer. A number of councils have sought authority to undertake municipal enterprises.

To cater for all the variations proposed and the individual requirements of each municipality, it is considered more appropriate to design legislation broad enough to cover the range of proposals and methods of implementation which have been canvassed. The provisions will permit an individual assessment to be made on the merits of each application. Amendments were made to this clause in another place to clarify the intent of the provision.

Clause 5 is designed to provide municipal councils with clear powers in the health, welfare and human services areas. The Local Government Act currently contains limited powers for councils to undertake health and welfare activities.

Clause 5 brings them together in a new part and permits councils to become involved in a wide range of services, if they so wish. The provisions will permit the operation of schemes, such as the baby safety bassinet loan scheme, and puts beyond doubt a council's ability to take part in such schemes.

If a council does not wish to undertake a service, new powers have been inserted in Clause 6 to enable the council to delegate any of its functions under the recreation and the new health, welfare and human services provisions.

Clause 7 inserts a new section 241B to enable councils to enter into an agreement with a body corporate for the carrying out of a function under the aforementioned parts of the Act. Two amendments were made to this clause in another place.
Clause 8 enables a council to purchase goods and materials or provide machinery or equipment to and on behalf of other municipalities.

Clause 9 reduces the period during which valuations can be in force, from four years to three years, in respect of properties within the Melbourne and Metropolitan Board of Works area, and from six years to four years in respect of valuations in all other municipalities. Existing valuations are not affected.

Clause 10 provides a two-tier system for the hearing of disciplinary matters by municipal boards. These boards deal with complaints against municipal officers holding certain certificates.

The provisions will provide a more effective and updated procedure for investigating the performance, conduct, character and abilities of a certificate holder.

Part 3 of the Bill makes a number of machinery amendments to the Act which are designed to increase the efficient operation of councils and clarify the intent of several provisions.

Clause 11 substantially provides for the making of transitional arrangements under orders made pursuant to Part II. of the Act. One provision permits the establishment of interim councils until the first election of the new councils.

Some municipalities expressed concern on the basis that they apparently saw a possibility of non-councillors being appointed to such an interim body. The clause was amended in another place to meet this concern. The amendment provides that an interim council would be comprised of councillors from the municipalities who will be combined to form the new municipality.

Other amendments of note in the Bill relate to the following matters:

Clause 12 increases the amount of a councillor's allowance from $1500 to $2000 and enables an increased amount to be fixed from time to time by the Governor in Council.

Clause 13 permits a municipal council to provide accident insurance cover for the spouse of the chairman; an amendment to this clause in another place included the spouses of all the councillors.

Clause 15 makes minor amendments to the long service leave provisions of municipal staff; amendments made in another place are consequential upon provisions in the Local Government (Long Service Leave) Act 1984 regarding the extension of the period in which leave may be taken and long service leave credits be not lost. A minor amendment was also made to this clause in another place.

Clause 19 clarifies the power of councils to make by-laws to regulate and control the use of domestic incinerators and fires in the open. An amendment made in another place will permit councils to regulate, by by-law, the method of construction of incinerators on a residential property.

Clause 21 extends the maximum period of a lease that may be given by a municipal council from 30 years to 50 years. Many councils have found the existing 30-year period too limiting.

Clause 23 allows councils a discretion in the levying of back rates on charitable property which has been exempted from the payment of rates but is subsequently sold.

Clause 24 allows councils to apply a special valuation in respect of buildings which have been specified as being of architectural, historical or scientific interest, thereby restricting the use that may be made of those properties. Other provisions in the Bill relate to a council's finances and methods of keeping accounts and records.
The amendments are, in the main, designed to provide greater flexibility and follow on from amendments made in 1983 which applied more modern accounting practices to council operations.

Clause 35 enables the payment of rates directly through the banking system, including the use of credit card services.

Clause 38 enables a council to permit the temporary closure of a local minor street for the purpose of the residents holding a street party.

Clause 46 makes amendments to the provisions which permit councils, outside the Melbourne metropolitan area, to assist decentralized industries. A minor amendment to this clause has been made in another place to clarify the powers of councils when selling or leasing land acquired for the purposes of assisting decentralized industries.

Clause 51 is a new clause, included in another place, to permit councils to "roll over" loans without again going through re-advertising procedures of the Act for the original loan.

The Bill is another step along the way towards implementing the Government's policy of providing more autonomy for local government. On the whole, the proposals in the Bill will provide councils with scope to operate with more flexibility and efficiency, which will benefit the residents of the municipality. I commend the Bill to the House.

On the motion of the Hon. REG MACEY (Monash Province), the debate was adjourned.

It was ordered that the debate be adjourned until Tuesday, April 29.

LAND (MISCELLANEOUS MATTERS) BILL (No. 2)

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

That this Bill be now read a second time.

Its purpose is to revoke certain permanent reservations in respect of Crown land which is required for other purposes and to make minor amendments to the Land Act 1958 and the Local Government Act 1958.

The main provisions in the Bill deal with parcels of permanently reserved Crown land which are either no longer required for the purpose for which they are reserved or are more urgently required for other purposes. Revocation of those reservations, wholly or as to part, is necessary to enable use other than for the purposes of the reservations, and the Bill contains provisions which achieve those revocations. The particular parcels of land are described in the schedules to the Act. I am sure honourable members will be familiar with this type of Bill which has a similar purpose and format to previous Land (Miscellaneous Matters) Bills.

RAILWAY PURPOSES RESERVE, BACCHUS MARSH

Item one of Schedule One to the Bill refers to about 4 hectares of Crown land which was permanently reserved in 1885 for railway purposes to facilitate the construction of the Bacchus Marsh railway station.

Development of the site has resulted in portions of Government roads being fenced in as part of the station grounds. On the portion of the Government road known as Parwan Street, which has been so fenced in, nine old residences, housing railway employees, have been erected. These residential sites extend on to the reserve itself. All the land which is fenced in as part of the railway station grounds, including the portions of road, is vested in the State Transport Authority. A strip of reserved land in the north of the reserve forms part of a public thoroughfare known as Station Street and, after revocation of the reserve and divesting of the land from the State Transport Authority, this land is proposed to be proclaimed as a road.
In accordance with its general policy of disposing of old residences on railway land the State Transport Authority desires to obtain title to the land upon which the nine residences stand. The authority's policy is to first give opportunity to the occupiers of the houses to purchase the sites. Virtually all employees who do not take up offers to purchase either remain as tenants, while still employed as railway workers, or are found other rental accommodation nearby.

Power to grant the land to the State Transport Authority exists in section 46 of the Transport Act 1983, but that power is subject to the provisions of section 8 of the Crown Land (Reserves) Act 1978 which provides that reserved Crown land shall not be sold unless the reservation thereof has been revoked.

The permanent reservation of the land is not necessary in view of the fact that the land within the fenced station grounds is vested in the State Transport Authority. Revocation of the reservation and the granting of the nine residential sites to the State Transport Authority will enable it to dispose of those sites.

GLASTONBURY CHILDREN'S HOME, BELMONT

The second item in Schedule One to the Bill deals with the Glastonbury Children's Home site of 13 hectares, which is 32 acres, of Crown land adjacent to the Princes Highway, Belmont, at the present southern limit of Geelong's suburban development. The site contains a main two-storey building, plus a sports field, swimming pool, library, two residences and sundry outbuildings.

The home is run by Glastonbury Child and Family Services, which is a voluntary welfare organization, registered with the then Hospitals and Charities Commission and subsidized through Community Services Victoria.

The history of the site is that prior to 1928 the Geelong and Western District Protestant Orphanage occupied another site on Crown land of approximately 12 acres with old and obsolescent buildings. In 1928 the then Minister of Lands agreed that the proceeds of the sale of this site could be applied towards the purchase of a new site, if the orphanage agreed that the new land be transferred to the Crown. The orphanage purchased the new site now occupied by the children's home at Belmont for $7480 and received $4996, which is 67 per cent, for the old site. The Fyansford Land Act 1933 was enacted to facilitate these arrangements and to permanently reserve the new site as a site for a Protestant orphanage. Consequently it can be said that the Crown gained a site of 32 acres in exchange for a site of approximately 12 acres at no cost to the Crown. Glastonbury contributed 33 per cent of the price of the new land, plus the full cost of all buildings and other improvements.

An objective of Community Services Victoria residential child care services program is to ensure the provision of good quality residential care facilities which are accessible and integrated into local communities. These facilities are used for children and young people who are temporarily unable to live with their families and to facilitate, wherever possible, their return to their own families. In sympathy with this objective, Glastonbury has almost completed the transition from the orphanage to twelve residential family group homes. This program has been supported on a dollar-for-dollar basis by Community Services Victoria as a normal part of its on-going support for voluntary sector organizations.

Because of the change to family group homes, the site is no longer required by Glastonbury. The buildings on the site have no significant conservation value. In 1984 a number of other public bodies were asked if they needed the site for other public uses. The responses were equivocal and, to date, there have been no definite offers, apart from an expression of interest by the City of South Barwon, in 0·8 hectare for recreational facilities.

PUBLIC RECREATION RESERVE, COCKATOOP

Item one in Part I of Schedule Two to the Bill relates to 704 square metres of land at the intersection of the Healesville–Koo-wee-rup Road and McBride Street, Cockatoo permanently reserved for public recreation, most of which has been developed as a garden.
and occupied in conjunction with the adjoining Mountain District Community Health Centre.

This beautification area, most of which is enclosed with the centre by fencing, is a grassed area of gently sloping land containing a row of oak trees. It is a narrow strip of land which has been occupied by the centre since 1970 until 1981 under a six-monthly tenure from the former Victorian Railways Board. Most of the land has not been readily accessible to the general public since 1970 and provides a treed buffer to the centre along the alignment of the Healesville-Koo-Wee-rup Road.

The medical centre building stands on adjoining unreserved Crown land east of the reserved land and the trustees of the centre desire to consolidate and formalize the centre's occupation of the sites. It is also proposed that an adjoining portion of Government road, a small cul-de-sac, be closed and consolidated with that Crown land in a reservation for a community health centre under the provisions of the Crown Land (Reserves) Act 1978.

The centre proposes to erect offices to service its operations at the site but the structure will not be sited on the garden area which is to be retained for that use. Very small strips of the reserved land will, after revocation of the reservation, be proclaimed as part of the Healesville-Koo-Wee-rup Road. This reserved land was formerly freehold land owned by the former Victorian Railways Board. It was reserved by provisions contained in the Emerald Tourist Railway Act 1977 as was other land which was likely to be required for the extension of the Puffing Billy Line. However, the Emerald Tourist Railway Board has agreed that this land may be excised from the reserve. The Shire of Pakenham and the Road Construction Authority are agreeable to the proposal.

PUBLIC PURPOSES RESERVE, KEYSBOROUGH

The land referred to in the second item in Part I of Schedule Two to the Bill is portion of a public purposes reserve created in 1981 as part of the system of drains needed for the reclamation of the Carrum swamp.

The subject portion of the reserve branches from the Mordialloc main drain reserve in Keysborough and runs for about 680 metres parallel to an unused road known as Bowman Lane. The portion of the reserve has not been used for drainage purposes and is fenced in with the adjoining freehold land.

The owners of the land immediately to the west desire to purchase the portion of reserve which is fenced in with their property. As the land in question is permanently reserved it cannot be sold or used for other purposes without an enabling Act of Parliament. Easements protecting an oil pipeline, gas pipeline and a proposed State Electricity Commission power line will be provided in any Crown grant to issue over the subject land.

The reserve is not being used for drainage and the Dandenong Valley Authority, City of Springvale and Melbourne and Metropolitan Board of Works have no requirement for its retention. Continued reservation of the land for drainage purposes is inappropriate. Future drainage requirements can be met by utilizing the adjoining unused road which is required for future road purposes.

PROTECTION OF THE COASTLINE RESERVE, TORQUAY

The Torquay Community Health Centre is situated on freehold land at Bell Street, Torquay. The site adjoins Crown land formerly permanently reserved for public recreation but now permanently reserved, together with large sections of foreshore land, for the protection of the coastline.

The centre has experienced difficulties in meeting the increasing demand for services as the building at the site is no longer sufficient to cope with the numbers requiring services. Constant and extensive use of the adjoining Crown land for camping for a season of about six months each year and the general increase in Torquay's population during holiday periods and week-ends means that the demand for services during those periods is very high. In the Christmas-January holiday period, Torquay's population increases from
about 4500 to around 35 000. The centre offers a wide range of services which includes medical, dental, optometry, audiology, a day centre for the elderly and an infant welfare centre.

To alleviate the space problems the centre desires to erect building extensions on the adjoining reserve which is controlled by the Torquay Public Reserves Committee of Management appointed under the provisions of the Crown Land (Reserves) Act 1978. A strip of land nearly 8 metres wide by about 50 metres long is required to accommodate the proposed extensions. The strip of land contains six caravan sites and services such as underground electricity cables and water main. The centre has agreed to pay the costs of relocation of the sites and services. The Torquay Public Reserves Committee of Management and the City of South Barwon are agreeable to the excision from the reserve.

The Bill also contains some minor machinery amendments to the Land Act 1958 and the Local Government Act 1958. Section 349 of the Land Act 1958, which empowers the Governor in Council to partially close unused Government roads, contains the proviso that the reduced width of road remaining after any such closure must be a minimum of 20 metres. The provision is consistent with the power contained in section 532 of the Local Government Act 1958 which enables roads to be reduced in width to a minimum width of 20 metres. The restriction has historically been regarded as a protection in the interest of health, safety and planning.

A similar restriction in section 452 of the Health Act 1958 was repealed when certain provisions of the Building Control Act 1981 were brought into operation on 1 February 1985. That repeal and investigations of certain recent cases in which road closures would enable desirable land dealings, led to the proposal to amend the two Acts.

As section 349 of the Land Act 1958 provides that the relevant municipality must concur in writing to closure of the whole or any portion of the length or width of a Government road, the municipality is in a position to implement control if it desired to adopt a policy on minimum widths of roads.

Repeal of the restriction would enable municipalities to consider and decide on matters such as whether a building encroachment on a 20 metre wide road warrants a closure of the occupied portion of road with the view to the issue of a tenure or perhaps sale of that land under the provisions of the Land Act 1958. Also, a municipality would not be constrained by the restriction if it desired to reduce the width of a road to less than 20 metres in the interests of better planning.

If the existing legislation remains, then where it is desirable or appropriate for sound reasons to close a road leaving a road width of less than 20 metres, the enactment of special legislation would be necessary to achieve the closure. It seems appropriate for any such proposed closure to be decided upon by the relevant municipality or planning authority rather than have Parliament spend its valuable time on any proposal.

It does not seem appropriate for the restrictive proviso to be contained in the Land Act and, this Bill, in clauses 3 and 4, provides for the repeal of that proviso and for an amendment to section 532 of the Local Government Act to remove a similar restriction.

The Bill contains a further amendment to the Land Act which relates to the surrender to the Crown of freehold lands vested in trustees for public purposes. Section 22c of the Land Act provides the machinery whereby those lands may be surrendered to the Crown where the relevant local communities consider that such action is in their best interest.

Schedule Two B to the Land Act lists those cases where the trustees are all deceased or there is no person capable of legally executing a surrender, and the relevant municipality may make application for authority to surrender the land to the Crown.

A further parcel of land is to be added to Schedule Two B, that being the site of the Glenorchy public hall. In this instance the registered proprietor of the land is deceased and the person who could administer his estate is unwilling to act. The Glenorchy Progress
Association currently manages the hall. The addition of the land to Schedule Two B will enable the municipality to initiate the necessary action for surrender of the land to the Crown. Following completion of the surrender, it is proposed that the site be reserved under the Crown Land (Reserves) Act 1978 for the appropriate purpose and that suitable arrangements be made for its future control and management. I commend the Bill to the House.

On the motion of the Hon. R. I. KNOWLES (Ballarat Province), the debate was adjourned.

It was ordered that the debate be adjourned until Tuesday, April 22.

**TAXATION ACTS (RECI PROCAL ASSISTANCE) BILL**

The debate (adjourned from April 9) on the motion of the Hon. D. R. White (Minister for Health) for the second reading of this Bill was resumed.

The Hon. J. V. C. GUEST (Monash Province)—The Bill gives effect to reciprocal arrangements between the State and Commonwealth Governments and provides for the exchange of information on certain taxation matters. The Opposition supports the Bill because it will assist in curbing tax evasion, which is to the ultimate benefit of all taxpayers.

The Opposition accepts the extension of the principle involving taxing Bills and taxing authorities, in the strict sense, to the Accident Compensation Commission which is, in a real sense, a State revenue-raising body.

The agreed scheme depends on the State constituting, under various taxation Acts, State taxation officers, as they are called, to fulfil the requirements of the Commonwealth Taxation Laws Amendment Act (No. 2) 1985.

The substantial part of the Bill deals with that requirement and the Opposition has only one major criticism of the Government. The Commonwealth Act was passed in October last year and, since then, because of the effect of other Commonwealth laws, State taxing authorities have been restricted in receiving information from Commonwealth taxing authorities. Therefore, the Bill is several months overdue. That is not the course that should be taken by an efficient Government concerned with maximizing the efficiency of its financial management.

However, apart from the frustration that that has caused various taxation authorities—I have spoken to some taxation officers and it has been of inconvenience to them—it is to be hoped that the Government has not lost too much revenue from less than honest taxpayers. Apart from that criticism, the Opposition supports the Bill.

The motion was agreed to.

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

**TATTERSALL CONSULTATIONS (AMENDMENT) BILL**

The debate (adjourned from April 9) on the motion of the Hon. D. R. White (Minister for Health) for the second reading of this Bill was resumed.

The Hon. J. V. C. GUEST (Monash Province)—The Bill embodies a voluntary agreement that has been operating for some time. The proposed legislation is substantially a voluntary agreement which was made by the operators of Soccer Pools and the Commonwealth and State Governments. A Commonwealth-wide agreement exists for uniformity in the taxation of Soccer Pools turnover.

The Bill proposes to increase the minimum prize pool from 37 per cent of subscriptions to 50 per cent of subscriptions and to allow the tax to increase from a taxation base of 32.5 per cent for the twelve months from 20 April 1985—there is a certain degree of retrospectivity—up to 35 per cent, depending on the turnover of operations. It will then
increase after 19 April this year from a taxation rate of 34 per cent of subscriptions to a maximum of 35 per cent once the national prize pool exceeds a certain figure.

Although the Bill involves an increase in taxation and the Opposition has been concerned for some time that the Government is the highest taxing Government in Australia and in Victoria's history, it will not oppose the Bill because it contains other desirable features. A significant voluntary element is also involved. A tax on gambling is basically a tax on a voluntary activity and, therefore, a voluntary tax. Also, the Soccer Pools organization has, perhaps under some duress, agreed to the substance of the Bill.

Furthermore, the apparent vice of retrospectivity is overcome by the fact that the terms of the agreement have been operating on a voluntary basis for nearly twelve months. The competitive advantage of Soccer Pools will be reduced by the Bill. Concessions had to be made in the developmental stages of Soccer Pools and, therefore, it had a considerable competitive advantage over other games of chance of a comparable nature, simply on a mathematical basis. While still having regard to the cost of development and administration, it is desirable that, so far as possible, the difference in comparative positions for various games should be reduced.

The Opposition accepts that the Bill reduces that competitive difference to a significant extent and that is another factor in favour of the Bill. The Opposition is not in favour of Bills that increase taxes, contrary to the Government's promise at the last election not to allow taxes to increase at a rate higher than the consumer price index. The Opposition does not oppose the Bill.

The Hon. D. M. EVANS (North Eastern Province)—The Minister and Mr Guest have amply explained the purpose of the Bill. Although perhaps facetious, I should declare a negative pecuniary interest and a positive pecuniary interest in this matter. I have never taken a ticket in Soccer Pools, but I often take one in Tattslotto. Therefore, I never contribute to Government revenue through one form of gambling but sometimes through the other.

The National Party believes it is reasonable to attempt to have equity between the two gambling organizations. I noted that the payout prize for Soccer Pools has substantially increased to players of the game and that appears to be a reasonable development. However, I sometimes wonder whether people who contribute their few dollars or cents each week to Soccer Pools realize that they would have a better chance if they put their money into Tattslotto because the terms are more favourable.

Victoria relies heavily on various gambling sources for direct revenue and, in the past week or two, proposed legislation has been introduced which relates specifically to gambling and particularly to revenue lost because of the activities of starting-price bookmakers.

The Government clearly regards this activity as a most important source of income. An increasing range of gambling opportunities is available, such as Soccer Pools, Tattslotto, Totalizator Agency Board betting, rails bookmakers and bingo. I hope Victoria never has poker machines. I can accept the idea of a casino that is properly run and managed under appropriate conditions; however, there are perhaps not many casinos of that kind.

The most disastrous move for Victoria would be the introduction of poker machines because Victorians already have sufficient means of gambling. With those few remarks, I indicate that the National Party does not object to the passage of the Bill.

The motion was agreed to.

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

PUBLIC CONTRACTS (REPEAL) BILL

The debate (adjourned from April 9) on the motion of the Hon. D. R. White (Minister for Health) for the second reading of this Bill was resumed.

The Hon. R. J. LONG (Gippsland Province)—This is probably the simplest Bill to come before the House during the time in which I have been a member of Parliament. It
repeals the Public Contracts Act. I understand that the Act had its origins in 1917 when, apparently through patriotism, it was decided that semi-Government authorities should purchase local goods and thus give preference to Australian-manufactured goods. The principal Act applies only to the Melbourne and Metropolitan Board of Works, the Melbourne and Geelong port authorities and local water boards.

It is proposed to repeal the Act and replace it with a national preference agreement between the Commonwealth and the States whereby preference will be given to Australian-made goods, which should assist Victorian manufacturers as they will be able to enter into contracts in other States, which is denied to them by any current preference schemes of the Australian States. The Opposition does not oppose the Bill.

The Hon. R. M. HALLAM (Western Province)—As my colleague pointed out, the Bill is a simple measure to repeal the Public Contracts Act, which, in essence, dates back to 1917 when, in the spirit of national patriotism, the Government sought to promote Australian-made goods and services. Under that measure, any contract for more than 500 pounds which was let by any instrumentality covered by the legislation required Ministerial approval before it was let to other than Australian manufacturers. That notion is, unfortunately, losing its appeal. The Act has gradually been restricted in application and currently applies only to the Melbourne and Metropolitan Board of Works, the Melbourne and Geelong port authorities and local water boards. Therefore, the legislation has little relevance today.

The Bill abolishes State preference schemes. Because of Victoria's eminence in manufacturing, that concept probably has more appeal in this State than in any other State of Australia. Victorians, generally speaking, would welcome the general thrust of that policy.

The basic objectives of the original Act—the promotion of Australian-made goods and products—are now to be achieved by means of a national preference agreement. I am led to believe the thrust of that agreement is almost identical to the thrust of the original State legislation. As a preliminary to the introduction of that preference agreement at a Federal level the individual States are now required to wipe clean their slates of applicable legislation. It is that process on which Victoria has embarked with this Bill. It is on that understanding that the National Party is happy to support the Bill.

The motion was agreed to.

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

CONSTITUTION (BRITISH SUBJECTS) BILL

The debate (adjourned from March 26) on the motion of the Hon. J. H. Kennan (Attorney-General) for the second reading of this Bill was resumed.

The Hon. A. J. HUNT (South Eastern Province)—This Bill henceforth makes Australian citizenship the sole qualification for addition to the roll of voters. In doing so the Bill naturally removes the provision which gave a special status to British subjects and allowed them to be enrolled as voters without being naturalized. There will undoubtedly be some people who will regard that as weakening our ties with Great Britain but, on the contrary, my party regards the move as evidence of the growing political maturity of this country.

We see it as being no different from a person establishing his or her own identity and moving, perhaps, into a new home upon coming of age. The ties with parents are not weakened but one's identity needs to be adopted. This culminated in 1948 with the passage at the Federal level of the Australian Citizenship Act which, for the first time, recognized Australian citizenship. Prior to that the concept was of being a British subject. There is a vital distinction between these two concepts. A subject is a person governed, and a citizen is one who participates in his own governance.
The citizenship concept is certainly a concept of greater maturity. The Australian Citizenship Act has been strengthened over the years and Commonwealth electoral law has been progressively strengthened. In 1976 the Australian Constitutional Convention unanimously carried—across party lines, without a single dissent and with the support of representatives of all parties in Federal Parliament, every one of the six State and Territory Parliaments, and of local government—a motion supporting the concept that citizenship should be the basis of election to Parliament. That was done on the basis of a thorough investigation and report produced before the convention by one of its standing committees.

The Commonwealth Government took up the matter, and the Senate Standing Committee on Constitutional Legal Affairs undertook a very thorough investigation. It decided that the resolution of the Constitutional Convention, although admirable in itself, did not go far enough because that resolution, if read strictly, related only to members of Parliament and that citizenship should be the qualification for election as members of Parliament.

The Senate Standing Committee recommended that citizenship should be the clear qualification henceforth for all elections without in any way removing any persons who had already been entered on the rolls by reason of the pre-existing provisions. In the same year, the Federal electoral law was amended by the Commonwealth Statute Law (Miscellaneous Amendments) Act of 1981, which adopted both the principle that citizenship should be the requirement for election as a member of Parliament of the Commonwealth and the principle that citizenship should, from that time on, or at least from the time of the proclamation of that Act, be a qualification for electors of the Commonwealth. As all States operate joint electoral rolls with the Commonwealth, it is clearly desirable that the qualification should be the same at State level.

In 1981 it was agreed that all States would pass supporting legislation. Victoria passed the Constitution (Qualification of Electors) Act in 1982. Other States passed similar complementary provisions, but Queensland did not pass similar complementary provisions and, as a result, the Commonwealth Act was not proclaimed.

In 1984, the new Federal Government had another go and, in a slightly different form, passed a new measure. Representatives of the States agreed to pass complementary legislation. The Victorian Government now presents the Bill.

The Hon. W. R. Baxter—What about Queensland—are they doing it this time?

The Hon. A. J. Hunt—I am coming to that; Mr Baxter is anticipating my remarks. I understand the principle of the proposed legislation has been before the Queensland Cabinet, but the Queensland Cabinet has decided it is not of high priority and has put it on the back burner. Therefore, at this stage we are unaware of whether the Queensland Government will proceed with complementary legislation. However, I further understand that the Commonwealth Government intends to proclaim its own legislation on this occasion, after giving the States a reasonable opportunity to get their qualifications in line, whether or not all States agree.

As I indicated earlier, it is clearly desirable that Commonwealth and State qualifications for electors, in so far as practicable, should be identical. It is clearly essential to have a joint electoral roll. There are some differences between the Victorian roll and the Commonwealth roll, even at this moment. Disqualifications of electors are different under the two Acts, so the rolls, although common for all practical purposes, are not common for every purpose. There are some minor discrepancies that do not cause much trouble.

It is also desirable to endorse the principle that has been endorsed by all parties at Federal Government level, and was unanimous over previous years, of moving towards the concept of Australian citizenship. We see there are aspects in which the two sets of electoral rolls do not completely concur and there may be further instances when diversion is desirable.
Since Australia Day 1984 the Commonwealth has been enrolling only those persons who are natural born Australians or have become Australian citizens. They have flagged that that will be confirmed when the Act comes into operation. Thus, since Australia Day 1984, a day of which ample notice was given, being a British subject has not been the basis for automatically getting onto the Commonwealth electoral roll. In Victoria, there may have been some persons who have been entitled to get onto the Commonwealth roll between that date and the date when this proposed legislation comes into force, yet this Bill purports to be retrospective or retroactive in its effect to Australia Day 1984. That is all very well for the Commonwealth, which gave clear notice that that would be the case, but we do not believe it should be the case for Victoria.

We do not believe those persons who qualified to get on our rolls since that date by having residence in this country, having come from overseas and having had British citizenship should be disenfranchised by retrospective legislation. We propose to move an amendment in the Committee stage to delete that offensive retroactive operation which cannot assist any person but which may serve only to deprive a handful of people of their rights.

The Hon. W. R. Baxter—Does that mean that they should be entitled to be on the State roll but never be entitled to be on the Commonwealth roll?

The Hon. A. J. Hunt—That is right, unless they took out citizenship. If they are entitled under the law of the land to be on the roll, there is no reason why they should now be deprived.

I would have had serious misgivings about this amendment, Mr President and Mr Attorney-General, but for the fact that there are already small discrepancies between the Commonwealth and State laws and the knowledge that those small discrepancies have caused no problems in practice. This may relate to perhaps half a dozen people, no more.

We support the concept of Australian citizenship as a basis for being enrolled and we support it as a fundamental basis for being elected to serve as a member of Parliament, whether Federal or State, or as a councillor in local government. We wish the Bill a speedy passage, subject to the amendment I have foreshadowed.

The Hon. W. R. BAXTER (North Eastern Province)—The National Party supports the legislation, but until I had heard the exposition given by Mr Hunt I was having difficulty in coming to grips with the meaning of it and the need for it. In fact, it seemed to me that when the House passed the Constitution Act Amendment (Electoral Legislation) Act in 1984 and the Constitution Act 1975 we had gone a long way towards expressing the intent of the amendment to the Federal legislation and the amendment to the State legislation proposed by the Bill which now talks about being a British subject within the meaning of the relevant citizenship law if it had still been in force, which is an awkward way of expressing things, and the Bill seemed to me scarcely necessary.

Having heard Mr Hunt’s explanation, I thank him. I can see that technically this was necessary. The National Party adopts a view similar to that of the Opposition, that being a British subject should not necessarily, in this day and age, entitle a resident of Australia to any preference in becoming enrolled. I am pleased that that concept is accepted widely in the community today.

The Bill, as did the amendment to the Constitution Act in 1984, preserves the rights of those British subjects who were not Australian citizens but who were enrolled on State or Federal rolls three months prior to Australia Day 1984; that is not interfered with on this occasion.

I am persuaded, pending seeing the exact wording of the amendment foreshadowed by Mr Hunt, that he has good grounds for moving it. It would be unfortunate if any persons entitled to be State electors since Australia Day 1984 were to be deprived of that entitlement by legislation that had a retrospective impact. It probably applies to very few people indeed but that is not the point; it is the principle.
It could well be that there are some people who were enrolled as State electors and who voted at the last State elections, which were subsequent to Australia Day 1984, who if the proposed legislation is passed without amendment, could then be deemed not to have been eligible to have voted.

The Hon. A. J. Hunt—It might have changed the result in Nunawading.

The Hon. W. R. Baxter—I take up the interjection of Mr Hunt. It is important that Parliament be especially careful to ensure that legislation that could have a retrospective impact does not create that sort of difficulty.

The National Party does not oppose the Bill; it believes the wording is technical and convoluted but presumably there is good reason for drafting it that way so that the legislation is not open to question in the future.

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 understand that Mr Hunt opposes the retrospective or retroactive aspect of the Bill because he has an objection in principle to retroactivity but I am unable to understand what the evil is that is said to flow from retroactivity. There are many examples of retroactivity and Parliament often passes retroactive legislation. Mr Arnold has often instructed honourable members on this from his acute understanding of the difference between retrospectivity and retroactivity.

In this case the same form of Bill is being introduced in all States and the Commonwealth and I am reluctant to depart from the agreed form unless some evil can be demonstrated to flow from the Bill as it has been introduced. Mr Hunt has said that he does not know whether anybody will be affected and if people are affected the numbers will be very small; in that sense it is an academic point. I suppose we are guessing whether there are any persons who will be affected but, for my part, I am not persuaded that that is a good reason for changing the Bill. I do not understand what the evil is that is being addressed by Mr Hunt's foreshadowed amendment.

It is my wish that we should go on with the Bill as it has been introduced.

The clause was agreed to, as was clause 3.

Clause 4

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

Clause 4, line 32, omit "26 January 1984," and insert "the coming into operation of this section,"

I am sorry if earlier I did not make myself clear to the Attorney-General. There has been a considerable amount of backing and filling at both the Federal and State levels over the introduction of complementary legislation. In fact, the Bill passed in this Parliament in 1982, the Constitution (Qualification of Electors) Bill was not identical with the Commonwealth Bill. A real difference existed between the Commonwealth legislation and the Bill the State passed. The Commonwealth legislation, as one example, made citizenship an absolute qualification henceforth for one to be elected to Parliament. Victoria said, "Well, if you are on the rolls already you can be a member of Parliament even if you are not an Australian citizen but merely a British subject. To that extent the State did not accord with the joint agreement at that stage.

There are already divergences between the Commonwealth and State electoral rolls in that the qualification of electors differs as between the Commonwealth and the State. Furthermore, it is not a fact that identical legislation is being introduced by every State. It is not even known whether Queensland will introduce a Bill and Queensland is playing that issue very close to its chest. Other States are taking the same liberty as Victoria took...
in 1982 to adapt the Commonwealth scheme to their own situations. The basic need is to ensure that there can continue to be joint Commonwealth–State electoral rolls and, as I pointed out, those joint rolls are not absolutely concurrent in any event because of differences that currently exist.

Here we may create one other minor difference, which, as the Attorney-General rightly says, may affect only a handful of people. To that extent he regards it as unimportant but to that extent we, on the other hand, say that this further divergence from the unanimity of joint rolls will be of no practical consequence but we do not believe that people who are currently entitled and who will be entitled to be registered as voters, and who will remain entitled until the date the Bill comes into operation, ought to be disenfranchised retrospectively. That is a matter of principle.

A small number of people will be affected and I ask the Attorney-General to reconsider and perhaps to allow the amendment to pass on the voices. If he has any doubts about the amendment he can report progress and if there is some overwhelming reason for not making the amendment that has not occurred to the Opposition, it in turn can reconsider the matter. In the absence of that overwhelming reason which the Opposition does not believe exists, the principle ought to prevail and my party believes strongly in that principle. It does not want anyone disenfranchised who is currently entitled to be enrolled as a voter.

The Hon. J. H. KENNAN (Attorney-General)—In the light of Mr Hunt’s remarks, I propose that progress be reported until later this day.

Progress was reported.

POST-SECONDARY EDUCATION (AMENDMENT) BILL

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—I move: That this Bill be now read a second time.

The Bill remedies a deficiency in the Post-Secondary Education Act which arose as a result of changes in the legislative structure governing post-secondary education.

When all sectors of education, apart from universities, were governed by the Education Act 1958, the Minister for Education had certain powers to establish primary and secondary schools, technical schools and colleges, and teachers’ training colleges.

In 1964 the Minister was empowered to acquire land compulsorily for the purposes of the Education Act, this power at that stage extended to all education sectors except the universities. The power to acquire land compulsorily for universities was granted to the Minister under each of the Acts establishing the universities and has never been withdrawn.

In 1965 the separation of the advanced education sector from the operation of the Education Act by the creation of the Victoria Institute of Colleges marked a new development in the regulation of education in Victoria. Similarly, in 1972 the establishment of the State College of Victoria altered the system of administration of the State teachers’ colleges. In the Acts establishing both these institutions, the Minister for Education retained the power to acquire land compulsorily for the purposes of those institutions.

A new system for the control or regulation of post-secondary education institutions was established in 1978 with the establishment of the Victorian Post-Secondary Education Commission. In 1980, the Victoria Institute of Colleges and the State College of Victoria were abolished and subsequently, the TAFE Board was established with certain functions in the TAFE area. Under this system individual colleges of advanced education and TAFE colleges as separate corporate bodies were also established.

In this legislative reorganization of the post-secondary education sector the Minister’s powers in relation to the acquisition of land were not re-enacted. In effect, the Bill will restore to the Minister the land acquisition powers he used to have in relation to post-secondary educational institutions. These now comprise colleges of advanced education
and TAFE colleges together with the Victorian College of Agriculture and Horticulture. I commend the Bill to the House.

The Hon. HADDON STOREY (East Yarra Province)—The Opposition supports the Bill. The Minister has explained that the Bill is designed to bring back into being the power of the Minister for Education to compulsorily acquire land for the purposes of post-secondary education.

This power existed previously for the Victoria Institute of Colleges and also for the State College of Victoria. It was dropped out when the Victorian Post-Secondary Education Commission legislation was brought into Parliament, although I am informed that that was not through accident but rather through a deliberate decision at the time the Bill was introduced.

From time to time it is necessary for land to be acquired for education purposes and that applies just as much to the post-secondary sector of education as to any other sector of education. Accordingly, the Opposition recognizes that this is a power that a government needs. It is not a power that should be exercised capriciously or frequently. The Minister should always endeavour to reach agreement with the owners of land that the Government wishes to have for governmental or other purposes and it should be very much a last resort to compulsorily acquire that land. None the less, it is recognized that there will be times when that has to happen, but it needs to be monitored very closely.

Recently there was an extraordinary example of a post-secondary institution, namely, the Chisholm Institute of Technology, acquiring land adjoining that institute to protect the ability of the institute to expand in 50 years, but the land was acquired through a purchase, and not compulsorily, under an agreement that permitted an existing supermarket to remain on that land for the next 25 years. It is hard to believe any institution can look that far ahead to its future needs.

It is difficult to understand that the institute should commit itself to having to maintain a use of the land that has nothing to do with education for such a long time. The acquisition of land, whether compulsorily or through any other method, by a post-secondary institution should be closely scrutinized and monitored by the Government. The events of the case of the Chisholm Institute of Technology were revealed by the Auditor-General who fortunately brought the matter to the notice of the broader community. This small Bill does not deal with any other aspect of post-secondary education and, accordingly, I do not wish to say any more other than to indicate that the Opposition will support the measure.

The Hon. B. P. DUNN (North Western Province)—The Bill really only restores to the Minister for Education a power that he previously held for the compulsory acquisition of land for post-secondary educational purposes. The National Party has consulted people who are involved with education throughout Victoria and particularly those involved in post-secondary education. They have received a satisfactory response from them; they welcome the Bill.

As Mr Storey said, the power which is being given to the Minister for Education, needs to be exercised with discretion. The power of acquisition is a wide power that needs to be handled carefully by any Minister who has such a power. There is a necessity for that power. Because of the contact members of the National Party have had with those involved with post-secondary institutions, they have become familiar with a number of cases which are currently awaiting examination by the Minister for Education which are dependent upon Parliament restoring this power to him. The National Party supports the Bill.

The motion was agreed to.

The Bill was read a second time.

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

That this Bill be now read a third time.
I thank honourable members from both opposing parties for their support of the Bill.

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

**LA TROBE UNIVERSITY (AMENDMENT) BILL**

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

That this Bill be now read a second time.

The purpose of this Bill is to make a number of amendments to the La Trobe University Act 1964, the majority of which deal with technical matters concerned with the administrative machinery of the university and to enable the university to order its resources in a more efficient manner. It is similar in substance and form to the Monash University (Amendment) Act 1984 and the Deakin University (Amendment) Act 1984 and in substance to the Melbourne University (Amendment) Act 1985.

The amendments are being introduced at the request of the university council after being under consideration for some time. As there are notes to clauses attached to the Bill I do not propose to examine each of these clauses in detail but to refer to the more significant amendments only.

Clause 4 defines diplomates of the university and includes diplomates in the membership of convocation which thus becomes the body for graduates and diplomates of the university. The university council believes diplomates should become members of convocation so they may retain a continuing status and interest in the university.

Clause 12 provides for student participation in the membership of the academic board of the university.

Clause 17 gives the university specific power to form or participate in the formation of limited companies in Victoria and is similar to the provisions introduced by the House in the Monash and Deakin University (Amendment) Acts in 1984.

The object of this provision is to enable the university to participate within the wider community in areas consistent with the objects of the university. This power furthers the policy of this Government and that of the Federal Government in assisting universities to generate their own funds and to encourage commercial development and exploitation of the results of university research.

A company established by the university either alone or with other participants would be better suited to enter the commercial arena and be of benefit to the community both in providing products from university research and in supplementing Government grants and private endowments.

The provisions set out in clause 17 require detailed accountability to the council of the university of any such limited company and to the Victorian Government. I commend the Bill to the House.

The Hon. HADDON STORY (East Yarra Province)—The Opposition supports the Bill. The Bill is designed to improve the working of La Trobe University and to meet some of the requirements it has for updating and improving the university's Act.

I have an interest in the Bill because my wife has been a member of the Council of La Trobe University for a number of years and has served a term as deputy chancellor, so it is quite proper, since the amendments were asked for by the university, that I support them. Fortunately, the Liberal Party, in any event, supports the Bill.

The La Trobe University is a young university in comparison to Melbourne University, but it has already established a worldwide reputation in certain areas in which it specializes. It has a lovely physical surrounding and environment which must make it a pleasant place at which to be a student or member of the staff. It is not surprising that the university has been able to do some excellent work. It has established its own identity, which is different.
The university now requests that students become members of the academic board. I understand that the academic board itself has agreed with this request and it recognizes the need to have the participation of all the interests in the university in the work of the board.

It is also highly desirable that La Trobe University should have similar powers to other universities to participate in the promotion of research projects and to do that through a limited liability company structure.

The Bill establishes appropriate safeguards providing audits and monitoring of the activities of such a company that would be created in pursuit of the objectives of the university. That also is a desirable thing. Victoria's universities have the ability to reach out further into the community to participate with members of the community in developing Australia's technological and scientific research base and in helping Australia to be competitive with and stand alongside the rest of the world. Universities such as La Trobe are able to do this so well and in that way enhance, not just the university, but the State and the nation.

The Opposition is pleased to support the Bill and extends to the university its best wishes in the work it does in the future.

The Hon. B. P. DUNN (North Western Province)—The amendments to the Act have been sought by the Council of La Trobe University. The National Party has discussed this matter with its representative on the university council, the honourable member for Mildura, Mr Milton Whiting, in another place, and it is clear that the amendments have been sought by the university for some time. The National Party accepts the amendments which will place the university on a similar basis to other Victorian universities that have recently been given the legislative power to involve themselves in commercial company operations in order to obtain full value from the research work that they undertake.

La Trobe University, in commenting on the Bill, indicated to the National Party that the amendments proposed in the Bill had been sought for some time and that one of the amendments will give students representation on the academic board and open membership of convocation to persons who have been awarded a diploma of the university. It also indicated that incorporation powers would be useful if La Trobe University wishes, at some later stage, to form a company for research or for the exploitation of its research.

The National Party supports the Bill and wishes the university well. The amendments will assist the university in its operations and, more importantly, will enable it to take full advantage of the excellent work that it is undertaking.

The motion was agreed to.

The Bill was read a second time.

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

That this Bill be now read a third time.

I thank honourable members from both parties for their support of the Bill.

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

DECENTRALIZED INDUSTRY (HOUSING) REPEAL BILL

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

That this Bill be now read a second time.

The purpose of this Bill is to abolish the Decentralized Industry Housing Authority by repealing the Act which established the authority.
Since the authority began its operations in 1973 it has been responsible for the provision of a total of 1074 housing loans to persons employed in industries established outside the metropolitan area. Only 483 of these loans were provided directly by the authority while the remaining 591 came from the State Bank on the authority's recommendation.

The authority's function of providing housing assistance in its present form is unnecessary, inappropriate and costly to Government. Furthermore, the authority's continued existence is not in line with the Government's administrative arrangements policy of reducing the numbers of Government authorities and qangos which operate in this State.

There are private lending institutions which can provide suitable housing finance to people who are relocated in country areas and there are other Government authorities that have legislative power to provide housing assistance if required. These include the State Bank, the Victorian Economic Development Corporation and the Government Employee Housing Authority.

Rationalization of Government administration in this State will be well served by implementation of this proposal to abolish an unnecessary statutory authority.

The small scale of the authority's operations will mean that its residual functions, that is, the administration of outstanding loans, can easily be absorbed by the Ministry of Housing at a minimal cost. Under the Bill, the Director of Housing will become responsible for all rights, property, assets, duties, liabilities and obligations that are presently vested in the authority.

The Bill will do away with an expensive and unnecessary statutory authority. I anticipate that it will receive all party support. I commend the Bill to the House.

On the motion of the Hon. H. R. Ward, for the Hon. B. A. CHAMBERLAIN (Western Province), the debate was adjourned.

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

POLLUTION OF WATERS BY OIL AND NOXIOUS SUBSTANCES BILL

The Hon. J. H. KENNAN (Minister for Planning and Environment)—I move:

That this Bill be now read a second time.

The purpose of the Bill is to implement in Victoria Annexes I and II of the International Convention for the Prevention of Pollution from Ships 1973, as modified by its protocol of 1978.

The combined instrument—referred to as MARPOL 73/78—is generally regarded as the most important international treaty ever adopted in the struggle against pollution of the sea.

MARPOL 73/78 supersedes a convention adopted in 1954 and updated several times since then by the International Maritime Organization. The 1954 convention was concerned only with the prevention of oil pollution arising from routine shipping operations, such as the cleaning of cargo tanks. MARPOL 73/78 not only strengthens regulations dealing with operational pollution, but also introduces for the first time measures to mitigate the effects of oil pollution resulting from tanker accidents, as well as tackling pollution by other substances.

Perhaps one of the worst cases of oil pollution resulting from a tanker accident was the grounding of the Torrey Canyon off the southern coast of England in 1967, when her whole cargo of 60 000 tonnes of oil was spilled into the sea. Untold damage to the environment resulted which generated world-wide awareness of the problems associated with pollution of the sea by oil.
Closer to home, the *Oceanic Grandeur* in 1970 grounded on an uncharted rock in the Torres Strait, spilling an estimated 250,000 gallons of oil. This was the first major oil spillage in Australian waters. The threat of further spillages is always present, particularly when it is realized that in excess of 12 million tonnes of crude oil from Bass Strait alone is shipped out of Western Port each year. This oil is carried in tankers of up to 150,000 tons deadweight, which closely traverse the Australian coastline.

The effects of a serious oil spill can be very wide-ranging. Marine life is, of course, affected by both the physical nature of the oil, leading to contamination and smothering, and by its chemical composition, resulting in toxic effects and tainting. As a matter of marine ecology, this in turn affects the health of populations of associated plants and marine life. Oil spills can also contaminate fishing equipment and aquaculture products and can cause serious interference with the normal working of power stations and desalination plants that require a continuous supply of clear sea water. The safe operation of coastal industries and ports can also be affected. The visual appeal and use of coastal amenity areas may suffer, particularly where persistent oils are concerned, while fresh crude and light refined products may constitute a fire and explosion hazard.

At present, control of oil pollution in Victorian ports and coastal waters is provided for in the Navigable Waters (Oil Pollution) Act 1960, the Port of Melbourne Authority Act 1958, the Port of Geelong Authority Act 1958 and the Marine Act 1958.

The Navigable Waters (Oil Pollution) Act 1960 provides for a total prohibition on the discharge of oil into seas under the jurisdiction of the State of Victoria, other than a discharge for the safety of life or of the vessel concerned, or a discharge due to an unforeseen and unavoidable accident. The other Acts referred to contain prohibitions against the discharge of noxious substances in the waters covered by those Acts.

At the ninth meeting of the Marine and Ports Council of Australia held in May 1981, it was decided that Australia should ratify MARPOL. Following that decision, model legislation was prepared by the Standing Committee of Attorneys-General to enable complementary legislation to be enacted by the Commonwealth, the States and the Northern Territory to implement the convention, the protocol and Annexes I and II to the convention.

Commonwealth legislation has been enacted but has not yet been brought into force. The Bill implements MARPOL so far as Victoria is concerned and it is understood that the other States and the Northern Territory are also in the process of enacting complementary legislation.

Annexes III, IV and V to MARPOL are optional meaning that countries ratifying the convention are not obliged to implement them. Some countries have in fact made this reservation already and, as a result, these three annexes have not yet met the requirements for entry into force.

The Australian Transport Advisory Council has recommended that Australia also accept Annexes III, IV and V in due course. This recommendation follows detailed examination in the former Marine and Ports Council of Australia of the obligations which the Commonwealth, States and the Northern Territory will be required to fulfil. However, it is not possible to predict at this stage what the likely timing of acceptance will be.

When the provisions of Annexes I and II come into force, they will replace the existing provisions of the Navigable Waters (Oil Pollution) Act 1960 relating to discharges of oil from ships, which will be repealed. That Act will still continue in force to the extent that it relates to discharges of oil into the sea from places on land and to discharges occurring during land/ship transfers. MARPOL does not apply to these types of discharges of oil.

Annex I is concerned with operational oil pollution. The main requirements of this annex are as follows:

- all new oil tankers of 20,000 deadweight tons and above built since 1979 must have sufficient segregated ballast tanks to operate safely on ballast voyages without using cargo tanks for ballasting;
new tankers must be fitted with a crude oil washing system;

the total amount of oil which can be discharged from a tanker during the ballast voyage as compared with the 1954 convention is halved, and discharge from tankers is completely banned within 50 miles of land and in special areas where the ecology can be endangered;

contracting parties to the convention must provide facilities for the reception of oily wastes;

oil tankers must be fitted with special anti-pollution equipment; and

strict inspection, documentation and control procedures must be adopted.

Annex II contains detailed requirements for discharge criteria and measures for the control of pollution by liquid noxious substances carried in bulk. Some 250 substances are divided into four categories which are grades “A” to “D” according to the hazard they present to marine resources, human health or amenities. There are requirements for the discharge of residues only into reception facilities unless various conditions are complied with.

In a country such as Australia, with its vast shoreline, the protection of the sea from pollution by oil and other noxious substances is a most important issue. MARPOL represents a very significant step forward in the struggle against pollution of the sea. Following the decision that Australia should ratify MARPOL by the enactment of complementary Commonwealth, State and Territory legislation, it is vital that Victoria plays its part to enable this to occur. I commend the Bill to the House.

On the motion of the Hon. ROBERT LAWSON (Higinbotham Province), the debate was adjourned.

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

CROWN INTELLECTUAL PROPERTY (ASSIGNMENT) (AMENDMENT) BILL

The debate (adjourned from April 9) on the motion of the Hon. D. R. White (Minister for Health) for the second reading of this Bill was resumed.

The Hon. J. V. C. GUEST (Monash Province)—A number of years ago a successful piece of socialist public sector enterprise was engaged in by a former Liberal Party Minister—and to much acclaim—in that very free enterprise area of advertising, amongst other things, and in 1983 the present Government saw the benefits of this enterprise and chose to take advantage of it by way of the very commercial method of sale—by privatization, in fact. The properties concerned are those relating to the Life: Be in It campaign which was made very successful and very famous under the Ministerial administration of the Honourable Brian Dixon.

Therefore, one finds that provision was made in the Crown Intellectual Property (Assignment) Act 1983 for assignment of trade marks and associated copyrights, together with goodwill and also trade mark applications in other countries. The trade marks related to use of the words of the Life: Be in It song; the drawings known as the Norm series, amongst others, and the catch-phrase or the slogan, “Life: Be in It”. In reference to trade marks, there are also the Life: Be in It, Norm family group and the Norm series, as graphical representations. Similar descriptions were given in relation to trade mark applications in other countries.

In the circumstances that Crown property and property of statutory authorities can be disposed of in this State by the Government without the matter being ratified by Parliament. It is too late to say that the Opposition does not trust a high spending, high taxing Government which has sought money wherever it can lay its hands on it and, fears that it might sell off at fire sale prices property that ought to be kept for the benefit of Victorians.
Indeed, by and large, the Opposition is in favour of the privatizing actions of this and other Labor Governments as a necessity of the 1980s.

The Bill seeks to make provision for other trade marks, other copyrights and other businesses—whose goodwill may be properly disposed of—to be commercially disposed of rather than remaining subject to perpetual Public Service oversight.

All that the Opposition requires is that the public be fully informed. There cannot be proper accountability for the handling of public assets by bringing to Parliament a Bill for every disposition of State properties; it can exist only by timely and full information being provided so that the performance of the Government can be assessed and, if necessary, criticized and so that there can be an informed judgment about the Government's performance by the people of Victoria.

The Opposition proposes that the Bill should be amended, in terms that I shall detail at the Committee stage, to ensure, when the Government decides to dispose of this kind of State property, that all the relevant information is available in the Government Gazette for assessing the merits of the decision or for determining whether to follow up with a freedom of information application.

Unfortunately, the Bill was passed by another place without the National Party or Liberal Party representatives debating the measure. Whether criticism is to be levelled at anyone, party Whips, or representatives of the Liberal Party or the National Party, I do not know. However, the point I wish to make is that the shadow Treasurer raised with the Treasurer a possible amendment to the measure designed to give effect to the purposes to which I have just referred, that is, full disclosure to the public of what is being done and the Treasurer promised to consider it before it came to this House.

Of course, honourable members in this place have not had the benefit of knowing what the Treasurer might have said in the Assembly. We hope the Minister for Health, who represents the Treasurer in this place, has already heard the Treasurer's views on the proposed amendment, which I shall move during the Committee stage. If necessary, progress could be reported at that point and, after that, the proposed amendment could be properly considered.

I do not believe the Opposition is putting forward anything that is of a partisan nature; it is simply something about which most honourable members for most of their time in Parliament would share the same view, that members ought to know what is happening.

I also have a personal observation to make about the contents of the Bill in comparison with the principal Act. Perhaps it is just an oversight, but the Minister might be interested in it. The principal Act provides that, as well as the Crown's copyright trade marks, and the goodwill, which can be assigned in relation to the intellectual properties scheduled to that Act, there can be assigned, as I have already said, any trade mark applications, whether in Australia or any other country.

However, an equivalent provision does not appear in the Bill. That could vitiate the purpose of the Bill and could mean that, to give full effect to the policy of the Bill and to obtain the maximum commercial advantage out of Crown intellectual properties, the Government would have to return to Parliament with another amending Bill. Obviously, in the sense of the words of the second-reading speech, it totally vitiates the purpose of the Bill.

During the second-reading speech, honourable members were told that:

The amendment will enable the assignment of a trade mark which was not specified in the principal legislation and will obviate the need for further amendments to the principal legislation for future assignments.

The Bill may not do that, and that is probably a pity.

With the slight reservations that I have already expressed, the Opposition does not oppose the Bill.
The motion was agreed to.

The Bill was read a second time and committed.

The clauses were agreed to.

New clause

The Hon. J. V. C. GUEST (Monash Province)—For the reasons that I have amply given during the second-reading debate, the Opposition considers, with proposed legislation of this kind, that it is only practical for the Government to have the conduct of the negotiations and the execution of the sale which is contemplated for the State’s property involved, but that the ultimate accountability to Parliament and to the people can be achieved only if there is full and proper disclosure.

Therefore, the Opposition proposes, with regard to gazettal, the foundation for the whole permission to assign as is provided for in the principal Act, that there also be gazettal of all the relevant information, which will provide some basis for the judgment of whether the Government has conducted soundly its stewardship of the management of State properties; and it will also provide a foundation for any freedom of information application or questions in the House.

I shall not repeat what I have already said about this matter having been raised with the Treasurer, but the Treasurer and his advisers, with the assistance of Chief Parliamentary Counsel, have assisted us with advice in the drafting of what we believe to be an appropriate amendment. However, I wish to add some words to the amendment as circulated, because they are clearly necessary to give full effect to our intention. I move:

Insert the following new clause to follow clause 3:


"3. Within one month after the assignment referred to in section 2 (d) is approved, the Treasurer shall cause a notice to be published in the Government Gazette giving details of the assignment including the trade mark concerned, the name and nature of any business of which the goodwill has been assigned, the name of the assignee, the consideration, the duration of the assignment and a summary of any relevant conditions on the assignment."'.

I shall explain the addition that I have made to my amendment as circulated, which was prepared, I am informed, in something of a rush with the assistance of the Chief Parliamentary Counsel by telephone.

The assignment may involve not only the basic trade mark but may, as one sees from the Bill, involve a copyright and the goodwill of a business, so it is clearly desirable to know whether any business has also been assigned together with the goodwill and, to put the matter shortly, “the name and nature of any business of which the goodwill has been assigned” seemed to be the best way of describing what one would need to know.

The Hon. D. R. WHITE (Minister for Health)—The Treasurer has been good enough to provide me with some advice forthwith and he advises me that the Government is prepared to consider the proposed amendment but would suggest to the Committee an amendment expressed in the following words:

Insert the following new clause to follow clause 3:


"3. Within one month after the assignment referred to in section 2 (d) is approved, the Treasurer shall cause a notice to be published in the Government Gazette which will include the name of the assignee.”

I know Mr Guest is seeking a great deal more detail. However, if the Government Gazette indicates the name of the assignee, it will be possible for anyone to contact the department to seek any further information desired. If the Government were to accede to the amendment proposed by Mr Guest, that would require a great deal of what the Government sees as unnecessary time by public servants in producing a great deal of detail, and I do not believe that should form any part of the amendment. The Opposition has a point in
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terms of disclosure in the Government Gazette, and the Government is happy to agree to it in the form I have proposed.

The Treasurer has been generous in making his time available at such short notice to assist the Committee in its deliberations. I put the foreshadowed amendment for the Opposition and the National Party to consider forthwith.

The Hon. J. V. C. GUEST (Monash Province)—The Minister’s suggested amendment leaves some possible gaps in the information that might ultimately reach those who need or want it. I trust the Minister believes it will ensure that, where any business or copyright is assigned, that fact will at least be signalled by the gazettal of the approval of the assignment of the trade mark. Perhaps more importantly, I ask whether the Minister can foresee circumstances in which the Government may choose to say that a commercial confidence is involved and prevent disclosure of the details of a sale which the Government, on behalf of the State of Victoria, has undertaken.

I accept that any interested persons could follow up a reference in the Government Gazette to an assignee by making an appropriate inquiry under the Freedom of Information Act, but it will depend somewhat on the actions of the Government. I cannot foresee any circumstances in which it could reasonably be claimed that property ought to be disposed of on terms that could not be disclosed to the public, but I should like some assurance from the Minister that that assumption is reasonable.

The Hon. D. R. WHITE (Minister for Health)—Mr Guest gives me the impression that he is now speaking against his own amendment and the Government’s foreshadowed amendment. All I am suggesting is that there do not appear, to the Government’s knowledge, to be any circumstances in which, on the ground of confidentiality, it would be unable to provide the name of the assignee.

The Hon. J. V. C. GUEST (Monash Province)—No, I am not opposing the Minister’s suggestion. I am contemplating accepting the foreshadowed amendment, but I am asking whether it is contemplated that in certain circumstances the Government would refuse to disclose the consideration or the duration of an assignment or the conditions imposed on the assignment.

The Hon. D. R. WHITE (Minister for Health)—The Government does not at this stage foresee any such problems.

The Hon. J. V. C. GUEST (Monash Province)—I accept the Minister’s assurance that the Government does not foresee problems in disclosing fully those matters in the case of any such assignment. In those circumstances the Opposition will accept the Government’s proposal as to the form of the amendment. I therefore seek leave to withdraw my amendment.

By leave, the amendment was withdrawn.

The Hon. J. V. C. GUEST (Monash Province)—I move:

Insert the following new clause to follow clause 3:


"3. Within one month after the assignment referred to in section 2 (d) is approved, the Treasurer shall cause a notice to be published in the Government Gazette which will include the name of the assignee."'

The amendment was agreed to.

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

LIQUOR CONTROL (FURTHER AMENDMENT) BILL

The debate (adjourned from April 8) on the motion of the Hon. D. R. White (Minister for Health) for the second reading of this Bill was resumed.

The Hon. F. S. GRIMWADE (Central Highlands Province)—The Opposition is most displeased about the way the Government has brought the Bill before the House. I am
extremely irritated by the way the Minister for Health introduced the Bill and his lax approach to the second-reading speech. During the speech, the Minister stated:

I do not propose to read the explanatory notes to the clauses.

It is a pity that he did not. If he had, the Minister may have discovered that the notes he did not read related to another Bill. For the information of the Minister for Health, the Bill introduced to this place had added to it two clauses when it was debated in the other place. Therefore, the second-reading speech from another place did not relate to the Bill as it was presented to this place.

In reading the second-reading speech notes, the Minister could not relate them to the Bill as they did not match. That was an unforgivable sin and was quite uncalled for. I am sure that had the Minister realized what he was doing, he would have apologized to the House. That fact demonstrates that the care and attention to detail that one expects to be given to proposed legislation was not given to this Bill.

No explanation was given in the second-reading speech of the two new clauses that were added to the Bill in another place. Honourable members do not know what they are for; we can only surmise. The new clauses were added to the Bill during the Committee stage in another place, and the fact that they were not referred to in the second-reading speech is an affront to this House. I expect that the Minister for Health will explain the exact purpose of those clauses when the Bill is in the Committee stage.

In another place, the Minister for Industry, Technology and Resources stated that he would consider various matters that were raised by honourable members about several clauses. Members of the Opposition have had no expression from the Minister for Health on whether the Government has considered those matters when the Bill was between here and another place, nor have we heard whether the Government will introduce amendments to the Bill. Through a private conversation with the Minister, I understand that some amendments will be made. However, as yet, I have not seen them and, at this point, it appears that the Government has totally ignored the debate in the other place and the matters which were raised in good faith and on which the Minister for Industry, Technology and Resources was going to examine and report to this House, through the Minister for Health. I am sure it is not a deliberate action on the part of the Minister for Health; I am certain that if he had understood what he was introducing, he would have fallen over backwards to make it more understandable to the House.

The Liquor Control Act is a mess and all honourable members would agree with that. I commend the Government for the appointment of Dr Nieuwenhuysen to investigate the liquor industry. I commend him for his report, which honourable members have now received and have had some time to consider although they have had insufficient time to really understand the implications of the recommendations in that report.

The mess which the Act is in is not helped by the ad hoc approach of the Government in bringing forward this Bill which deals with certain matters. For example, Victoria has 29 types of liquor licences and 36 types of permits; the Bill will add one more to that figure. However, the Nieuwenhuysen report recommends that Victoria should do away with a large number of liquor licences and permits. Perhaps that is the direction in which we should head.

Under-age drinking is a genuine concern of the community. Most of us have observed that problem in one way or another. The community is now becoming extremely critical of people under eighteen years of age drinking to excess. The community is concerned about the abuse of alcohol rather than the situation of its being legal for a person to drink when that person has reached eighteen years of age. The community is concerned about the abuse of alcohol, especially when it involves young people.

To flesh out the concern of the community, I shall mention a few figures to demonstrate the size of this major social and economic problem. It has been estimated that some $1 million a year is wasted in manpower and resources due to alcohol abuse. It has also been
estimated that one in three drivers under the age of 25 years who is killed in Victoria has
been drinking. Of all the people between the ages of 18 and 25 years killed on the roads,
two-thirds had a blood alcohol content greater than 0.05 per cent. That illustrates the
problem of drinking and young people.

I shall now refer to figures from the New South Wales Drug and Alcohol Authority,
which indicate that at twelve years of age, 14.3 per cent of males and 11.8 per cent of
females consume alcohol weekly. At the age of fifteen years, 44.8 per cent of males and
41.5 per cent of females consume alcohol weekly. Obviously, the figures increase for
people seventeen years of age; 57.4 per cent of males and 59.2 per cent of females consume
alcohol weekly at that age.

The Bill addresses itself to the problem of under-age drinking. Clause 15 refers to the
availability of permits and the fact that they should not be made available to people under
eighteen years of age. Clause 19 relates to under-age drinking, and the Opposition supports
those provisions. However, one cannot but wonder whether the Bill is an ad hoc approach
to a very real problem.

When one refers to children of twelve years of age drinking alcohol on a weekly basis,
one must wonder whether the parents are exercising their responsibilities in the way that
they should.

I will highlight, very briefly, the other clauses that the Liberal Party either supports or
perhaps finds somewhat heavy-handed and with which it will deal in more detail in the
Committee stage of the Bill.

Clause 5 relates to the powers of licensing fund assessors. The Liquor Control Act is a
revenue-raising Act and these assessors ensure that people pay the amounts that they
should. The clause gives the assessors extensive powers and one wonders whether, in fact,
it is not being unnecessarily severe.

Clause 12 relates to a giftmaker's permit and all honourable members will agree that
this is an extremely good idea. It enables a gift to be given for Mothers Day or for
Christmas, such as a bottle of champagne, along with other gifts. We all would agree with
that and yet the amount of detail attached to the clause seems to be unnecessary. It is too
complicated. At present there are several pages relating to just a giftmaker's permit. Again,
one wonders whether the clause could not be drafted more simply.

Clause 21 is one of the new clauses introduced by the other House into the Bill. It
removes the 2 per cent franchise fee. The Opposition, of course, supports the removal of
this fee when it relates to low alcohol beer.

In conclusion, the Opposition supports the measure although it feels it goes too far in
many of the clauses. It does not really attach itself to the problems as the Opposition sees
them and it is an ad hoc response to a very much wider measure that is now needed to put
the Act into some semblance of order.

I reiterate that the Opposition is not at all pleased with the way in which the Government
has rushed the Bill through the House without giving it the adequate attention that it
should have received by way of relating second-reading speech notes to the Bill, the
explanation of matters raised in another place, and an explanation of the new clauses
introduced into the Bill in another place.

The Hon. W. R. BAXTER (North Eastern Province)—I agree with the majority of the
views expressed by Mr Grimwade and, at the same time, disagree with perhaps one or two
points. Certainly, I endorse the remarks he made at the beginning of his comments about
the way in which the Bill was introduced into this place.

I came across the same discovery as Mr Grimwade, that if one reads the notes—they
were not read into the record by the Minister but were circulated—they do not match the
clauses in the Bill because they have not been recast to take account of amendments made
in another place.
A crucial and important amendment concerns under-age people drinking in public places and, in fact, this can be found in clause 19 of the Bill before this place; but if one reads the notes circulated, it talks about it as being clause 18 and it takes some time for one to come to grips with exactly what is going on. In some respects, it is a contempt of this place that it has been treated in the way it has in this Bill; I make that protest in the hope that, in the future, this sort of event is not repeated.

Unlike Mr Grimwade, I am not concerned that the Bill is proceeding and I am not wanting it to be delayed until decisions are made by the Government and community input has been received on the recently-released Nieuwenhuyzen report, because a great deal of concern exists in the community about under-age drinking and it is incumbent on Parliament to reflect that concern and to take whatever steps Parliament is able to take to ameliorate that concern.

Certainly one of the big issues has been the misapprehension in the community that under-age persons are not permitted to drink alcohol except, perhaps, in a private home. Of course, that is an entirely erroneous view. The only area where under-age people have not been permitted to drink alcohol, except in very limited and conscribed circumstances, has been upon licenced premises. There has been no prohibition upon under-age people drinking alcohol in the street or at public places and there has been very little power available to the police to control such drinking. There was an outcry after the appalling scenes portrayed in the newspapers and on television about excessive drinking at the Moomba festivities, for example.

It must be pointed out that, except for the provisions of the Summary Offences Act, which enables the police to apprehend people who are suffering the effects of an over-indulgence of alcohol, the police were not empowered to take any steps to apprehend under-age people who were simply drinking alcohol at Moomba. At present, the Liquor Control Act does not allow for that. It allows only for apprehension under the Summary Offences Act, if the people are inebriated.

Of course, that makes the task of the Police Force so much more difficult; but, unfortunately, it has been the view of the community at large that the police had this widespread power and should have been taking more action than they were taking.

I am concerned that the Bill, in that respect, does not do what it purports to do in that I do not believe the amendments being proposed in clause 19 to section 112 of the Liquor Control Act will enable the police to apprehend under-age people who are drinking in public places, whether it be the street, a football ground or whatever. I support the police being given those powers. If the apprehended person knows the law and is smart enough—and word will soon get around among the young people of this community—and if he or she is apprehended by a policeman when drinking from a can in a public place, all he or she needs to say is that the alcohol was brought from home; that it was supplied to them in a residence. If one reads the Bill closely, alcohol supplied in a residence, as defined under the amendment, is all right and all the police will be able to do is take their names and addresses.

If the person is silly enough to say that a mate gave it to him there or that he bought it from somewhere, that is different. The police will be able to apprehend that person; but as I see it, the amendments proposed in the Bill have an escape clause which will be removed as soon as word gets around by young people that, in fact, the alcohol was acquired at a residence—it need not be their own residence, just at a residence—and we will not be much closer towards arresting this problem, which is a growing problem.

I am concerned that it now seems impossible to have a successful function for young people without alcohol being present. It is quite disconcerting that some organizations that prohibit the consumption of alcohol under their constitution have to resort to contrivances to enable alcohol to be served at their functions, for them to be a success. I refer, for example, to the Victorian Young Farmers, which prohibits alcohol in its constitution and yet I am aware of one young farmer organization which, when holding a
bush dance or whatever, established a separate committee to run that function so as to 
divorce it from the provisions of its constitution so that alcohol could be served because 
the only means of making that function a success and getting a crowd there was to serve 
alcohol.

It concerns me greatly that the attitude has been inculcated into the community that 
alcohol is an automatic ingredient to success and part of the modern lifestyle. I do not 
believe it is. The community wants to turn the tide against the sea of alcohol that seems 
to be overtaking young people.

The Hon. G. R. Crawford—It used to be the highlight at a bush dance to have a drink 
out the back by the car under the trees.

The Hon. W. R. BAXTER—I intended to raise the subject mentioned by Mr Crawford 
later, but I shall take up the point now. It is an appalling feature of social occasions 
brought about by too many restrictions in the Liquor Control Act that do not allow public 
halls that are properly equipped to obtain a licence to sell alcohol within the precincts of 
the hall. One sees people resorting to drinking alcohol from supplies stored in car boots, a 
subject to which Mr Crawford alluded. That is totally uncivilized and dangerous and it is 
fair better for the Liquor Control Act to make provision for public halls to be licensed 
premises in certain circumstances.

I refer, for example, to the Rural City of Wodonga which, on many occasions, has made 
representations to the Government and to the former Government that the civic centre— 
a $1 million building—be permitted to sell alcohol under the most stringent conditions. 
However, we have this archaic system where the organizers of functions have to apply for 
a separate licence to sell alcohol. If that is not granted, people have to sneak outside if they 
want a beer.

The former Liberal Government said that it would take action when the matter was 
raised with the former Minister, the honourable member for Benambra in another place. 
Nothing happened then and this Government has not done anything either. I place on 
record that I agree that it is time the matter was corrected.

I return to the problem of under-age people drinking in public places. I share Mr 
Grimwade's disappointment and frustration that undertakings given prior to Easter by 
the Deputy Premier in another place, who is in charge of the proposed legislation, that he 
would get in touch with the respective spokespersons, the honourable members for Murray 
Valley and Balwyn, have not been met.

I am not sure whether the Minister spoke to the honourable member for Balwyn in 
another place, but he did not speak with the honourable member for Murray Valley about 
the matter raised by me earlier in the debate on whether the amendments to section 112 
of the Act, which are included in clause 19 of the Bill, enable the police to apprehend 
young people drinking in a public place who say they brought the alcohol from home. I do 
not believe it does. I am disappointed that the Minister has not lived up to the undertakings 
he solemnly gave in another place prior to Easter. I hope when the Committee stage is 
reached, the Minister will enlighten me and propose an amendment that will satisfy my 
concerns.

A further problem concerns the hours of retail bottle licensees. In many tourist areas in 
the electorate I represent retail bottle licensees have to close their doors at certain times 
according to the Labour and Industry Act, and the Shops Act, whereas the hotels down 
the road can continue to sell liquor through the bottle shop throughout normal hotel 
trading hours. As a result people become virtually abusive because they cannot buy from 
retail bottle licensees. The Nieuwenhuysen report made recommendations about that and 
I hope the Government soon takes them up.

I refer to the problem of under-age drinking in tourist areas, such as Bright, to demonstrate 
what can be positively achieved when the community becomes involved in drinking 
problems. New Year's eve 1984 virtually turned into a riot in the township of Bright
because of the aggregation of a large number of young people in the main street around the clock tower. It was a hot day and they commenced drinking fairly early. As one can imagine, by midnight many people were under the influence of alcohol to a marked degree, to put it mildly.

The most appalling offensive behaviour was perpetrated in Ireland Street, which is the main street of Bright, including fornicating on car bonnets and urinating on business premises, front gardens and so on. The police were unable to do much about it. Few police were in attendance on the evening and I can understand the reason. Over that New Year period, north-eastern Victoria received a large influx of visitors and police resources were spread fairly thinly in places such as Bright, Yarrawonga and so on.

In any event, the community got together and in April 1985 a large public meeting was called and was attended by 400 to 500 citizens as well as by the honourable member for Benambra and me. At the meeting it was clearly understood by the people, but quite erroneously, as I pointed out, that police have the power to apprehend young people drinking in public places. Police do not have that power except under the Summary Offences Act, and that is to apprehend people who are drunk. At the meeting the community resolved to take deputations to the Minister for Police and Emergency Services and the senior police inspector of the district at Wodonga.

Several meetings were held with the Minister and I applaud him for the interest he showed and the attitude he adopted. I applaud the police for the counter measures they discussed with the local community on how best a repeat performance could be avoided in 1985. The community set about organizing alternative entertainment and let it be known to the rougher elements in the community that they would not be welcome in Bright on New Year's eve 1985.

I am pleased to inform the House that New Year's eve 1985 in Bright was a model of decorum and demonstrated what can be achieved by a community interested in tackling the problems of excessive and under-age drinking. I congratulate the community committee involved for the work it performed and its reward was the fact that Bright again has a reputation as a family holiday location, a reputation that was severely diminished following the activities of the previous New Year.

I look forward to Bright continuing to have the reputation of a wholesome family holiday location. I place on record that, if the community becomes involved, it can have an important influence on under-age drinking.

Finally, the Nieuwenhuysen report was a wide-ranging report and I welcome it. I was disturbed that the Government attempted to consider it for so long as if it were frightened of it. The Premier released some of the more salacious aspects of the report. He spoke about reinventing the wheel.

The Hon. J. H. Kennan—That was salacious?

The Hon. W. R. BAXTER—It may be an inappropriate analogy, but, nevertheless, that is the one he used.

Although I do not agree with all the recommendations of the Nieuwenhuysen report, it is a conscientious and useful examination of an archaic and complicated Act. Why does the Liquor Control Commission have the power to deal with the sort of things that have little to do with alcohol and drinking? A tremendous amount of money is being spent on barristers who seek applications to argue matters that have nothing whatsoever to do with liquor; for instance, what colour the paint should be in certain rooms of licensed premises; what size certain areas should be other than the public bar of licensed premises and so on. It is excessive bureaucracy and I am pleased that the report recommends changes in that respect.

I am concerned that Dr Nieuwenhuysen, the author of the report, seems to be travelling around the countryside, apparently at the behest of the Government—and I say
“apparently” because I cannot prove it one way or another—as a crusader in favour of the report. In the process of doing that Dr Nieuwenhuysen is condemning and criticizing those people who have the temerity to criticize his report. In particular, Dr Nieuwenhuysen is committing high dudgeon on the Australian Hotels Association and the National Party because they have pointed out certain areas of the report with which they disagree or where they have put it in another context. It is not proper for the Government to commission Dr Nieuwenhuysen to travel around Victoria to promote his report. Dr Nieuwenhuysen should have made a press statement and that is all.

I look forward to the Committee stage of the debate in the earnest hope that the Minister can produce a follow up to the undertaking given by the Minister for Industry, Technology and Resources, particularly in relation to amendments to section 112 of the Act, because I do not believe those amendments achieve what they propose to achieve.

The Hon. G. P. CONNARD (Higinbotham Province)—The Government has treated the liquor industry in an abominable fashion. Amendment after amendment and Bill after Bill have come before the House during the course of the Labor Government administration. In fact, 311 amendments have been made to the Liquor Control Act since the Labor Party came to Government. One of the difficulties in the industry is to know where the Government is heading because of the adhockery that it has been developing.

The Nieuwenhuysen report is an interesting document, as Mr Baxter indicated, but the secrecy surrounding its production was peculiar to all participants in the industry. Indeed, the opposition parties had to force the Government into releasing the document for public debate.

This is another Bill that inserts amendment upon amendment to the Act. Presumably recommendations arising from the Nieuwenhuysen report will be acted upon and will be the subject of debate in this Chamber at a later stage, but it is a further instance of Government adhockery in examining and changing minor matters, which the industry regards as serious.

I now refer to some amendments in more detail. The licensing fund assessor is essentially a minor bureaucrat whose main job is to collect duties due by hotel proprietors and retailers. Assessors are not major participants in the over-all game plan. However, the powers of the assessors are enormous. They can go into the office and home of the licensees. Draconian penalties can be imposed for what are essentially minor defalcations. The monetary penalties that apply throughout the Bill are obnoxious.

The Government has not perceived that liquor is essentially an area of social concern in its widest possible context. Liquor legislation has been in force for over 300 to 500 years. The legislation of liquor is referred to in the Bible where it is said that it is necessary for Governments and rulers to create legislation on the ingestion of liquor because of abuses that can occur out of the unrestricted ability to consume liquor.

The Liberal Party established the Liquor Control Commission and I believe the commission has done a good job in controlling the ingestion of liquor and in creating the necessary restrictions so that there are not too many abuses. I do not wish to see a completely deregulated industry. Russia and, to a lesser extent, France and Italy are examples of countries that have alcoholic problems, together with the necessary family and business problems that surround the abuse of alcohol. Australia largely has the social problem of the consumption of liquor under control. The House needs to be aware of the social consequences that may arise from measures such as this.

Clause 12 of the Bill creates a giftmaker’s liquor permit. I believe it would be quite easy for a so-called giftmaker to parcel up a bottle of scotch and one peanut and a banana.

The Hon. Robert Lawson interjected.

The Hon. G. P. CONNARD—The giftmaker can even leave out the banana, as Mr Lawson indicated, and this would be a gift under that permit. This could lead to a lack of...
control and this could develop into what could be a large industry without any social control. It is possible that a permit such as that could explode into 1000 or 2000 licences, with the consequent problem associated with the payment of fees that hotels, restaurants, or licensed bottle shops have to pay. The police do not have the power to completely police the present Act, let alone the giftmaker’s provision. The Liberal Party recognizes that the Liquor Control Act needs consolidation and examination, and it will endorse the Government’s approach to a complete examination of the Act. But, as I indicated earlier, the introduction of 311 amendments to the Liquor Control Act over the course of a four-year period is ridiculous.

The Minister has indicated that it will be a considerable time before recommendations from the Nieuwenhuysen report are acted upon and before legislation is introduced into the House.

I wish the Government had not introduced the Bill because it contains a variety of new proposals, the concept of which is totally wrong and is something to which I object. However, eventually I shall reluctantly agree to the passage of the Bill, subject to the proposed amendments suggested by Mr Grimwade.

The Hon. ROBERT LAWSON (Higinbotham Province)—Mr Baxter stated that Victoria was subject to a rising tide of alcohol. That may be so, but on reading the Bill I am conscious of the fact that the liquor industry is subject to a rising tide of bureaucracy. People involved in selling liquor are being regarded as criminals by the Government and are treated harshly by the provisions of the Bill.

The Nieuwenhuysen report contains 800 pages of recommendations, yet this Bill fiddles around with the Liquor Control Act instead of waiting until some rational attempt can be made to rewrite or alter the Act. Instead, the provisions contained in the Bill will cause endless trouble.

The Bill conveys the impression that retailers of liquor are criminals because it refers to warrants to enter and search premises, has nothing to do with liquor but this abuse. This provides for licensing fund assessors to get hold of licence money that is purportedly owed to the Government. Assessors can apply for a warrant from a magistrate to enter into premises using such force as is necessary for the purpose; they can search the premises and break open and search any safe, cupboard, drawer, chest, trunk, box, package or other receptacle on the premises; they can take possession of, or secure against interference, any books that appear to be relevant and so on.

The licensees are treated as criminals because licensing fund assessors believe they may be fiddling the books in some way. Assessors can enter licensed premises at any reasonable hour. They can demand to see books, ask questions, and generally interfere with the business being conducted by the licensees. If a licensee is busy or does not want to talk to them, he is liable to a penalty of ten units, which amounts to $1000.

This is an officious Bill because of the way it treats people. If licensees are criminals, why not put them out of business? However, if they are respectable business people, they should be treated as such.

Inspectors do not enter a grocery shop and open packets of weeties or demand to see the books at unreasonable hours because they believe the grocer is not paying full tax. This is another set of handcuffs being clamped on the liquor industry, apparently in the belief that it will put up with anything and that obstruction is good for it.

I also refer the House to the giftmaker’s liquor permit whereby it is possible for shopkeepers to purchase a bottle of liquor from local retail merchants, put it into a basket with fruit and nuts and various other gifts and sell it. When the Bill is proclaimed it will be possible to obtain a giftmaker’s liquor permit, and the regulations will provide for how much it will cost.
The problem is who will police these permits? The licensing authorities already have their hands full and they will have difficulty in further policing the Act. Thus, an entirely new dimension is being added by dozens, hundreds and perhaps thousands of shopkeepers in Victoria applying for a giftmaker's liquor permit. Retailers will be free to purchase from local licensed premises, but eventually they will become cunning and will order liquor from a desperate wholesaler who is prepared to sell under the counter. The Act will be circumvented so that no advantage will be gained by the local liquor retailer; instead, he will be severely disadvantaged.

Again I repeat that this is bureaucracy gone mad. How does the Government propose to control the rising tide of liquor in Victoria? The Bill will do nothing but increase the bureaucracy that must be suffered by retailers and business people.

The Hon. M. J. ARNOLD (Templestowe Province)—The Bill is part of the continuing process of reform of the Liquor Control Act and Victorian licensing laws. Mr Connard stated that some 311 amendments have been made to the Liquor Control Act since the Government came to office, which is an indication of the parlous state in which the previous Government left Victorian liquor licensing laws.

The Government has not been able to immediately introduce the reforms it believes are necessary in this important Bill. However, it has done what it can. The Government entered into consultation with various bodies involved in the industry and prepared the necessary alterations to the law to enable the industry to operate efficiently and effectively and to meet the needs of people who like to have a drink in pleasant and appropriate circumstances.

At the same time, the Government commissioned a report into the liquor industry and the laws and regulations under which it operates. As the Government wanted the report to continue, unconcerned about current problems with licensing laws, it carried out appropriate functions by attending to some of the problems the industry was facing.

It is of significant interest that both honourable members for Higinbotham Province spoke on the Bill. Mr Connard and Mr Lawson must have some deep seated concern about the issue, or, alternatively, a large number of liquor outlets must exist in the electorate that they represent. Mr Connard and Mr Lawson must be competing for the same headline in the local newspaper because the information they brought forward followed the same lines.

A special concern was expressed about the giftmaker's liquor permit, which is hardly a matter of significant concern to the average person in society who likes to have a social drink.

Both honourable members recognized that the permit was of such consequence that it required this attention. However, one of the provisions on which they should have focused their attention is the introduction of further regulations concerning new offences involving the supply of liquor to persons under the age of eighteen years and offences relating to receiving liquor by persons under the age of eighteen years.

Much was said about the imposition of regulation on the industry, but little was said about the real problem in the sale and disposal of liquor and how easy it is for liquor to fall into the hands of the younger members of our community, especially when they are not experienced enough to handle it.

It is essential that an education process be provided at the level of schooling and social interaction to enable young people to be prepared for the effect of alcohol beverages when they are old enough and sufficiently experienced in life to partake of alcohol.

The Hon. Robert Lawson—You are spending $100 million on drug education.

The Hon. M. J. ARNOLD—It is that concentration that the Government has been concerned with in liquor control.
The Hon. Robert Lawson—It is all talk.

The Hon. M. J. Arnold—Mr Lawson makes belittling remarks about the joint actions taken by the Federal and State Governments, both Labor and Liberal, throughout this country with respect to the control of drug abuse—

The Hon. Robert Lawson—I am in favour of that, but not spending $100 million.

The Hon. M. J. Arnold—It seems to me that Mr Lawson made belittling remarks about the efforts being taken by Governments, both Labor and Liberal, in relation to the control of drug abuse.

I appreciate that the abuse of alcohol causes social problems. That is why it is essential that there be appropriate legislation to control the disposal and sale of liquor. It is also essential that there be an appropriate education program to try to prevent the abuse of alcohol.

The Nieuwenhuysen report will provide the framework for comprehensive reform of the liquor control legislation. The Government applauds that report and looks forward to translating its recommendations into legislation. The Government has received indications from both the National Party and the Liberal Party that they support the thrust of that report. The Government looks forward to those parties supporting the Bill.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2

The Hon. D. R. White (Minister for Health)—Mr Grimwade and Mr Baxter have raised matters relating to suggested amendments and discussions in another place. It is correct that the Minister in another place is giving consideration to the matters that were raised and is proposing some further amendments to the proposed legislation following the debate in another place. I expect to receive some advice from him in the near future in relation to the proposed amendments, which will be circulated with sufficient notice being given prior to the resumption of the debate. In view of the Government’s intention to propose further amendments, I suggest that progress be reported.

Progress was reported.

The sitting was suspended at 6.25 p.m. until 8.4 p.m.

POLLUTION OF WATERS BY OIL AND NOXIOUS SUBSTANCES BILL

The debate (adjourned from earlier this day) on the motion of the Hon. J. H. Kennan (Minister for Planning and Environment) for the second reading of this Bill was resumed.

The Hon. Robert Lawson (Higinbotham Province)—This measure has not had an easy birth; it has been around in one form or another for many years and has a long history of bipartisan approval. All parties to this measure are in agreement with it.

It is extraordinary that this Bill will supersede similar Federal legislation. It is not often that Victorian legislation supersedes Federal legislation but the Federal legislation was designed purposely to be superseded by our legislation.

The principal legislation covering the protection of Victorian waters from discharges of oil and polluted substances arises from the Navigable Waters (Oil Pollution) Act 1960. That Act has been amended several times and is being amended further so that all references to discharges of oil at sea are removed. The only pollution of waters by oil to be dealt with under that Act is when oil is transferred from ships to shore or from shore to
ship and a spillage occurs. In future, pollution of waters in navigable waters will be covered by the Pollution of Waters By Oil and Noxious Substances Act. The Navigable Waters (Oil Pollution) Act will be superseded in part.

The proposed legislation is international in nature because similar legislation has been passed by maritime nations all over the world. All States in Australia will do the same. Only by having identical legislation in each State and complementary legislation in the Federal Parliament can the problem of the pollution of the high seas be addressed.

Mr President, I do not know whether you recall the voyage of the Kon-Tiki, but a book was written about that voyage and the Danish adventurer Thor Heyerdahl who built a raft and sailed across the Pacific. He believed that the Pacific Islands had been originally colonized by people from South America. Apparently, in the Middle Ages and earlier, people used to set off into the blue on these rafts and months later they would be washed up on the Pacific Islands thousands of miles away. They colonized these islands.

It seems to be a doubtful proposition to send young people off into the ocean and hope they drift ashore somewhere. I make that point because Thor Heyerdahl travelled across the Pacific Ocean and twenty years later he made the same trip in a papyrus boat. His comment at that time was that he was astonished at how filthy and polluted the oceans had become. Even in the middle of the ocean, thousands of miles from shore, the water was polluted by oil, cups and saucers, filth of all sorts thrown from ships. That is why we want to protect the oceans of the world.

This is a big Bill and because it is being introduced in this Parliament as well as in Parliaments all around Australia, and is proposed legislation for the whole of Australia and internationally, we do not intend to amend it. An examination of the Bill reveals that some provisions that are not applicable to Victoria could be changed.

The Bill deals with pollution by noxious substances and oil; nearly 300 or 400 noxious substances are listed. An annex to the Bill deals with the construction of oil tankers and the specifications to which oil tankers must be built in future. Oil tankers must meet certain standards before they can be recognized by other nations. These provisions require the agreement of about half the maritime nations in the world, which have about 75 per cent of the tonnage of oil tankers.

Some annexes to the Bill will not be proclaimed until 1987. Such is the nature of the Bill. The MARPOL convention is dealt with. MARPOL is an acronym for the Maritime Organisation Convention on Maritime Pollution.

The actual division of responsibility for the ratification of the treaty was discussed at a number of meetings of the Marine and Ports Council of Australia in the latter half of the 1970s. In 1981, there was agreement to Commonwealth legislation to control discharges from Australian ships on the high seas; State–Territory legislation to prohibit all discharges from ships in coastal waters; and to the Standing Committee of Attorneys-General preparing a model State–Northern Territory Bill. This is similar to the Bill we have before us today. This was done with the bipartisan support of all parties in this and the other Parliaments around Australia.

The MARPOL treaty for the first time addresses the question of oil pollution in one treaty. One of the requirements that is built into this proposed legislation is that ships cannot discharge oil at sea except under certain stringent conditions and the Government must supply port facilities for tankers to discharge oily substances on to the shore. I ask the Minister for Planning and Environment is he aware whether Victoria has facilities for receiving these oily substances because, if there are no provisions in the port of Melbourne or any of our other ports for the reception of oily substances from ships, we are breaking the spirit of the proposed legislation. That is why I ask that question.

The Hon. J. H. Kennan—Which question?
The Hon. ROBERT LAWSON—The question I ask is: has the Minister for Planning and Environment ascertained whether there are sufficient facilities on shore to accept the oily waste from these ships, because the Bill will require tankers that ply Victorian waters not to discharge oil at sea but to discharge it on shore into a receiving depot. I want to make sure that we can carry out our side of the bargain because there is not much point in fining the masters of ships for discharging oil at sea if there are no facilities on shore for its reception.

The Hon. J. H. Kennan—The Minister for Transport would not have brought that provision in if he had not made arrangements for it.

The Hon. ROBERT LAWSON—I know the Minister for Transport and am doubtful whether provision has been made. I would be obliged if the Minister for Planning and Environment would ask the Minister for Transport to answer the question; perhaps it has not crossed his mind but I hope he has done so.

The Hon. J. H. Kennan—I am sure he has.

The Hon. ROBERT LAWSON—The proposed legislation should have been brought in to the various Parliaments many months ago but for some reason of which we are not sure the Parliaments have been lax indeed in introducing the Bills. The Bills' predecessors have been around since 1978 when, as I indicated, the conferences took place and the Bills could have been brought in long ago.

The consequence of that inaction, especially in relation to the Federal legislation, is that until the legislation was passed by the Federal Parliament it was legally permissible for ships of Australian registry to discharge oil within 12 miles of the Great Barrier Reef and that would be, as all honourable members know, an ecological disaster. If a ship had discharged oily effluent, within 12 miles of the reef and destroyed part of it, there is nothing that could have been done about that under the terms of the international legislation.

The master could have been fined or punished under some other legislation but not under this proposed legislation. Ships of registries of nations that implemented the annexe were prohibited from discharging oil within 12 miles of the reef. I use this as an illustration to show how lax and slow the Government has been in introducing the Bill.

In future every ship that enters Australian waters must be properly designed. It is permissible for some ships to discharge oil at sea and a formula is written into one of the annexes to the proposed legislation. They are permitted to discharge 60 litres an hour into waters in special areas outside the 50-mile zone. The formula that has been devised will permit masters to discharge some oil at sea but if they exceed that formula they are subject to penalty.

One peculiarity of the Bill that is worth considering is that there is no statute of limitation applying to it. If a master discharges oil into water in contravention of the proposed legislation and the authorities have definite information to that effect, it will not matter whether the master returns in 10, 20 or 30 years' time to the Australian jurisdiction, he will then be able to be charged with the offence he committed.

The Hon. W. R. Baxter—Do you think it is a fair provision?

The Hon. ROBERT LAWSON—I would say so; if people pollute Australian waters no matter when it occurred they should be held responsible for their actions. The Bill makes special provision for this. The Opposition can only applaud the Bill.

It does have one defect that is worth pointing out. The Bill refers to oil tankers but it does not mention ships that carry compressed gas such as LPG. That is an important oversight on the part of the people who drew up the Bill and I ask the Minister for Planning and Environment to give particular consideration—if I could catch his attention I would speak to him on the subject.
The Hon. J. H. Kennan interjected.

The Hon. ROBERT LAWSON—I want to direct the attention of the Minister for Planning and Environment to a deficiency in the Bill. There is no mention of ships that carry compressed liquid gas and, as the honourable gentleman would be aware, if there were an accident at sea with a ship carrying gas at a pressure of 300 atmospheres there is grave danger of an explosion taking place. Once the gas leaks out of a ship on a reasonably still day, it can spread out on the ocean for miles with the grave danger of explosion. This matter is not addressed in the Bill and I believe it should be because we are dealing with, in effect, international waters. If we are to pass a Bill dealing with the pollution of waters by oil we should also be dealing with the pollution of those waters by gas.

The Hon. J. H. Kennan—Does the gas vaporize?

The Hon. ROBERT LAWSON—Yes, it lies on the surface of the water; it is carried in tankers at a pressure of 300 atmospheres, which is 300 times the atmospheric pressure.

The Hon. J. H. Kennan—You say it lies on the water surface? Wouldn’t the wind blow it away?

The Hon. ROBERT LAWSON—No doubt, but there should be provisions in the Bill to deal with the building of this type of tanker. The Bill sets out the type of construction for oil tankers and I believe the Bill is deficient because it does not set out the construction requirement for gas tankers as well. I hope the Minister for Planning and Environment will mention this matter to the Minister for Transport and suggest that there is a lack in the Bill, because there is a danger of what is known as OLEVE, which is an acronym for oily liquid evaporated vapour explosion, and that could be serious indeed.

Victoria has no means of enforcing the provisions of the Bill, in that it has no Navy or Air Force, so it relies on Commonwealth ships and Commonwealth planes to police the Bill.

Presumably, if the Federal Government arrests a master at sea or has information on which to do so, a charge can be laid in a Victorian court. I guess that is why it is Victorian legislation. Not only can faults by masters at sea be dealt with in Federal courts, they can also be dealt with in Victorian courts.

Victorian waters extend approximately 3 miles from shore. A discharge of oil or some other noxious substance can take place in Commonwealth waters and drift in shore past the invisible line separating Australian and Victorian waters. The problem then becomes one for the Victorian Government, which could then lay charges against a master who transgressed.

It is a complex but interesting Bill, and it should, in general, be enacted. I understand that Victoria is required to pass the Bill in its present form because if it alters any of the provisions—and I believe some provisions should be altered—all the States of Australia will be thrown into confusion and the Attorneys-General would have to reconsider the matter. It is for that reason that the Opposition does not oppose the Bill.

The Hon. D. M. EVANS (North Eastern Province)—The National Party does not oppose the Bill. It is an intriguing piece of proposed legislation for those persons who are interested in the structure of legislation, and I recommend that they study the Bill, not only for its complexity and length but also for the enormous detail that covers every phase of maritime operations in Australian coastal waters and on the high seas, and every issue of pollution of the ocean.

As scientists tell us, the sea is the source of all life and the origins of life were in what is often referred to as a soup in the primeval seas. No doubt carbon atoms and hydrogen atoms combined into organic substances in primitive form and chemical reactions eventually formed life and self-reproducing species of different kinds. That sort of soup is no longer present in the seas but the wave action and filtering action of the sea provides myriad variations of chemical and metal mineral deposits throughout the world.
Perhaps this is demonstrated in the simple sluice box used by miners, especially gold miners, to separate gold from extraneous material in which it is encased. The ocean works in a similar way; separating, concentrating and changing all the substances that come within its grasp. It takes some time for this to occur and the problem with which this measure deals is the overcommitment of the sea’s resources in dealing with pollution that can become damaging and can change the environment. The Bill and the second-reading notes point to examples of how that has occurred, as has Mr Lawson in his interesting dissertation.

The National Party disagrees with Mr Lawson that Victoria has no Navy. I know it has no commissioned Navy but it has a ship at Black Rock that requires only engines, superstructures, guns and a crew to enable it to float once again. One honourable member in this House is interested in that occurring and it could be most handy in stopping pollution. However, in the final analysis, the measure, which does have world-wide connotations, will be more effective.

The National Party agrees that because of the enormous amount of commerce in a wide range of chemicals, many of which are extremely dangerous and concentrated, a measure of this nature is required to set the standards under which all maritime trade takes place and to set penalties for those who transgress those standards.

One recognizes that Australia must play its part and the Bill is a small cog in a world-wide wheel that attempts to control globally the major pollution problems of our oceans.

There may be some faults in the Bill but it is necessary that it be enacted. As we go farther down the track, it will become obvious what amendments will be necessary. However, the most difficult problem faced at the moment is for all nations and all shipping groups and companies to abide by a set of conventions. Some nations have a real sense of responsibility and I have no doubt that every attempt will be made to abide by the conventions of MARPOL and the legislation provided locally by nations involved. Regrettably, other nations will not abide fairly by those conventions and will no doubt receive some form of competitive advantage as a result. For the convention to work effectively, those nations that abide by MARPOL will need to place restrictions on the ships of nations that do not. I mention that because I believe in due course consideration may need to be given to that aspect.

The Bill is lengthy and intricate and should be studied by all persons with an interest in the structure of legislation. The detail of the Bill is beyond the scope of a second-reading debate in this House or in any other place because generally the subject-matter of the Bill is discussed only in broad terms. The National Party supports the Bill.

The motion was agreed to.

The Bill was read a second time.

The Hon. J. H. KENNAN (Minister for Planning and Environment)—By leave, I move:

That this Bill be now read a third time.

In doing so, I thank Mr Lawson and Mr Evans for their contributions. In response to Mr Lawson’s first point, I would anticipate that the matters he raised about capacity to absorb oil waste have been addressed and I shall certainly take up the matter with the Minister for Transport. I shall do the same with the second matter he raised about gas.

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

LEGAL PROFESSION PRACTICE (AMENDMENT) BILL (No. 2)

The debate (adjourned from April 9) 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 relatively small amendment to the Legal Profession Practice Act dealing with various aspects of the
Victorian Law Foundation. A number of unrelated amendments and issues deal with the funding of the foundation.

The purpose of the Bill is to amend those provisions that affect the allocation to and expenditure of funds by the Victorian Law Foundation.

The second reading speech states:

It provides a means of facilitating financial accountability and a responsiveness to broad Government policy objectives...

The Victorian Law Foundation has exercised an important function since it was established in 1969. For a while there was a bit of role searching for the foundation but now it seems to be firmly entrenched in the system of Government in this State.

The amendments are unrelated. There are not matters of great principle involved. The Opposition has sought the views of the Law Institute of Victoria and it has been informed that it supports the Bill, as does the Opposition.

**The Hon. W. R. BAXTER** (North Eastern Province)—The National Party is not opposed to the Bill. In his second-reading speech I thought the Minister was especially honest when he referred to the amendments enabling financial accountability and the thrust of broad Government policy being taken note of by an independent statutory authority.

Yet again we see the intent of the Government, publicly touted in some instances and covertly in other instances, to put its mark on every aspect of life in this community. I have expressed my concern about that on previous occasions and I reiterate it tonight.

I am somewhat surprised by the move to have the Victorian Law Foundation pay for the salary and allowances of the Chairman of the Law Reform Commission, bearing in mind that the commission is paid out of consolidated revenue. I should have thought that, as the commission provides a useful service to the Government and the citizens of Victoria, it would have been appropriate if the current arrangements for salary had continued.

The second-reading notes give no justification or reason for the change other than the fact that the other expenses are paid by the foundation. As Mr Chamberlain noted, they are unrelated amendments. The Law Institute of Victoria does not have any objections to them and, apart from the reservations I have about the Government unduly influencing the foundation, the National Party does not oppose the Bill.

The motion was agreed to.

The Bill was read a second time.

**The Hon. J. H. KENNAN** (Attorney-General)—By leave, I move:

That this Bill now be read a third time.

In so doing I thank Mr Chamberlain and Mr Baxter for their usual supportive interest in my proposed legislation.

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

**CONSTITUTION (BRITISH SUBJECTS) BILL**

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

Discussion was resumed of clause 4 and of Mr Hunt’s amendment:

Clause 4, line 32, omit “26 January 1984,” and insert “the coming into operation of this section.”.

**The Hon. J. H. KENNAN** (Attorney-General)—I have given further consideration to the matter and I remain committed to the view I previously expressed that I see no reason why I should change the Bill, especially in the light of an understanding that has been reached with the Commonwealth Government around uniformity with this legislation.
Although I understand the thrust of what Mr Hunt says in so far as the added extent of disuniformity would not necessarily be great, I do not think it is sufficient reason for adding to disuniformity or for breaching an understanding that had been reached with the Commonwealth Government about the form of this proposed legislation. For that reason I regret that I remain committed to opposing Mr Hunt’s amendment.

The Hon. A. J. HUNT (South Eastern Province)—Will the Attorney-General tell me whether his inquiries indicate that there are people who have sought enrolment in the Victorian electorate since Australia Day 1984 and have been denied Commonwealth enrolment?

The Hon. J. H. KENNAN (Attorney-General)—I thank Mr Hunt for his question. I am not aware of any single instance of that happening and certainly none has been brought to my attention. Nor did we have, during the preparation of the Bill, any representations from or on behalf of any such conceivable persons.

The Hon. A. J. HUNT (South Eastern Province)—The Opposition remains of the view that retroactivity is a bad principle. However, two things emerge from what the Minister said: firstly, he is bound by an agreement and the Opposition would not expect him to break an agreement with the Commonwealth Government; and, secondly, it appears that there is, in fact, no one, to the best of the Attorney-General’s belief, who would be affected. It would be strange for me to press the amendment to a division in those circumstances.

I shall proceed with the amendment but in the circumstances outlined by the Attorney-General, especially the fact that nobody appears, in reality, to be affected and the fact that the accepted amendment would involve a breach of understanding, I shall not take it to a division.

The amendment was negatived, and the clause was agreed to, as was the remaining clause.

The Bill was reported to the House without amendment, and the report was adopted.

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

That this Bill be now read a third time.

The Hon. A. J. HUNT (South Eastern Province)—The Bill contains an element of retroactivity that was not explained in the second-reading notes. That caused some problem in Committee. The House is naturally reluctant to accept either retrospective or retroactive provisions. It was rightly queried, and not fully satisfactorily explained.

May I suggest respectfully to the Government that it would greatly assist in Bills of this nature in future if provisions with any element of retroactivity or retrospectivity were fully explained and justified in the second-reading speech.

The Hon. J. H. KENNAN (Attorney-General) (By leave)—I understand the matter of principle that Mr Hunt raises. I am not generally, as Mr Hunt is aware, in opposition to it. I think it is a fair comment that, where it does arise, the attention of the House ought to be directed to it in the second-reading speech.

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

LIQUOR CONTROL (FURTHER AMENDMENT) BILL

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

Clause 2 was agreed to, as were clauses 3 to 8.

Clause 9
The Hon. D. R. WHITE (Minister for Health)—1 move:
1. Clause 9, lines 4 and 5, omit all words and expressions on these lines and insert—
   "(b) For paragraph (a) substitute—
   "(a) between the hours of twelve noon and eight in the evening on Sunday or Good Friday."

Clause 9 amends the ship's licence trading provision and provides for ship's licence trading on Sunday and on Anzac Day, and the amendment I have moved concerns the need for the supply of a meal. It alters the times of 12 noon to 12.30 p.m. and 6 p.m. to 10 p.m. to the hours between 12 noon and 8 p.m. for the specific purpose of enabling a ship to trade without issuing a meal between 12 noon and 8 p.m.

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

Clause 11

The Hon. F. S. GRIMWADE (Central Highlands Province)—Clause 11 relates to canteen licences and is a new clause that was inserted in the Bill in the other place. As the Committee has not had the advantage of knowing why this was added to the Bill, I request the Minister to explain the addition.

The Hon. D. R. WHITE (Minister for Health)—The clause extends the categories of persons who can obtain a canteen licence. As a result of a submission from the Police Force this provision was included to enable liquor to be consumed at training establishments during live-in training courses.

The clause was agreed to.

Clause 12

The Hon. F. S. GRIMWADE (Central Highlands Province)—Clause 12 deals with the giftmaker's liquor permit. This clause created some discussion when the Bill was debated in the second-reading debate. I drew attention to the fact that there are two pages of the clause relating to the granting of a giftmaker's liquor permit. It appears excessively detailed and almost unnecessary to go to such extremes.

In another place three matters were raised on this clause which the Deputy Premier agreed should be examined while the Bill was between the two Houses. The first concerned the fact that a fee will be prescribed by regulation. Is there any indication of the size of the fee and how it will be organized? Is it related to volume of sales? In what way will the figure be set? In dealing with a Bill that sets a fee to be prescribed by regulation the Government should indicate what the size of the fee will be. Secondly, proposed section 46A (9) reads:

A giftmaker's liquor permit holder who contravenes or fails to comply with sub-section (8)(a) or (b)— paragraphs (a) and (b) of sub-section (8) relate to keeping a register which must be available for inspection—

... or who makes or causes to be made any false entry in the register referred to in sub-section (8) is guilty of an offence.

There is, therefore, an offence created. If a giftmaker's liquor permit holder has been found guilty of an offence, it should be known what the penalty is. In another place it was suggested that it would be part of the catch-all penalties listed in clause 17, which provides for a maximum of some penalty units. I have read it carefully and it appears clause 17 does not relate to the penalty that would apply to an offence where a giftmaker's liquor permit holder has not kept a register or is not going to make it available for inspection.

Thirdly, it was pointed out in another place that there appears to be a conflict between State and Federal laws on whether a giftmaker's liquor permit holder will be able to purchase liquor from either a wholesaler or a retailer. Again, this is a matter which the Deputy Premier, the Minister in charge of the Bill in another place, said he would have
examined and a response made. I ask the Minister for Health to respond. The State law requires that the liquor must be purchased from a hotelkeeper or licensed wholesaler, whereas the Federal law says the hotelkeeper cannot sell to the giftmaker because he is not registered as a wholesaler and may sell only to the public.

The Hon. D. R. WHITE (Minister for Health)—Clause 12 seeks to insert proposed section 46A into the principal Act which empowers the Liquor Control Commission to grant a giftmaker’s liquor permit. The permit authorizes the permit holder to sell or supply liquor on the premises specified in the permit together with and ancillary to the sale and supply of any other merchandise that is not liquor.

Representations were received from a firm which carried on the business of sale and delivery of gift baskets largely comprising flowers, fruit, nuts, toiletries, soft goods, confectionery, dried and glazed fruits, tea, coffee, gourmet foods and reading material intended by the purchaser to be delivered as gifts. As part of the service to customers, the business will be likely to include limited quantities of liquor in the gift baskets. However, at present the Act does not enable this to occur.

The clause creates a new giftmaker’s liquor permit to enable the holder of the permit to sell baskets of goods largely comprising merchandise that is not of a liquor nature and liquor that must not exceed 1.5 litres. The reason for the detailed nature of the clause is the nature and characteristics of the licence.

The characteristics are: that the liquor is sold with or ancillary with other merchandise, which is not liquor; that the hours of trading are the same as those of a retail bottled liquor licence holder; that the business is limited to three employees; that the permit is not available to other licence or permit holders under the Act and that one is not permitted to hold more than one giftmaker’s permit. The final characteristic is that the permit must be subject to the following conditions: (a) liquor must not exceed 1.5 litres in respect of each sale; (b) liquor must be in sealed containers for consumption off premises; (c) liquor must not be delivered or left with persons under eighteen years of age; (d) liquor must not be displayed; and (e) liquor must be purchased from a retail bottled liquor licence holder or hotelkeeper within the vicinity of the permit holder’s business.

In respect of the three matters raised by Mr Grimwade, firstly, regarding the fees, I have no advice from the Minister in another place as to what would be the amount, except, as he said, that it will be set by regulation. I shall seek advice on that matter from the Minister for Industry, Technology and Resources and convey it to the honourable member.

In regard to the issue of the offence, proposed section 46A (9) states:

(9) A giftmaker’s liquor permit holder who contravenes or fails to comply with sub-section (8) (a) or (b) or who makes or causes to be made any false entry in the register referred to in sub-section (8) is guilty of an offence.

Therefore, that provision relates to the issue of the permit. Clause 17 refers to where the commission is given power under this measure to revoke or suspend a permit; it deals with the commission’s powers in regard to a permit. Instead of revoking or suspending the permit, it may deem that other penalties of up to 50 penalty units could apply. I believe clause 17 provides the commission with the power to deal with offences that are committed under proposed section 46A (9).

In respect of the third point raised by the honourable member about the extent to which the measure is inconsistent with Commonwealth legislation, I have to indicate to the Committee that clause 12 provides that liquor must be purchased from a retail bottled liquor licence holder or hotelkeeper within the vicinity of the permit holder's business. I presume from that, having taken into account the matters raised in another place, that the Minister has satisfied himself that this is a satisfactory method by which to proceed.

The Hon. F. S. GRIMWADE (Central Highlands Province)—I thank the Minister for his explanation. It is unfortunate that the Minister for Health cannot advise the Committee what will be the extent of the fee for the permit. I know the fee will be set by regulation, but I make the suggestion that the Government should ensure that it is not too expensive
because, if it is, people who wish to avail themselves of obtaining that permit will not take it up.

The provision is very restrictive in the sense that it applies only to small businesses that employ fewer than three people. As the Minister explained, there is a whole series of qualifications, which narrows down the number of people who qualify.

It would be most unfortunate if the fee were so high that nobody was prepared to take up this permit. That was my reason for wanting to know what would be the level of the fee.

I accept the Minister's explanation with regard to the penalty for the offence of not keeping a register in the prescribed form or, alternatively, not producing that register when someone wanted to inspect it. It seems to me that it would be so much simpler to have the penalty attached to proposed section 46A (9) rather than relating it to the catch-all powers of the commission to impose penalties, as contained in clause 17, which really relates to the fact that the commission has not the power to impose a penalty unit for an offence but must either revoke or suspend the permit. That is really quite different from what might be intended.

If it were suggested to me that a giftmaker's liquor permit holder could have his permit suspended because he failed to keep the register or failed to produce the register when requested, it would seem completely out of order to my mind. That is a matter that I believe should have been addressed by the Government. I accept the Minister's explanation, if the Government has considered the matter and is convinced that it is appropriate. However, it seems to me to be highly inappropriate.

The clause was agreed to, as were clauses 13 to 16.

Clause 17

The Hon. F. S. GRIMWADE (Central Highlands Province)—This is the clause to which I referred earlier, which gives the commission certain powers. Instead of having the ability either to revoke or suspend a permit, the commission now has the chance to either impose the penalty or vary the permit. Therefore, the commission is given greater flexibility in dealing with breaches of the proposed legislation that relate to this clause.

It was suggested in another place that this clause was extraordinarily heavy-handed for minor offences. In my remarks on an earlier clause, I spoke of a minor offence. It was raised in another place that a child might collect a giftmaker's parcel and be asked by the parents to open a bottle; in that case, the child would be guilty of an offence for being under age and opening a bottle of liquor.

It was suggested, therefore, that this is a draconian measure in terms of penalty units. The clause provides for a penalty of up to 50 penalty units, which is $5000, as the amount that could be invoked for a minor offence. I should be interested in the Minister's response on this matter.

The Hon. D. R. WHITE (Minister for Health)—The background and impact of this measure have a different effect from that anticipated by Mr Grimwade. In fact, the background is that a recent application by a licensing inspector for the suspension or revocation of an annual public hall permit showed the inadequacies of the powers of the commission in imposing penalties.

At the conclusion of the four-day hearing, the judicial member of the commission hearing the application could have, had he had the power to do so, imposed certain additional conditions or limitations on the permit. However, the only power he had was either to suspend or revoke.

With this in mind, the clause has been drafted to empower the commission to impose new conditions or limitations, vary or amend existing conditions on permits in certain circumstances or to impose monetary penalties. The view of the commission and the
Government is that the experience of the commission in having the power merely to revoke or suspend a permit was not an adequate power.

In fact, to use Mr Grimwade’s words, it was a power that was too arbitrary and not sensitive to the nature of the offence. Therefore, in addition to that, the commission has been provided with the power to impose a penalty of not more than 50 penalty units, and it is at the discretion of the commission as to the extent to which and the circumstances under which penalty units are imposed.

Rather than being an arbitrary measure, I believe the clause actually provides the commission with a wider range of powers to enable it to treat offences more sensitively. Indeed, having been left in a position where it had power either to suspend or revoke, it now has the capacity to enable the licence holder to retain the licence, if that is deemed appropriate, merely to impose penalties; or, if the offence is so bad and it is warranted, in addition, impose penalty units. There is a discretion for the commission to impose penalties of up to and not more than 50 penalty units.

The Hon. F. S. GRIMWADE (Central Highlands Province)—I thank the Minister for his explanation. I believe his explanation of the reason for clause 17 being as it is, in fact, highlights the criticisms that I made in my remarks on an earlier clause, with regard to the penalty for an offence under the provisions relating to the giftmaker’s permit.

It seems to me that clause 17 was designed for a specific purpose, and the Minister has detailed that. It highlights the fact that the provision really is not appropriate to the other clause.

The clause was agreed to, as was clause 18.

Clause 19

The Hon. D. R. WHITE (Minister for Health)—I invite honourable members to vote against the clause.

The Hon. F. S. GRIMWADE (Central Highlands Province)—I am not sure what you are doing, Mr Acting Chairman. Clause 19 relates to offences by persons under the age of eighteen years, and the amendment circulated in the name of the Minister is for the omission of this clause. You are now asking not that the amendment be agreed to but that the clause stand part.

The ACTING CHAIRMAN (the Hon. B. A. Chamberlain)—The Minister has in fact invited the Committee to negative the clause.

The Hon. F. S. GRIMWADE—Will the Minister explain whether he intends to replace this clause with another clause? He has not said so.

The Hon. D. R. WHITE (Minister for Health)—Mr Grimwade has already foreshadowed my intentions at a later stage. The omission of this clause really is consequential on a later amendment.

The clause was negatived.

Clause 20 was agreed to.

Clause 21

The Hon. F. S. GRIMWADE (Central Highlands Province)—This is another new clause that the Minister has not explained at all. Honourable members do not know what is its purpose. We can guess, but I should like to hear from the Minister the reasons for the inclusion of this clause.

The Hon. D. R. WHITE (Minister for Health)—Clause 21 removes the licence fee on low alcohol wine and liquor. The background to this is that it results from a commitment made by the Premier in his election speech in 1985 to remove the liquor franchise on low alcohol beer in order to promote the Government’s objective of controlling the road toll.
The Premier said at that time that the removal of the fee would cut the price of a 750 ml bottle of beer by 2 cents at a cost to revenue of $700,000 in a full year. For consistency, it has been decided to remove the fee on low alcohol wine as well.

The clause was agreed to, as was clause 22.

Clause 23

The Hon. D. R. WHITE (Minister for Health)—I move:
3. Clause 23, after line 7 insert:
   ( ) After section 4 (1) (a) insert—
   "(aa) to liquor supplied or consumed as part of a religious service;";
   (b) In section 25 (1) (m) for "a Victorian Wine Centre licence" substitute "a wine centre licence";
   (c) In section 25 (5) for "Victorian Wine Centre licence" substitute "wine centre licence".

New paragraph (aa) of section 4 (1) removes the application of the Liquor Control Act to liquor supplied or consumed as part of a religious service, and the other paragraphs substitute "a wine centre licence" for "a Victorian Wine Centre licence". This is necessary because of the existence of a business name "Victorian Wine Centre" which precludes the use of that expression.

The amendment was agreed to.

The Hon. D. R. WHITE (Minister for Health)—I move:
4. Clause 23, after line 11 insert—
   ( ) In section 39A (1) for "the Victorian Wine Centre in Melbourne" substitute "those premises in Melbourne recognized by the Minister as the centre for the sale and promotion of Victorian wine";
   ( ) In section 39A (2), (3), (5) and (5A) for "Victorian Wine Centre" substitute "wine centre".
5. Clause 23, line 15 and 16, for "Victorian Wine Centre" substitute "wine centre".
6. Clause 23, after line 16 insert—
   ( ) In section 23 for "Victorian Wine Centre" substitute "wine centre".

These amendments are consequential.

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

New clause

The Hon. D. R. WHITE (Minister for Health)—I move:
7. Insert the following new clause to follow clause 18:
   Offences in relation to persons under 18 years of age.
   'AA. (1) Section 112 of the Principal Act is amended as follows:
   (a) In sub-section (1),
      (i) for paragraph (e) substitute—
      "(e) subject to sub-sections (3) and (4) supplies any liquor to any person who is under the age of 18 years;"; and
      (ii) in paragraph (f) omit "subject to the provisions of sub-section (4)"; and
      (iii) for paragraph (g) substitute—
      "(g) subject to sub-section (4), being under the age of 18 years purchases or receives liquor from any person or possesses or consumes any liquor;"; and
      (iv) for "½ a penalty unit" substitute "5 penalty units";
   (b) In sub-section (4)—
      (i) omit "(f)"; and
(ii) for paragraph (a) substitute—

“(a) to liquor in the possession of or supplied to a person at a place for consumption as part of a meal at that place if the person is accompanied by a spouse or a parent or guardian;”; and

(iii) after paragraph (c) insert—

“(b) to any liquor supplied to, consumed by, received by or in the possession of a person under the age of 18 years in a residence.”

(c) After sub-section (5) insert—

“(5A) If any authorized member of the police force reasonably believes that any person is in possession of liquor in contravention of sub-section (1) (g), the member of the police force may seize and take or cause to be seized and taken away that liquor together with the vessel or utensil containing the liquor.”;

(d) In sub-section (6), for the definition of “Specified premises” substitute—

“Building” includes part of a building.

“Residence” means—

(a) a building used as a separate residence; and

(b) any land or building used for a purpose ancillary to the use of the building referred to in paragraph (a)—

but does not include a licensed premises.’.

(2) In section 110 (6) (a) of the Principal Act—

(a) omit “sale or”; and

(b) omit “sold or”.

(3) In section 118 (1) of the Principal Act—

(a) omit “on any specified premises as defined in section 112”; and.

(b) after “liquor” (where secondly occurring) insert “in contravention of this Act”.

The amendment inserts new provisions concerning offences in relation to persons under eighteen years of age. During the debate on the Bill in another place, a number of inadequacies were highlighted in respect of this clause. These amendments attempt to overcome the major issues addressed. They are reasonably self-explanatory, but I am happy to provide further explanation if required by honourable members.

The Hon. W. R. Baxter (North Eastern Province)—I thank the Minister for introducing these amendments which go some way towards meeting the objections that I raised in the second-reading debate in that the clause as drafted did not achieve the purposes that had been claimed for it, in that it would have allowed a loophole to exist so that an accosted under-age drinker could have claimed that he or she had been supplied with that liquor at a residence and thus been exempt from apprehension by the police. I am pleased that the offending clause, clause 19, has been removed and that the proposed clause is to be substituted. It overcomes the objections that I raised and will enable under-age drinkers drinking in public places to be apprehended.

It has two interesting additions that I had not canvassed and I do not think they were canvassed in another place, but I do not object to their addition. One increases the penalty from one-half of a penalty unit to five penalty units, that is from $500 to $5000, a substantial increase. Nevertheless, it is an appropriate increase in view of the gravity of the offences concerned and the need for a deterrent to be placed in the proposed legislation.

The other question I raise with the Minister may or may not be a matter of significance—that proposed new sub-section (5A) enables the Police Force to seize any liquor that is being consumed or is in the possession of an under-age person in a public place. It is likely that substantial quantities of liquor will be seized because I have observed—as I am sure have other honourable members—drinking parties going on in public places where there is quite a quantity of bottles, cans, flagons and the like. I wonder what provisions are available for the disposal of seized liquor. There may well be provision in the Liquor
Control Act or a general provision elsewhere relating to other goods that the police are authorized to seize from time to time.

However, it would seem that there is a prospect of the Police Department almost becoming a bottle shop with the amount of liquor it will collect if the police take to this law in the way in which I believe they should and will, at least until it begins to have its impact upon the community and young people cease drinking in the streets. I ask the Minister to indicate to the Committee whether any thought has been given to the disposal of seized liquor.

The Hon. D. R. WHITE (Minister for Health)—The clause to which Mr Baxter referred arose from the events of the Moomba festivities and the incidence of under-age drinking and how that might be best dealt with. After deliberations with a number of Cabinet Ministers, it was decided the most appropriate course would be to empower the Police Force to confiscate liquor possessed by persons under age. In most cases, that would relate to liquor they had in their possession.

As to the disposal of that liquor, obviously, that matter would be dealt with by the Police Force in the same way it deals with other property that comes into its possession, such as stolen goods and so on. Obviously, there are procedures for that.

The new clause was agreed to.

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

**ADJOURNMENT**


The Hon. E. H. WALKER (Minister for Agricultural and Rural Affairs)—I move:

That the House do now adjourn.

The Hon. B. A. CHAMBERLAIN (Western Province)—I direct a matter to the attention of the Minister for Health representing the Minister for Labour in another place. I refer to the limits imposed on the weights that may be lifted by women employees. The issue has been brought to my attention by a company in Portland where there is currently a considerable shortage of male labour.

The company pointed out that, under the appropriate awards, women are paid the same amount as men for a specific job; however, the job would require them to lift weights that would be slightly in excess of the limits set down in the Labour and Industry Act.

At a time of equal opportunity for women in the work force and at a time of equal pay and where women are prepared to take on certain jobs, the company asked me why it is precluded from employing women in these jobs and why women who want to take up those jobs are unable to do so.

I ask the Minister whether the Government is addressing the relevance of those weight limits for women or whether, in the spirit of true equal opportunity, it will remove those restrictions with a view to allowing women in the work force to have equal opportunity with men in those circumstances.

The Hon. F. J. GRANTER (Central Highlands Province)—I direct the attention of the Minister for Health to a deputation that I introduced to him on 23 January in reference to the Alexandra Ambulance Service. I am aware that the Minister was most impressed by that deputation, especially by Dr Bunn, who spoke at the meeting. The deputation was supported by Mr Evans and the honourable member for Benalla in another place, Mr
McNamara. If Mr Grimwade had been available, I would not have introduced the deputation.

The Minister for Health agreed that he would visit the ambulance service at a date convenient to him. I am sure the Minister has not forgotten that promise, but I remind him that I would like him to visit Alexandra to see the service at first hand.

The Hon. D. M. Evans (North Eastern Province)—I direct to the attention of the Attorney-General the passage of amendments to the Wrongs Act in February 1984 through the Wrongs (Animals Straying on Highways) Bill. The change in the law brought about by that Bill leaves entirely to the courts the matter of negligence and the possibility of a claim for damages against a stock owner whose livestock—being sheep, cattle, goats, pigs or horses—strayed onto the highway.

I understand there is now building up a history of court decisions that will interpret the actual meaning of the Bill passed through this House. When the Bill was debated, my colleague, Mr Baxter, expressed considerable concerns about it. It is of grave concern to the Victorian Farmers and Graziers Association and to the farming community in general that, prima facie, the fact that an animal is on a highway is inclined to show that the farmer is negligent.

The Hon. B. A. Chamberlain—That is not right.

The Hon. D. M. Evans—I note that Mr Chamberlain has interjected and I shall come to that point in a moment and I shall give a clear example.

At page 1599 of Hansard of 28 February 1984, the Minister, in his second-reading speech stated:

The Bill strikes an appropriate balance between the interests of motorists travelling on highways and the users of land adjoining them. The Bill does not specify what matters the court must take into account in determining whether an owner has failed to take reasonable care. In practice, the court would look at all the circumstances of each case including such matters as the nature of the general locality, traffic flow, the condition of the road, fencing practice in the area, the extent of previous accidents and warning signs. The user of the highway will still have to prove the ownership of the straying animal and that the owner failed to take reasonable care to prevent his animal from causing foreseeable loss. The Bill does not affect the duty of users of the highway to take reasonable care in so using the highway.

The President—Order! After listening to the honourable member, I have decided he is reflecting on a statute. In doing so, he is out of order. I remind the honourable member that the guidelines laid down in regard to the debate on the motion for the adjournment of the sitting are that an honourable member may not reflect on a statute. Therefore, I rule the matter out of order.

The Hon. C. F. Van Buren (Eumemmerring Province)—I direct a matter to the attention of the Attorney-General who is the representative of the Minister for Transport in another place. I refer to the problem of overcrowding of buses by Grenda's Bus Service. According to correspondence from Mrs Gebert of Keysborough, she raised the matter of the overcrowding of buses with the company and was advised by the company that it is allowed to carry as many passengers as it can on a bus.

I am greatly concerned for the safety of passengers, a number of whom are school children. One can imagine what would happen if a bus were overcrowded and the driver had to suddenly apply his brakes or had an accident. I request that the Ministry of Transport investigate the problem and discover whether it is due to the shortage of staff or the shortage of buses.

The Hon. B. P. Dunn (North Western Province)—I raise a matter with the Minister for Health in his capacity as Minister representing the Minister for Industry, Technology and Resources.

I refer particularly to the provisions that the State Electricity Commission are imposing upon many rural property owners at this time in regard to the replacement of overhead
power lines, and particularly I want to direct this to his attention as it affects crisis-affected farmers in Victoria. Rural people have had good co-operation from many of the departments such as agriculture, community services and, as of yesterday, co-operation from the Rural Water Commission of Victoria in the waiving of interest rates on certain outstanding rates.

I put it to the Minister for Health that the State Electricity Commission and this Minister could play a part in assisting these farmers very simply and quickly. The commission is proceeding to go about its duties of inspecting overhead power lines on properties in the Mallee, as it is in other parts of Victoria, declaring them in need of replacement and telling the people that unless they underground those lines within a specified time, the power will be cut off from the sheds or farm buildings that it is supplying.

The farmers cannot afford to do that work now. One would be looking at thousands of dollars and in the case of a farmer at Turriff, in the Mallee, who was affected by bad seasons and a very difficult time, he was told that to underground his cable would cost $2000 and that if he did not underground it, power would be cut off from his farm buildings.

There was no way that he could afford that at that time. I ask the Minister: in view of the difficulties confronting many property owners in those areas, will he ensure that the Minister and the State Electricity Commission either temporarily defer the replacement of lines program or at least take action to ensure that farmers in financial hardship are not faced with an excessive cost burden in undergrounding power lines that would serve the purpose for a number of years into the future until this particular crisis period is over.

The Hon. ROSEMARY VARTY (Nunawading Province)—My question is to the Minister for Community Services and it relates to after-school care programs. I understand that Community Services Victoria is in the process of undertaking a review of those programs.

Can the Minister tell us the current status of programs and the likelihood of funding for additional programs?

The Hon. B. A. MURPHY (Gippsland Province)—I direct a matter of concern to the Minister for Conservation, Forests and Lands. I ask her what action the Department of Conservation, Forests and Lands is taking to ensure that employment matters are noticed in east Gippsland?

As the Minister would be aware, a couple of years ago the National Party was trying to make a big issue—and no doubt will try to do so again tomorrow—of the fact that the Labor Party is an anti-rural Government. I should like to make the point that in the past few weeks—

The PRESIDENT—Order! The adjournment debate is not for the purpose of making points. I remind Mr Murphy that he may raise a question rather than raise a point. If he has a matter he wishes to raise, I invite him to do so now.

The Hon. B. A. MURPHY—I ask the Minister to report on the developments in regional Community Employment Program jobs in her department and on what her department is doing, in general, in east Gippsland to see that employment takes top priority.

The Hon. REG MACEY (Monash Province)—I raise a matter with the Attorney-General in relation to his capacity in representing the Minister for Transport in another place. I am doing so on behalf of the municipality of Port Melbourne, a good Labor town.

The information I have obtained is from Mr Fred Jackson, the town clerk of that municipality. The City of Port Melbourne has conducted traffic counts relating to what has happened in residential streets of Port Melbourne since the West Gate toll was lifted.
Mr Jackson has shown me a statement from the Mayor of Port Melbourne, Councillor White, which pointed out that the traffic volume between Williamstown Road and the West Gate Freeway had increased by 36·5 per cent and in Ingle Street between Williamstown Road and Pickles Street by 12·7 per cent.

They have also asked me to point out to the Minister for Transport that in Pickles Street, traffic has increased by 16·1 per cent. The hourly rate of trucks in Graham Street has peaked at 117 an hour and in Beach Street, Port Melbourne, the traffic has increased by 46·8 per cent.

The Port Melbourne City Council has asked me to bring to the attention of the Government that the council had previously fought for proper protection of residential streets before the West Gate Bridge was opened and it looks as if they will have to be ready to fight again.

I ask what measures the Minister for Transport is prepared to take to protect the good Labor voters in Port Melbourne against the detrimental effects of the decision that this Labor Government has taken against their interests?

The Hon. D. R. White (Minister for Health)—Mr Chamberlain asked a question to be directed to the Minister for Labour regarding restrictions imposed by the Department of Labour on the weights that women can lift.


The Hon. D. R. White—Yes. I shall raise that with the Minister and provide Mr Chamberlain with an answer as soon as possible.

Mr Granter raised a matter of a visit to see the ambulance service at Alexandra. I look forward to doing that during the recess.

Mr Dunn raised a matter of replacement of overhead power lines being imposed by the State Electricity Commission and if it were being made mandatory to replace those out-of-date lines with underground lines. I look forward to taking up that matter with the Minister in another place and I am sure that the commission will be sensitive to that issue.

The Hon. J. H. Kennan (Attorney-General)—Mr Macey raised a matter with me regarding traffic in Port Melbourne. I met with the Port Melbourne City Council two or three weeks ago and they detailed their concern to me with some clarity and I am certainly happy to take up the matter raised by Mr Macey with the Minister for Transport.

Mr Evans raised something with me that was ruled out of order.

The Hon. D. M. Evans (North Eastern Province)—On a point of order, Mr President, I believe your ruling was made and that it is unfair and unreasonable for the Attorney-General to deal with that particular matter and I ask him to withdraw the comments.

The President—Order! I have told the Attorney-General it is out of order and he is not proceeding any further.

The Hon. J. H. Kennan (Attorney-General)—Mr Van Buren raised a matter with me that was in order and it related to the overcrowding of buses in his electorate. I know he has a keen interest in these matters within the electorate he represents and I look forward to taking up his concern for his constituents with the Minister for Transport.

The Hon. C. J. Hogg (Minister for Community Services)—I thank Mrs Varty for her query about the review of after-school care programs. I should like to preface my remarks by saying that there has always been a problem with after-school care programs. I regard both before and after-school care programs as essential components of child care.

Those programs are particularly essential for women who are in the work force. The programs have always been poorly funded but they are delivered, mostly by women, in a dedicated way and are patchy because of funding difficulties and irregularities.
The whole question of before and after-school care programs is one I have discussed on several occasions with my Federal counterpart. I assure the House that the review is in progress and I shall be delighted to report to the House and discuss any financial decisions and improvements with Mrs Varty when that stage has been reached.

The Hon. J. E. KIRNER (Minister for Conservation, Forests and Lands)—Mr Murphy, who is ever vigilant in the interests of east Gippsland, asked me a question about employment in the Lakes Entrance area. I am pleased to say that on the question of short-term employment, my department has been successful in obtaining a Community Employment Program grant of $313,600 to employ 32 people for 26 weeks to improve and to develop recreational facilities in the Bairnsdale area, particularly at the Gippsland Lakes and Omeo. Those projects will include walking tracks, boat landing facilities, camping sites and car parking areas.

I am hopeful that, particularly in the Gippsland Lakes area, the jobs will be picked up by some people who are currently disadvantaged by the downturn in the scallop industry. In the long term, I am delighted to be able to say that the Government's intention to develop Cunningham Arm, which is or should be the showpiece of Lakes Entrance, was discussed at a meeting of 300 people in Lakes Entrance last Sunday. That attendance must have been due partly to the fact that the meeting was chaired by Mr Murphy and also due to the fact that the people of Lakes Entrance have, as has the Government, a long-term interest in the redevelopment of the area in a way that is consistent with both developmental and environmental aspects. Hopefully, under Mr Murphy's expert leadership, it will provide for more jobs in the Gippsland area.

The motion was agreed to.

The House adjourned at 9.33 p.m.
Wednesday, 16 April 1986

The PRESIDENT (the Hon. R. A. Mackenzie) took the chair at 11.4 a.m. and read the prayer.

INDUSTRIAL RELATIONS (AMENDMENT) 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.

QUESTIONS WITHOUT NOTICE

JURY TRANSPORTATION

The Hon. B. A. CHAMBERLAIN (Western Province)—The Attorney-General will be aware that at least two criminal cases, one of which had been running for a long time, have been aborted because of the problems of transporting jurors in those cases. Will the Attorney-General ensure that sufficient resources are made available for the proper transport of such juries so that a repetition of this situation does not occur?

The Hon. J. H. KENNAN (Attorney-General)—I thank Mr Chamberlain for his question. He has raised an important matter. The necessary issues might go even wider than the transport of juries in terms of proper instruction to staff on the proper keeping of jurors. Sometimes jury keepers do not understand the importance of the principle that jury deliberations are to be conducted in confidence and not in the presence of jury keepers. In my view, that includes discussions that might continue over lunch.

In the light of the issues referred to by Mr Chamberlain and in the light of matters raised in this morning’s press, I shall address those issues, together with some associated issues.

FEDERAL RURAL ASSISTANCE PACKAGE

The Hon. B. P. DUNN (North Western Province)—I refer the Minister for Agriculture and Rural Affairs to the Federal Government rural assistance package announced by Mr Kerin yesterday which was a failure and totally inadequate in addressing the real needs of crisis-affected farmers in Australia. Mr Kerin’s statements must be a clear embarrassment to the Minister as well as to other Labor State agriculture Ministers.

Does the Minister recognize the enormous inadequacies in the statement by the Federal Government on primary industry? Because of those inadequacies, what further action does the Minister propose to take, as the Minister responsible for the farmers in this State, to ensure that those farmers survive in the future despite the inadequacy of the Federal Government’s action? Will the Government provide some real and meaningful assistance to the farmers of this State?

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—I suppose one could have predicted this question and I am disappointed that the Leader of the National Party in this House has taken a hollow and shallow approach to this substantial support for the rural industry.

What Mr Kerin has done, in consultation over many months, has been to put together a scheme to reinforce and back up rural industries within this country that have been having a difficult time. He has done this on a macro-economic basis, an unprecedented move. I welcome that and I am pleased with the spread of that approach and the way Mr Kerin has done it. I simply reject the rhetoric in which the Leader of the National Party puts his question.
A 280 per cent increase in available funds for rural adjustment has been made available and the three-part rural adjustment scheme is the key to the sustaining of a healthy rural industry. Mr Dunn can shake his head, but the leaders of his sort of movements, whether it be the Victorian Farmers and Graziers Association, the National Farmers Federation or Federal National Party spokespersons, continue to mouth words such as: they do not want subsidies. The truth is that what they are asking for are subsidies for the rural industry, and subsidies will not, in anybody's terms, create a long-term healthy industry.

It is necessary that genuine support be given to the rural industry in this State and in Australia to enable it to become strong again on its own. It must be made possible for the rural industry to be made strong in its own right and not to be dependent in the way that the National Party continues to suggest.

Mr Kerin has reinforced those parts of the rural adjustment scheme substantially by an increase of 280 per cent—no mean increase—in the available funds. He has also picked up a number of points that Victoria had pioneered. Counselling schemes such as financial counselling, family counselling and a co-ordinated approach of Government to the rural sector, which was the rural affairs approach the Victorian Government began, has been picked up by the Federal Government.

Mr Kerin made substantial statements about complimenting Victoria on the approach it was taking. He has picked up the matter and the Federal Government will be paying part of the counselling costs for self-help groups—not the charitable approach that prevailed in previous years. The State will be able to lift its services in that regard accordingly.

Therefore, without going into major detail, I simply reject entirely the attitude and approach of Mr Dunn. I should have thought that he at least could have been complimentary on those parts of the Kerin announcement that will substantially improve the lot of the people for whom he cares.

I suggest that if Mr Dunn and his Leaders nationally continue to function in the way they do, they will receive a negative response from this Government—a Government that is trying its best for Victoria with the Commonwealth Government in these difficult times in rural areas and offering the necessary assistance without making it an industry that is dependent on a charitable approach.

**ACQUIRED IMMUNE DEFICIENCY SYNDROME**

The Hon. JOAN COXSEDGE (Melbourne West Province)—I direct my question to the Minister for Health on an issue causing grave concern around the world, but not the one that has been exercising our minds over the past 24 hours. Will the Minister give his personal assessment of the cause of AIDS in Victoria and give the Government's response to the number of AIDS cases reported in this State?

The Hon. D. R. WHITE (Minister for Health)—As of today, a total of 22 cases of AIDS has been notified to Health Department Victoria. Of these, eleven patients have died. At the same time in 1984 and 1983, seven and two cases respectively had been notified. This shows that the rate of increase, although of great concern, is not as great as was anticipated, namely a doubling every six months, as was predicted early last year.

It is also apparent that the spread of the epidemic in Australia is already slowing considerably and further slowing is expected. That was not the initial experience in the USA, especially on the west coast.

These encouraging figures may, I hope, be due partly to the extensive education campaign which has been carried out in Victoria, and which has been recognized as the best in Australia. One must pay tribute to the gay community and to Health Department Victoria which have been working effectively together.

Health Department Victoria has, with financial support from the Commonwealth Government, developed a comprehensive educational program on AIDS. This includes...
courses and seminars for professional groups such as pharmacists and community health workers. Speakers are also arranged to address particular groups such as school councils and women's groups. Three clinical units have been established in Melbourne for the assessment and management of patients and those are staffed by medical practitioners and counsellors. An AIDS hotline telephone service was established last year to inform callers of symptoms of the disease, modes of transmission, precautions to be taken and the services provided by the three AIDS referral clinics.

Confidence has been restored in the Red Cross Society Blood Bank as all blood donations are screened before use. The Victorian Government played a major role in supporting the development of laboratory and research facilities for AIDS at Fairfield Hospital. Its director, Professor lan Gust, is now Chairman of the Committee of Directors of the International Collaborating Centres for AIDS Research under the World Health Organization.

I am pleased to report that Melbourne hosted the successful first national conference on AIDS. I am pleased to say that, although it remains a serious problem and one of concern to the Government, the anticipation of a major epidemic has not come about.

“GOVERNMENT GAZETTE”

The Hon. HADDON STOREY (East Yarra Province)—I refer the Attorney-General to a question I asked last week regarding the Government Gazette of 26 March which was not available on 26 or 27 March. The Attorney-General said then that he would inquire into that matter and I now ask him: what action has been taken?

The Hon. J. H. KENNAN (Attorney-General)—I raised that matter with the Minister for Property and Services in another place who indicated that he would examine it. I do not know that a special task force is required to investigate the missing Government Gazette, but I shall inform the House as soon as I ascertain what happened.

MACDEE SAW MILLS PTY LTD, ALEXANDRA

The Hon. D. M. EVANS (North Eastern Province)—I refer the Minister for Conservation, Forests and Lands to a matter concerning Macdee Saw Mills Pty Ltd of Alexandra, owned by Frontier Homes Pty Ltd, which I understand is in receivership. Can the Minister inform the House whether there were any outstanding log royalties owed by Macdee Saw Mills Pty Ltd to the Department of Conservation, Forests and Lands when receivers were appointed, and, if so, have those log royalties now been recovered? Does the Department of Conservation, Forests and Lands have a prior claim over other creditors in this matter and in similar cases for the payment of money due to it at a time, incidentally, when a number of people, certainly at least one truck operator, have substantial sums of money owed to them?

The Hon. J. E. KIRNER (Minister for Conservation, Forests and Lands)—In order to answer the question, I need to refer to the history of the mill and its operations. It is true that the mill is a hardwood mill operating at Alexandra. It is a subsidiary company of Frontier Homes Pty Ltd, but it is a separate entity under the Companies Code. That company is under the control of a provisional liquidator, Mr Jonas, of Hungerford, Hancock and Offner, chartered accountants.

It is necessary to examine the issue in two parts. Under the Forests Act logs remain the property of the Crown until payment is made. The department has entered into an arrangement to allow the company to continue trading for the time being, using existing log stocks and paying for them on a weekly basis; that is, logs that are currently in the yard being sawn weekly and being paid for weekly on a seven-days' payment basis. However, in relation to logs already sawn, which is probably the point of Mr Evans's question, the department ranks with other people as an unsecured creditor. The only control the
department has is that, if the company is sold up and the licence is transferred, the proceeds of any sale of the licence go towards paying off the debt owed to the department.

Finally, as I indicated, the department ranks as an unsecured creditor with other people although, in the long term, it has the mechanism of recovering its debt on the transfer of the licence.

**MELBOURNE METROPOLITAN PLANNING STRATEGY**

The Hon. B. W. Mier (Waverley Province)—I direct my question to the Minister for Planning and Environment. It is now five years since the former metropolitan planning authority, the Melbourne and Metropolitan Board of Works, produced a comprehensive metropolitan planning strategy. Can the Minister advise the House whether, since the Government assumed responsibility for metropolitan planning, it has taken any steps to review and update the metropolitan strategy?

The Hon. J. H. Kennan (Minister for Planning and Environment)—I thank Mr Mier for his question and his continued interest in the metropolitan planning strategy. In 1981 the Board of Works produced a major metropolitan strategy document which has been progressively implemented through the approval of amendment 150 to the Melbourne Metropolitan Planning Scheme.

The Government has supported that strategy through its major works programs in the district centres and in its assessment of major development proposals, many of which are familiar to the House.

Because the city is constantly changing, it is important to monitor and review the development of the metropolitan area, and my Ministry and other agencies have now commenced preparation of a major new metropolitan strategy to complement the economic strategy.

The strategy will be more than a traditional land use strategy; it will reflect the Government's corporate view of Melbourne's future. The strategy will, for the first time in Melbourne, promote the proper co-ordination of the physical infrastructure and the provision of human services with the release of new land for metropolitan developments.

Co-ordination is particularly important on the outskirts of the metropolitan area, where 90 per cent of Melbourne's new houses are built.

It is the Government's intention to extend that approach to the State's provincial cities to ensure that areas being subdivided have better physical and social services and that the best and most efficient use is made of public resources.

**STOCKTAKING OF DEPARTMENT OF CONSERVATION, FORESTS AND LANDS**

The Hon. R. I. Knowles (Ballarat Province)—The Minister for Conservation, Forests and Lands would be aware of the criticism by the Auditor-General in his 1984-85 report that the Department of Conservation, Forests and Lands failed to comply with regulation 89 of the Treasury Regulations 1981 in regard to carrying out annual stocktaking.

Can the Minister explain why action has not been taken to implement the 1983-84 recommendations of the Auditor-General and why the department has still not carried out the annual stocktaking required by the Treasury regulations?

The Hon. J. E. Kirner (Minister for Conservation, Forests and Lands)—A series of statements were made in the Auditor-General's report that were critical of the department's financial management relating to stocktaking, reconciliation and so on. All those matters are now in hand. The department has finalized its financial management arrangements, as a result of the regionalization of the department and its massive reorganization.
CITRUS INDUSTRY

The Hon. K. I. M. WRIGHT (North Western Province)—The question I direct to the Minister for Agriculture and Rural Affairs relates to the serious downturn that has occurred in the citrus industry. In fact, citrus concentrate from Brazil has been flooding the Australian market, and prices have dropped from some $1500 a tonne to $1000 a tonne. The worst has now occurred, and the price has dropped even more dramatically, to $800 a tonne.

What actions are the Minister and his department able to take on this matter and will the Minister accede to the request of citrus growers to visit the mid-Murray and Sunraysia areas during the winter recess?

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—I am aware of the situation to which Mr Wright refers. In fact, he wrote to me about the matter a week or so ago.

It is interesting to examine what has happened to citrus prices over the past three years. In fact, in 1984 the price for citrus concentrate was the same as it is now, about $800 a tonne. Last year, the price increased to some $1500 a tonne and earlier this year it dropped to $1000 a tonne or less. As Mr Wright mentioned to me the other day, the price has further declined to some $800 a tonne.

There was a reason for what I considered to be the high prices in 1985, which related—if I remember correctly—to the loss of crop in Florida because of the winter freeze, when substantial losses were incurred, which meant that Australia benefited.

However, a problem now exists, as lower prices have been caused by the dumping of that product on the Australian market. As Mr Wright mentioned, Brazil is involved, and I believe Chile also takes some part in that activity. As a result, difficulty is being faced in citrus growing areas.

Mr Wright asked whether I am aware of the situation; I am aware of it. He also asked whether I would take the time to visit the area and discuss the matter with the growers. I plan to visit the area at the earliest possible opportunity.

SIBLING GROUP FOSTER CARE

The Hon. C. J. KENNEDY (Waverley Province)—I address my question to the commendable, compassionate Minister for Community Services. Community Services Victoria promoted foster care to meet placement needs for children who are wards of the State or in need of temporary care. I ask the Minister what is being done to assist foster parents to take in groups of brothers and sisters or children whose care is particularly expensive?

The Hon. C. J. HOGG (Minister for Community Services)—Like every other Minister for Community Services, I am particularly concerned about the problem of sibling groups in care. One still reads today of the tragic consequences of sibling groups who were separated when taken into care in the past.

With this in mind, a sibling placement scheme was introduced in the 1984–85 Budget to assist foster parents with upgrading the family home, the car and other small changes to enable them to take a sibling group. That scheme has been most successful and rather more than a dozen sibling groups have been accommodated. I stress though that, in the past eighteen months, we have had in care one sibling group of five and another sibling group of six. That presents an enormous problem for foster parents; in fact, it is almost impossible to find a foster parent situation that is capable of caring for such a large number of children.

In the case of the sibling group of five, the department arranged with the Minister for Housing for accommodation to be provided so that the father of those children could be assisted to care for them. In the second instance with the sibling group of six, the department
entered into an arrangement with a voluntary care group outside the metropolitan area under which the department and the care group share the rent of the premises and the department is largely responsible for the payment of staff.

It is important to acknowledge the significance of the sibling placement scheme and also the importance of other flexible arrangements such as agreements with other Government departments in partnership with the voluntary system. If we are able to make these arrangements, they are much more cost effective and, in terms of human happiness, they are absolutely essential.

**FEDERAL RURAL ASSISTANCE PACKAGE**

The Hon. F. S. GRIMWADE (Central Highlands Province)—My question to the Minister for Agriculture and Rural Affairs concerns the Kerin package for rural assistance in response to the projected fall of 21 per cent this year and 21 per cent next year in farm incomes. To what extent has the Minister or his department consulted with or given advice to the Federal Government in the formulation of this policy? Has he relied on assistance and help from his private secretary, Mr Phillip Staindl, who was recently reported in the *Labor Star* of March 1986 as addressing the Mentone branch of the Labor Party on the so-called rural crisis, and saying that there was no over-all crisis? He went on to say that the Government is working—

... in an atmosphere of heightened political activity by the new right and allied groups—

The PRESIDENT—Order! The honourable member appears to be debating the question.

The Hon. F. S. GRIMWADE—No, Mr President; I am quoting from page 12 of the *Labor Star* of March 1986, where Mr Staindl is reported as having said that the Government is working—

... in an atmosphere of heightened political activity by the new right and allied groups, reported by the media with a mixture of general hype and romanticism to do with the 'man on the land'.

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—In response to the first part of the question, I advise the House that substantial consultation occurred prior to the announcement by the Federal Minister for Primary Industry yesterday, but I shall put that in context. Until the final speech was made in the House yesterday and press releases were issued, I was not privy to precisely what would be said, but I certainly was privy to the intent of the statement and had had substantial input to it in meetings of Ministers with the Federal Minister prior to yesterday's announcement.

As I said in answer to Mr Dunn, I am pleased with the announcement. It has a comprehensive nature to it, and I look forward to informing the House over the next week or two of some of the finer detail of the statement; I have not yet been able to get on top of all of it. I believe honourable members will be interested in various parts of that statement. I assure Mr Dunn and Mr Grimwade that it is a genuine attempt to meet the real problem.

The Hon. B. P. Dunn—Genuine but inadequate.

The Hon. E. H. WALKER—In response to the second part of the question, I am pleased that Mr Grimwade reads the *Labor Star*. I commend it to honourable members opposite; it is a splendid newspaper. I read the *Labor Star* and I read that report about the speech made by my private secretary to the Mentone branch of the Australian Labor Party.

Questions without notice are supposed to relate to matters of Government administration.

The Hon. A. J. Hunt—He was reflecting your views.

The Hon. E. H. WALKER—that is not what was said. I cannot understand how the question asked by Mr Grimwade can be considered to relate to Government administration.
FISHING IN NATIONAL PARKS

The Hon. R. M. HALLAM (Western Province)—I refer the Minister for Conservation, Forests and Lands to the March edition of parkwatch, the official journal of the Victorian National Parks Association. The editorial raises the issue of amateur anglers being excluded from national parks and coastal park beaches. The article asks:

If National Parks protect birds, bats, butterflies and even European bees, why not blackfish and bass?

I ask the Minister whether she can give a categorical assurance that anglers will not be excluded from national parks or coastal park beaches under her administration.

The Hon. J. E. KIRNER (Minister for Conservation, Forests and Lands)—I am pleased that Mr Hallam reads the excellent publication, parkwatch, although I indicate that he is not always polite to the Minister for Conservation, Forests and Lands. I understand that the editorial of that publication has caused some concern among recreational fishermen. I have no information about any intention of the Government to ban recreational fishing in national parks.

There are far more intelligent ways of handling the development of native fish in Victoria than by banning recreational fishing. The Government will handle these important conflicting issues involving our national parks by developing management plans in agreement with the various interest groups. By and large, it is not appropriate to enforce extended bans such as those described by Mr Hallam.

MINISTERIAL STATEMENT

St Albans Community Health and Resources Centre

The Hon. D. R. WHITE (Minister for Health)—I desire to make a Ministerial statement regarding the St Albans Community Health and Resources Centre, which will make reference to a report made to me as Minister. At the conclusion of my statement, I propose to move that the report be laid on the table of the House. As an explanation to honourable members, I intend that copies of the Ministerial statement be circulated shortly after I have made the statement. Earlier today, I also took the opportunity of forwarding copies of the report to both the Opposition and the National Party.

Late last year I was informed that some serious allegations had been made concerning the St Albans Community Health and Resources Centre. I ordered an inquiry into those allegations with the following terms of reference:

To investigate the administration and management of the St Albans Community Health and Resources Centre with particular reference to:

(i) reporting on the allegations made by the previous debtors control officer of the private company in relation to both the company and the health centre;

(ii) advice on the propriety and suitability of conducting a private company in association with the publicly-funded community health centre; and

(iii) an assessment of the appropriateness of the community health activity provided by the centre in meeting the needs of the surrounding community.

Mr Ian Blair of the firm Deloitte, Haskins and Sells was appointed to conduct the inquiry with the support of Mr Bill Newton, Chairperson of the Community Health Implementation Committee. I now have their report.

The report finds no evidence to support the quite serious allegations of impropriety and fraud which have been made. It finds some truth in suggestions of lack of public accountability and of policy misdirection at the centre but cannot in any way conclude that the committee of management or the officers of the centre have been involved in fraudulent, improper or illegal practices.
The main recommendations of the report are:

1. That the centre should devote more of its resources to the provision of community health programs and develop a management style more suited to community health.

2. That the private company, which was established in 1979 to act as middle-man between the doctors and the centre, should be wound up and its activities taken over by the centre.

3. That the changes recommended by the report should be implemented by the centre’s committee of management with assistance from Health Department Victoria.

The report acknowledges the achievement of the centre’s committee of management and staff in meeting the acute needs of the people of St Albans at the time of the establishment of the centre, and in creating an organization that is firmly based and effectively run. It considers that it is now time for the centre to move from this well-established base towards the provision of a wider range of community health programs and services.

In considering the private company, the report states that the reasons for the establishment of the company in September 1979 no longer apply. In view of this, the report says:

There is no real reason for the company to continue except in order to provide a device for the avoidance of the accountability requirements of the Health Department. We do not believe this to be the intention of the centre’s committee of management.

The report expresses the view that changes to the direction of the centre should be implemented by the committee of management with the help of the staff and the community. The report states that it is the committee of management that has final responsibility for the centre’s operations and the committee should, with the guidance of Health Department Victoria, set new objectives and develop programs and services to achieve them. It is only if the committee of management is not able to develop new objectives, programs and services that the department should take a more direct role. The Government accepts the report’s recommendations.

In response to the recommendations of the report, I have directed that an implementation process begin at once.

Mr Blair has informed me that the committee of management of the centre has expressed its agreement in principle with the recommendations of the report and its wish to work with the regional director, Dr John Yeatman, to implement the recommendations. This response of the committee of management augurs well for the future of the centre.

The first step in the implementation process will be the establishment of a working party comprising members of the committee of management, representatives of centre staff and appointees of the regional director to determine what specific actions need to be taken and to set a time-table for implementation. This committee will report to Dr Yeatman in two weeks.

The implementation will proceed with the aim of transferring the activities of the company to the centre by 1 July, and agreement on action to implement all other recommendations before 31 August.

I have asked Deloitte, Haskins and Sells to follow up their report by making an assessment in August of the progress made by the centre and reporting to me by 31 August.

To assist the centre in the implementation of the report’s recommendations I have agreed to the request of the committee of management that Mr Bill Newton be co-opted onto the committee. The regional director has agreed to make one of his project officers, Ms Margaret Davidson, available to work with the committee and staff on the implementation process.

The report reveals a number of problems that arose because of the lack of effective mechanisms by which community health centres and all other health agencies could be
made accountable. It notes that, even though the St Albans Community Health and Resources Centre was founded on the principles of community health and had community health objectives at its establishment, it was possible for those objectives to be lost sight of without any intervention by the then Health Commission.

It is my intention to ensure that all community health centres set clear and measurable objectives and that they hold themselves accountable to Health Department Victoria and their local communities. Projects are in progress to achieve this aim.

In October 1985 I approved a recommendation of the Community Health Implementation Committee for the establishment within the Planning Division of Health Department Victoria of the Quality, Utilization, Accountability and Cost Project. This project works with six community health centres in three regions and by July it will produce a set of objectives for community health that will give the committees and the staff of each community health centre the support they need in developing objectives specific to their community.

The setting of specific objectives by the committee of management will become a prerequisite for the funding of community health centres and committees of management will be held accountable for the successful achievement of these objectives.

Much progress has been made in the evaluation of the performance of community health centres following the distribution to all centres by the Community Health Implementation Committee of the "Manual of Standards in Community Health". This provides centres with a set of standards, based on community health criteria, against which their performance may be measured. It has been received with enthusiasm by community health centres.

The Community Health Implementation Committee has two further projects in progress to ensure that committees of management of community health centres run their centres effectively. The first will, after discussion with regional directors, result in a set of operational guidelines for community health centres. The other will, after an investigation of current practice and consultation with centres, make recommendations to me about the proper role, composition and method of appointment of committees of management.

These are but the first steps in a process that will change the former broad and unspecific commitment to community health principles into a clearly defined and measurable set of objectives for each community health centre. With a clear set of objectives for each centre and an evaluation process made more effective by the establishment of the department's regional structure, it will be possible to ensure that community health centres are filling the valuable role for which they were intended when the community health program was designed.

I reiterate that serious allegations were made. The report is now available in response to them. There are some management issues that need to be attended to. The report by Deloitte, Haskins and Sells indicated that the current committee of management and the St Albans Community Health and Resources Centre should be responsible for implementing the recommendations of the report, in conjunction with the officers of the regional director and Mr Bill Newton. I look forward to their co-operation in the implementation of those recommendations.

By leave, I move:

That there be laid before this House a copy of the report to the Minister for Health on the St Albans Community Health and Resources Centre.

The motion was agreed to.

The Hon. D. R. WHITE (Minister for Health) presented the report in compliance with the foregoing order.
The Hon. D. R. WHITE (Minister for Health)—By leave, I move:
That the report do lie on the table and be printed.

The motion was agreed to.

The Hon. M. A. BIRRELL (East Yarra Province)—I move:
That the Ministerial statement and the relevant report be taken into consideration forthwith cognately with Notice of Motion, General Business, No. 12.

The motion was agreed to.

St Albans Community Health and Resources Centre and community health centres in Victoria

The Hon. M. A. BIRRELL (East Yarra Province)—Pursuant to the foregoing resolution, I move:
That the Council take note of the Ministerial statement and the report on the St Albans Community Health and Resources Centre; and

that this House records its serious concern about the bad management and administration of many community health centres in Victoria.

Mr President, we have heard the Ministerial statement and now it is important to hear the facts. The motion of which I had given notice is timely because of the Minister’s forced presentation of the report this morning. The motion is designed to promote public scrutiny of the gross impropriety and political manipulation that has reached epidemic proportions in many of the State’s community health centres.

The Victorian taxpayers have every reason to feel uneasy about the way community funds are misused and mishandled in certain community health centres. If the factual situations, which I intend to outline, had occurred in a public hospital or any other viable public institution, there would have been a major uproar followed by an independent investigation. However, the facts of the matter have not previously been made public; the truth is not being made known.

The Liberal Party sees a role for community health centres in our health system but they should not be treated as sacred cows. They should be made to meet the same high standards as public hospitals. It is clear that many fall short of those standards.

I shall specifically cite three community health centres. The first is the St Albans Community Health and Resources Centre, the second is the Collingwood Community Health Centre and the third is the Brunswick Community Health Service.

Firstly, the St Albans Community Health and Resources Centre, which was the subject of the highly misleading Ministerial statement that honourable members have just heard, is being run for the purpose of political benefit of a small clique of Labor Party members in the St Albans area. The centre has been managed in a grossly improper manner with massive wastage of scarce public funds and it has breached accepted ethical and accounting standards.

Who are the key players in the St Albans Community Health and Resources Centre, those whom the Minister did not want to mention in the Ministerial statement for fear of political embarrassment? The chairman of the board is Mr George Seitz, the honourable member for Keilor in another place and a member of the Australian Labor Party; and the treasurer is Ms Sue Lockwood, a member of the Australian Labor Party Administrative Committee. I point out for the benefit of the House that, like a large percentage of the staff at the St Albans Community Health and Resources Centre, both Mr Seitz and Ms Lockwood are leading members of the St Albans branch of the Australian Labor Party and members of the socialist left.
It is clear from evidence supplied to the Opposition that Mr George Seitz and his Labor Party cronies have taken control of the community health centre to assist their power games within the socialist left faction of the Labor Party. The Minister for Health is also involved in these shenanigans by being engaged in two levels of a cover-up of this issue.

The first stage of the cover-up by the Minister relates to his failure to make public any documents on this issue, despite a request put to him by me and subsequently put to him on my behalf by the State Ombudsman. On 23 January 1986 I asked officers of Health Department Victoria for all documents, either loose or entire files, relating to the operations or financing of the St Albans Community Health and Resources Centre and St Albans Health Services Pty Ltd. I made that request under the provisions of the Freedom of Information Act, but what did the Minister do? The so-called “user-friendly” open government man did not even reply. He took personal control of the freedom of information request and tried to suppress the information. That was a deliberate breach of the Freedom of Information Act and one into which the Ombudsman, upon my request, is currently inquiring.

Let us not believe the Minister for Health is clean in this cover-up. He has tried to keep information away from public scrutiny and tried to cover up for his mates in order to hide the political embarrassment of this rort.

What is the second stage of the cover-up? Honourable members should not think for a second that the report that was tabled by the Minister for Health is objective, independent or in any way a true reflection of the state of affairs of community health centres.

The report might be issued with the letterhead of Deloitte, Haskins and Sells, a well-known firm of accountants, but in fact it has been jointly written by a partner whose political connections to the Minister for Health and to the Labor Party are well known and by someone whose political connections within Health Department Victoria and whose links with all community centres are well known. One of the authors of the report—that the Minister says clears St Albans community health centre and says that there is not much to be done and, to use the Minister’s words “nothing improper” has happened—is Mr Ian Blair, who, as the Minister said, is a partner of Deloitte, Haskins and Sells. The Minister overlooked the fact that Mr Blair is a well-known and prominent member of the Victorian branch of the Australian Labor Party; that he is also a former Labor Mayor of the City of Essendon. He is spoken of by many in his party as a possible Federal Parliamentary candidate.

The Hon. W. A. Landeryou—What has that got to do with it?

The Hon. M. A. BIRRELL—Mr Landeryou is the has-been bully-boy of the Government party. I should explain to him that these political links show there is a conflict of interest. The Government should not choose someone who is a Labor Party mate to conduct an inquiry when that inquiry concerns the political shenanigans of that community health centre.

The Government should not choose to conduct an inquiry which is meant to be independent when obviously there is a conflict of interest in appointing an individual who is a well-known Labor Party personality and who was twice Mayor of the City of Essendon and is, therefore, linked quite inextricably to the issue. From Mr Landeryou’s barrage of interjections it appears that this fact has sunk into his head.

The second author of the report is Mr Bill Newton, who is now with Health Department Victoria. He is a member of the Australian Labor Party and is firmly associated with many community health centres. These authors are two people who clearly can be said to have a conflict of interest and hardly are arms’ length investigators with true independence. Mr Blair is an apologist for the Australian Labor Party and Mr Newton is an apologist for the community health centre. That is the second stage of the cover-up.

The report is a sham and a whitewash by the Minister for Health and a deliberate attempt to ensure that the public does not know what is happening in the Minister’s own
backyard. When anyone reads the report it will be seen clearly to be a nonsense. It glosses
over many serious allegations; it limits its own inquiry to areas and excludes others; and
it casually dismisses many damaging questions about the committee of management of
that community health centre.

Although the report is biased, it could not avoid reaching certain conclusions which in
any sense could be termed dramatic and if levelled against a public hospital would result
in a major board of inquiry. The Minister for Health says that he will not take such firm
action. According to the Minister's statement he will ask the committee of management
of the centre to look at itself and see if it can fix itself up! The Minister is asking the
wrongdoers to see if they can analyse their own wrongdoings—what a nonsense!

The blame levelled in the biased report is aimed at Mr George Seitz, MP, the honourable
member for Keilor in the other place, socialist left member of the Australian Labor Party,
and Ms Sue Lockwood, treasurer of the health centre, socialist left member of the Australian
Labor Party. Indeed, doubt surrounds all of the socialist left people who have cosy jobs at
the community health centre.

The first factual issue I wish to discuss concerns the management of the community
health centre. The report concludes that there is:

... a lack of public accountability and policy misdirection.

In simple terms, the St Albans centre was not managed in the public interest. The report
stated also that over the years the community health centre:

... may have lost sight of the community health objectives of the centre.

However, the report says that it should be left to the committee of management to fix the
problems of the management of the centre, and the Minister says that he accepts the
report. What a nonsense!

To correct these injustices and improprieties one needs to have someone outside the
centre fix it up, but the Minister says that he will overlook it because he does not want to
inquire into his mates.

Some of the major allegations concern the shonky company that is in fact the St Albans
centre—St Albans Health Services Pty Ltd, which was set up by the health centre. It
provides all medical health services at the centre under a trust deed agreement with the
centre. What is it there for? No other community health centre has a separate legal
structure to provide medical services. No other community health service in Victoria has
this dubious arrangement, but George Seitz's community centre did. The private company
launched the so-called profits of the medical practice, thereby providing a slush fund for
the use of the committee of management for its political purposes or for other purposes.

This was a massive fraud on Medicare because the money was not in fact being used to
pay for medical services. It was being used to pay in part for medical services with the
cream taken off the top and used elsewhere. If honourable members are concerned only
about Federal taxpayers, we should be astounded at this arrangement and disgraced by it.
The report, which is biased, at least conceded the fact that the company was:

Set up to avoid the accountability process of the Health Department Victoria.

Paragraph 26 (c) at page 12 states:

There is a continual possibility of conflict of interest arising from the relationship between the company and
the community health centre.

It details the serious concerns held about the company. It was a fraud on Medicare and I
hope the report, if nothing else, causes the Federal Government—it does not seem likely
to cause the State Government—and the Federal Medicare authorities to seriously examine
what is going on at this centre.

The public lost a lot of money. There was a massive loss of revenue through the
unique—and I do no use that word advisedly, I am being generous—arrangement between
that company and the doctors who work at the community health centre. The report states
the investigators have “considerable concern” about the loss of revenue to the community
health centre through the extraordinary rental arrangement between the community health
centre and the company that had been set up by the centre. It was not a common
arrangement. Normally contracts are made directly between the doctors and the centre,
not through some private company.

I record for reasons of completeness that the normal rental of community health centre
space to doctors is at a rate of $18 to $50 per session per doctor; at the St Albans
Community Health Centre the rate charged was only $5.25 per session. One may say that
is just in St Albans, but it is public money—it is taxpayers’ money—that is not being
properly managed by the centre. It is a loss to the taxpayer because of the shonky
arrangement.

The third major allegation against the centre is so bizarre that it is unbelievable. One
would laugh if it were not true. The manager, the administrator of the centre, Mr Henry
Roach, ran a private company from the centre known as Ultramar Oil Co. Pty Ltd—the
community health centre manager and administrator runs a private oil company from the
community centre!

The Hon. B. A. Chamberlain—Is that snake oil?

The Hon. M. A. BIRRELL—Perhaps it is snake oil! There is certainly no slick response
from the Australian Labor Party members of the House—the Government party benches
are silent. It is so embarrassing!

A company search of Ultramar Oil Co. Pty Ltd indicates that the shareholders are Mr
Henry Richard Roach and Mr Boman Irani. Mr Roach is the administrator and Mr Irani
is a doctor at the community health centre.

I do not wish to comment on Mr Irani, as I am interested in Mr Roach, but it is notable
that the company search indicates also that Mr Irani resigned as a director on 22 January,
1986. What was the date the Minister commenced his inquiry? Mr Irani resigned and was
replaced as a director of the company by Mr Patrick Richard Roach, who may be a relative
of Henry Richard Roach. I am not quite sure whether Patrick also has a job at the
community health centre because I do not have a full employment list, but it would not
surprise me. That is not relevant at this time

Mr Henry Richard Roach used the office facilities and telephone of the St Albans
Community Health and Resources Centre to run his private company. He also used part
of the time that he was on the public pay-roll to run Ultramar Oil Co. Pty Ltd. Those
outrageous antics deserve condemnation.

However, the report says, in effect, that “On our casual investigation, we could not find
any proof. We spoke to Mr Roach and he said he did not do it and, to be thorough, we
spoke to Mr Seitz and he said, ‘No, it did not happen either’ ”.

The report is bad enough, but the Minister has now informed the House that he accepts
the report. Surely he does not accept that nonsense. Doubt is even expressed in the report
on whether a private telephone line to the centre was the company line. I do not know
about that, but it raises serious doubts.

Mr Garry Cameron is another employee of the community health centre. It goes without
saying that Mr Cameron is also a member of the socialist left faction of the Australian
Labor Party. That can probably be assumed about every person mentioned in this matter.
Mr Cameron was, until recently, the accountant at the centre. He argued strongly that Mr
Roach did run his oil company from the centre and he was not afraid to openly complain
about it. However, the report says that the charge cannot be proved.

The Hon. B. A. Chamberlain—Despite the company office records!

The Hon. A. J. Hunt—The report did not look at the records!
The Hon. M. A. BIRRELL—I doubt whether the investigators looked at the records.

The fourth major factual allegation against the St Albans Community Health and Resources Centre is nepotism on a grand scale.

One can open up the books and see jobs for the socialist left boys and girls. The report could not avoid coming to that conclusion. Try as they may, the investigators could not avoid that fact because when they examined the names of employees, they would have discovered a stunning number of people who had the same surname and lived at the same address.

Honourable members have heard about nepotism in the Richmond City Council, which was another Labor Party gem of which honourable members on that side of the Chamber would be proud. The report into the St Albans centre had to conclude that nepotism and patronage existed at the centre. The report says, in a somewhat clinical manner, that:

There are a number of people at the centre who are related by blood or marriage. A substantial number of people involved in the centre are members of the local branch of the ALP.

What is the report saying? Its authors blandly respond by saying “What would you expect in St Albans?” What does that mean? Does that mean that if there is a community health centre in Kew, the investigators of the report would expect it to be filled with Liberal Party hacks wearing their political bias on their sleeves and using public facilities for their own purposes!

That should not be the case. The report is a total cop out. It says, “What would you expect in St Albans; of course, that is the way it is run.” The report whitewashes that issue again.

I shall now provide the House with further examples. Mr Garry Cameron, the former accountant at the St Albans Community Health and Resources Centre, is a member of the socialist left of the Australian Labor Party and was employed because of his connection with the honourable member for Keilor, Mr George Seltz, who is a member of the Victorian socialist left executive. Mr Cameron is also one of six family votes in the socialist left faction that voted for Mr Seitz to get on to that executive. It is such a cosy arrangement.

Mr Cameron is not the only one from the Cameron family at the centre. His sister, Ms Jean Cameron, is another employee. She was one of the six family votes at the faction meeting which elected George Seitz to the executive. Ms Cameron is employed as a social planner. I do not know whether she plans social functions, but I am sure it is far more sensitive than that.

I can demonstrate that Ms Jean Cameron was well received by Mr Seitz because he offered to take her on as electorate secretary but she declined because she was obviously happy with her job at the St Albans Community Health and Resources Centre.

I wonder whether it is a coincidence. If it is, I apologize to those people concerned, but I have reason to believe——

The Hon. J. E. Kirner—You won’t say it outside!

The Hon. M. A. BIRRELL—I am setting my standards on those of the Minister for Health when he was in opposition.

The Hon. R. I. Knowles—No, yours are higher than that.

The Hon. M. A. BIRRELL—Yes, a touch higher. Mrs Carmen Cini is on the community health centre committee of management.

The Hon. J. E. Kirner—Pronounce it properly; we like to get our names right.

The Hon. M. A. BIRRELL—I have not met the Cinis but by coincidence a Mr George Cini is welfare co-ordinator at the centre. Mr John Cini is the cleaner and bus driver. Miss M. Cini is on the employed staff.
The Hon. Robert Lawson—What is wrong with that!

The Hon. M. A. BIRRELL—I am not implying anything, but it is unusual in any organization to have entire families employed in one small public facility. Could it have anything to do with the fact that Mrs Carmen Cini is politically close to the chairman of the committee of management, Mr Seitz?

The Hon. W. R. Baxter—I should say a fair bit.

The Hon. M. A. BIRRELL—I ask the Minister whether he regards that as modern management! Is this a shining example of the Labor Party at work? If the Minister accepts the report, as he does, what does he intend to do about it? The report says nothing about nepotism, apart from saying that it has occurred. It does not mention any way of correcting the situation or provide any mechanism for that to be done. Public money is involved and this is not some private organization.

The fifth allegation I raise involves the stacking of the committee of management. It goes without saying that the socialist left has controlled the committee of management for seven long years, but how has it done it? It has been successful through manipulation and stacking of elections for that committee. It is under an old system that community health centre boards are elected. Contributors who pay a few dollars each year are allowed to vote at the annual general meeting. Serious allegations are made that those elections have not been run properly and, more than that, that a deliberate attempt has been made to have the old crowd re-elected with no genuine desire to bring in fresh talent, let alone talent of a slightly different political flavour, to the St Albans closed shop.

I pose the question: who was the returning officer for the committee of management elections? Have honourable members heard the name Alex Andrianopoulos? Yes, he is our man. The returning officer for the elections of the committee is the honourable member for St Albans; and to illustrate his credentials I point out that he was the former electorate secretary for the honourable member for Keilor, Mr George Seitz, so it is all in the family.

No overture was made to the public to have new members elected to the committee. No genuine attempt was made to change its make up. Has something to do with the fact that the elections were operated by people who were so close to the committee that there would be no chance of impartiality?

The Hon. R. I. Knowles—Are there any centre unity members on the committee?

The Hon. M. A. BIRRELL—I do not know, but that is the faction of the Minister for Health and perhaps he can advise the House. The Minister has stated that he does not believe in political appointments to committees and boards, but this appears to be an exception.

The sixth major allegation involves what I call the Sica payment. On 13 June 1984 $1744.59 was improperly paid to a solicitor, Tony Sica. Mr Sica is a member of the committee of management of the St Albans Community Health and Resources Centre. Clause 40 of its constitution forbids financial arrangements to be entered into between members of the committee of management and the centre.

That did not stop Mr Sica, another Labor Party personality from doing so. The response of the report was to state that he was "unwise". The report did not delve into whether it was illegal. I hope the Minister for Health will not brush that matter under the carpet as well. Does he think he can get away with it and not worry about it?

The seventh major allegation is of sales tax evasion by the community health centre. The report found that there was evasion by the centre which used its shonky company to buy goods in the name of the community health centre, which is exempt from sales tax. The report states that this was the result of a "misunderstanding," and it recommended that no disciplinary action be taken against those involved. The solution was to abolish...
the company. I ask the question: what about stopping the abuse of the system rather than making the company structure the subject of all the criticism?

The eighth allegation that I will cite is my way of bringing together a whole range of rather bizarre allegations. Most of the allegations are probably untrue and certainly unprovable, but they are worth recording because they are indicative of the bitter and divided atmosphere at the community health centre. The first and most bizarre case recorded in the report which the Minister has tabled reveals that on Friday, 21 September 1984, a cheque for $10,000 was drawn and cashed on the instructions of the committee chairman, Mr Seitz, and that this money was fraudulently misapplied by Mr Seitz in assisting Andrew Theophanous to gain Australian Labor Party preselection for the Federal seat of Calwell.

The report states, "We can find no evidence to support this allegation". I have described this as a bizarre case, probably unprovable and probably untrue, but the report to the Minister for Health mentions it. The report refers to a socialist left member of the Australian Labor Party who made this allegation to the inquiry. It is indicative at least of the bitter and divided atmosphere that prevails at that place. The report dismisses the allegation. However, there are others that are more plausible.

I refer now to the St Albans child care co-operative.

The Hon. G. P. Connard—Is the Minister for Health so ashamed that he has left the room?

The Hon. M. A. Birrell—I suppose it is worth recording that the Minister for Health has walked out, perhaps to read the report.

In 1984 and 1985 improper and unusual donations in kind were made to the North St Albans Child Care Co-operative Ltd, which involved the making available of substantial amounts of administrative assistance to the co-operative. One must bear in mind that administrative assistance costs public money and was not fully accounted for. Who happens to be the co-ordinator of the North St Albans Child Care Co-operative Ltd? It is Mrs Eleanor Seitz, the wife of Mr George Seitz and presumably a close ally! I shall say no more.

The final matter that fits under the heading of bizarre allegations is the purchase of a second-hand bus in July 1984 for $10,158. The bus was then given away to an organization. I do not wish to comment on the merits of the organization, as I know nothing about it and will not name it. The report concludes in a classic sense of evasion by stating:

We ... express no opinion as to whether the transaction should be considered a “good value” use of centre money.

The report did not express an opinion because the Minister did not want it to do so, and the people who wrote the report did not want to do so either. Obviously, these cases represent a waste of public money. The bus purchase is an example of that waste.

The Hon. A. J. Hunt—It is not merely a waste.

The Hon. M. A. Birrell—Yes, it is also a misuse of funds. If the money was for a proper grant to the unnamed organization, it should have been done directly, not from the community health centre.

The ninth major factual issue I shall tackle concerns issues that the report did not follow up. I am not even sure whether the Minister is aware of them. If he is fully briefed, he will be.

In the late 1970s the Federal Police laid 51 criminal conspiracy complaints against the St Albans Community Health and Resources Centre. They were investigated in detail by the Federal Police, but apparently dropped through lack of evidence. I believe a thorough investigation of the centre should embrace those allegations as well. The Federal Police did not dismiss the allegations; they were brought to their attention and investigated fully, but the police could not go ahead because of lack of evidence. Any lawyer will tell one that
lack of evidence does not mean a lack of crime. A full investigation should embrace those cases in co-operation with the Federal Police.

In summary the report on the St Albans Community Health and Resources Centre suggests a deliberate, carefully planned cover-up by the Government through the Minister for Health. There is a breach of principles and recognized accounting standards in the community health centre, an undoubted impropriety and misuse of public funds. There is nepotism and patronage on a grand scale, once again involving public funds.

All of this has happened in the Minister's own backyard. The inconsistency in his treatment of this community health centre is classic. It is a pity for the small country hospitals that have had to suffer the weathering blow of the Minister for Health, justifying every cent of expenditure for every step they have taken and for every decision they have made. They are an example. If one can justify scrutiny at that level of public health facilities outside a Labor electorate, one can justify scrutiny at every level of public health facilities, such as St Albans Community Health and Resources Centre, inside a Labor electorate.

The St Albans Community Health and Resources Centre is receiving favoured treatment. The action that the Government proposes to take in response to the report is totally inadequate. Anyone who reads the report will realize that fact. I call on the Minister for Health immediately to take a number of steps: firstly, to set up a proper, independent, financial inquiry into the St Albans Community Health and Resources Centre; and, secondly, to review the laws relating to the appointment of community health centre boards with a view to changing them in line with the rules applying to the appointment of boards of management of public hospitals. The aim would be to stop board stacking and to stop the blatant Labor Party political patronage. Thirdly, the Minister should review Ministerial control over the administration of community health centres and, in particular, beef up his power in relation to the hiring and firing of management staff of the community health centres.

I turn now to the Collingwood Community Health Centre and the Brunswick Community Health Service. The purpose of doing so is to place the facts on the record so that the public is aware of what is happening in a number of, but not all, community health centres, and to record the fact that there are bad management practices in many community health centres and that action must be taken to restore public faith in those bodies.

The Collingwood Community Health Centre is one of the oldest community health centres in this State. It has performed good work for the local community, but no amount of good work can explain the chronic period of financial losses, poor management and dwindling services provided to that community. The 1985 annual report of the Collingwood Community Health Centre records the fact that the number of attendances at the centre has fallen from 45,017 in 1980–81 to 39,199 in 1984–85. It also indicates that the number of centre clients has fallen from 9,426 in 1980–81 to 6,655 in 1984–85. In other words, the centre is helping fewer people than it was six years ago. The annual report also records the financial crisis that bedevils the place. The annual report is quite frank. Page 4 of the report states:

The Centre has seen a dramatic reversal of its financial position over the past three to four years, during which we have moved from a relatively strong position with healthy reserves to a rather vulnerable situation with most of our reserves depleted. Furthermore, we have seen the centre move from a balanced budget to a deficit for which we have had to seek additional assistance from the Health Commission.

One might ask why this has happened. The report states, in part, at page 5:

Because the committee of management, in its support of the staff, sanctioned various over-award payments, certain over-establishment staff, and granted a 38 hour week without a reduction in services, our position deteriorated. A once only grant from the Health Commission earlier this year has enabled us to get out of serious financial difficulties for the present. However, this grant was made on the condition that the Wellington Street property be sold and that the money from the sale is used to repay the grant.
It is a sad story of a financial downturn based on bad management principles. There is no doubt about that.

Perhaps twenty years ago one could have accepted a public health institution that had a genuine desire to help the local community, even if it was helping less each year, letting its budget get out of control but, today, in a time of scarce financial resources, there has to be proper management at every level.

The Minister for Health, the Honourable David White, pledged himself to that. The case of this health centre has to be put on record. The centre's problems were not publicized by the Government because it was treated as sacred territory.

Community health centres are not touched. The Minister picks on small country hospitals; he picks on Prince Henry's Hospital; he picks on private hospitals, but health centres in his own backyard are allowed to run amuck.

In 1983–84 the Collingwood Community Health Centre's total expenses were $1 266 012 with a deficit of $185 266, which is a phenomenal sum for a body that is small in financial terms compared with other bodies. In subsequent economic periods, it had similar financial difficulties.

One of the reasons for the deficit was massive overpayments to staff. Staff were paid overtime for week-ends even though they had not worked any overtime.

The Hon. B. A. Chamberlain—It sounds like the shunters.

The Hon. M. A. BIRRELL—It does.

The Hon. W. R. Baxter—Are they being bailed out by the Health Department?

The Hon. M. A. BIRRELL—They are being bailed out. When the public hospitals run into deficit, the Minister says they have to work it out themselves, pay it out of reserves and spend less next year. But the community health centres are often free to spend what they like.

The documents released to me under the Freedom of Information Act provide a sad story. The previous Minister of Health, Mr Roper, in a memorandum to the secretary of the then Health Commission, with copies to Dr G. Trevaks, Peter Wilkinson, John Morris and Libby Blake, referred to the difficulties caused by the "very poor management" of the Collingwood Community Health Centre.

In a later letter to the President of the Collingwood Community Health Centre, dated 1 March 1985, the Minister stated:

...I would emphasize my deep concern that the committee has let the management of the Centre implement practices which have so damaged its financial viability.

Those are the comments of the former Minister of Health, not our comments, that the Collingwood Community Health Centre is in real strife. They are the private comments of the then Minister of Health, not comments on the public record.

What else happened? There are serious doubts about the management of the centre in the past and in the present. Valid questions are being asked about the appointment of the manager of the Collingwood Community Health Centre, Mr Bruce Hurley, who used to work for the Brunswick Community Health Service and who now works for the Collingwood centre. Mr Hurley's de facto wife was a member of the board of management at the Collingwood Community Health Centre at the time a vote was taken on whether Mr Hurley should become the manager of the Collingwood centre. Mr Hurley won that position. Mr Hurley's de facto wife has now applied for and taken up the position as Mr Hurley's replacement as the Manager of the Brunswick Community Health Service. Very cosy indeed!

The Hon. W. R. Baxter—I wonder whether she declared any interest when the vote was on.
The Hon. M. A. BIRRELL—One obviously has to ask about conflict of interest, not only at the time of the vote but also in a general sense.

What did Health Department Victoria think about this? The Minister said nothing in public on the community health centres. There are never any complaints about community health centres. But full marks to the vigilant Health Department staff who did complain in a memorandum to the Director, Hospitals Division from Michael Martin, Community Health. The following comments were made on the appointment of Mr Bruce Hurley as the potential manager of the Collingwood Community Health Centre:

You are aware of the circumstances surrounding the resignation of the previous manager and the fact that the centre is some $200 000 in debt.

Finance Division officers and myself recently conducted a routine inspection of the books of Brunswick Community Health Centre. That inspection revealed that the accounting procedures adopted by the Centre (manager) were deficient in many respects especially in respect to accounting for petty cash.

A report on the visit is being prepared by the Finance Division.

It is of concern, that the manager of a centre that appears to have “accounting” problems is now recommended for appointment to another centre which is in major financial difficulties.

The story went on. The Secretary of the Hospitals Division, Mr David Webb, sent a memo to the Chairman of the then Health Commission on 6 March 1985 stating, inter alia:

Commission officers recently conducted a routine inspection of the books of Brunswick Community Health Service. That inspection revealed that the accounting procedures adopted by the service’s manager were deficient in many respects especially in respect to accounting for petty cash.

You may be aware of the circumstances surrounding the resignation of the previous manager and the fact that the Collingwood Community Health Centre was some $200 000 in debt at the time of his resignation.

Discussions have taken place on whether appointment should be consented to in accordance to the centre’s by-law 57, and it has been indicated by the Minister’s adviser in consultation with the Minister that consent should not be granted to this appointment.

In other words, the Health Department recommended that Bruce Hurley should not be the manager of the Collingwood Community Health Centre for two reasons. The first reason was that the Brunswick Community Health Service, from whence he came, was not looking good and the Collingwood Community Health Centre needed someone who could fix up the financial problems and not someone who was subject to questions about whether he had caused problems at the place he had just come from.

Mr Webb, however, then wrote a letter to the President of the Collingwood Community Health Centre on 22 March 1985 in which he stated:

I wish to advise that this matter...

That is the appointment.

... has been considered and approval is given for the appointment of Mr Hurley to your centre as manager.

That is interesting because on 6 March 1985 the secretary had stated in a memorandum to the chairman that he had spoken with the Minister who said that this man was not going to be appointed because it was obviously not in the public interest. Then, on 22 March, a letter from the same man—the secretary of the Hospitals Division—was written to the Collingwood centre saying, “Full steam ahead, Mr Hurley has the job.” One has to ask what happened.

I make the point that the professionals within Health Department Victoria can be overruled by people who have a wider political perception. The casual political approach of the community health centre was the victor and the management-conscious approach of Health Department Victoria was defeated. I am sure there is more to this case which will come out later. What it says in a dramatic sense, and this is the first time it has been on public record—one rarely gets snapshots into the affairs of community health centres—is that there is some doubt about the efficient management of those centres. There was enough doubt for the secretary and the Minister to say, “Let us not go ahead with the
appointment," but then there was a few weeks gap and the ALP got to work and Mr Hurley was appointed.

Other questions arise about the Collingwood Community Health Centre. Part of the agreement to bail out the centre was that premises at 162 Wellington Street, Collingwood be sold.

The committee of management owns the premises but does not use them. They are leased out to the Education Department. The previous Minister of Health, Mr Roper, in a letter to the President of the Collingwood Community Health Centre on 1 March said he had approved the payment of:

(a) an immediate special advance of $186,218 towards deficits incurred by your centre as detailed on the attached table; and

(b) a special grant, up to a maximum of $30,360, towards the estimated salary deficits for the period 1 January to 30 June 1985.

So the money was freely handed over to people who, arguably, could not even manage the money they had had in the past. But there was a tie. The Minister said later in his letter:

The advance of $186,218 is payable subject to your committee making arrangements to sell your Wellington Street property and to disburse the proceeds in accordance with written directions to be given by the commission. The proceeds will go towards the payment of past deficits.

In other words, the Minister was fairly street-wise and was saying “Look, we are bailing you out; for heaven’s sake get your act together. Sell one of your assets and pay us back”. What has happened since then? The documents released to me by the Minister for Health under the Freedom of Information Act indicate that there has been no sale whatsoever.

I have some feeling for the community centre here. The building is leased to the Ministry of Education. It is an historic building and I do not know if anyone would really want to buy it because it is encumbered by a lease; one cannot pull it down.

But the community health centre has been told “you can only take the money if you sell the building.”

I am not sure whether it has been sold in the last month. Does anyone know? I do not see any nodding from the Government benches. We cannot be sure on that point. The files merely indicate that it has not been sold, so the condition has not been met but the money—over $200,000—is still sent across to them and I question the Minister’s judgment in setting that as a condition anyway because it could never be fulfilled, or perhaps it was never meant to be fulfilled.

Honourable members have seen bad ongoing management and no discipline in that area alone. The place has been run like a private club that can always get bailed out when it gets into financial difficulties.

The final community health centre I wish to discuss is the Brunswick Community Health Service. I have already mentioned Brunswick because its past manager is now the manager of the Collingwood centre and the manager’s de facto—who used to work at Collingwood and supported him to be manager of Collingwood—now works as the manager of the Brunswick service.

I want to talk about the political bias shown by the community health centres. We have come to the stage in the management of public health facilities where we accept that members of boards of management of public hospitals, community health centres or any other body will be, in the broadest sense, active in the community. We encourage people, be they in the country or the city, to be active in the community; but there is a yawning chasm between being a community activist and being a political hack.

I put on the record—because it has not been put on the record—this symbolic example of political bias of the greatest extreme which is shown by the Brunswick Community Health Service. Its annual report of 1985 shows just where it is heading. I wish to put it on
the record because very few people read the annual report of the service, as a matter of course.

This is further evidence that there are not just bad managers and bad administrators managing certain community health centres and they are not just members of the Australian Labor Party, they also wear on their sleeve the fact that they like to support what one would regard as unrelated and often extreme political causes.

The annual report of the Brunswick Community Health Service, under “Other Campaigns”, states:

- We affiliated with and were active on the “Defend and Extend Medicare Committee”.
- We supported the Workers Health Action Group’s efforts to get more funding from the Government.
- We supported the Friends of the Earth Campaign against leaded petrol.
- We supported the Brunswick Tenants Union.

“And gave them space in our publicly-funded office.” This is my embellishment.

We supported the State Government’s Health and Safety Bill.

Good on them! It is nice to find somebody who supported the Government! So they put it on the record; but really what a lot of their work is about is using public funds, public facilities and public employees to “fight the good fight” for the socialist left, get behind the team and use taxpayers’ money and facilities to help when no one else will. I therefore think these remarks are a rather neat encapsulation. The Brunswick committee is naive enough to be honest enough to put it on the record in blunt terms.

I now return to the starting point—St Albans. The Minister for Health has a case to answer on behalf of his Government and, indeed, on behalf of his party. What George Seitz and his cronies have done in St Albans is against the public interest and is an abuse of public facilities and public money.

The Minister’s slick response based on the set-up report written by his mates is no adequate response. It is a cover-up and nothing else. It is a white wash from the Minister for Health.

There has to be an opportunity—and we are happy to create it—for the Minister for Health to state his view rather than just trying to hide behind what is a nonsense!

The Hon. D. R. WHITE (Minister for Health)—A number of matters have been raised by the Opposition in respect of this matter and I shall comment briefly on them and then seek an adjournment of the debate to consider some issues that, quite frankly, have not been raised before.

In respect of Mr Birrell’s freedom of information question, it is true that the due date for the response to that was 15 March. It is also correct that he has taken up that matter with the Ombudsman, who has not yet contacted the department.

The reason for my view in respect of the response to that freedom of information request is that an inquiry was being conducted and our arrangement was to release the documents relating to St Albans after the investigation had been completed and the St Albans report had been released. The documents, from the Government’s point of view, can now be released and will be made available to the Opposition.

In respect of the assertions made relating to the report of Deloitte, Haskins and Sells, and Ian Blair in particular, in my capacity as Minister for Health, I do not wish to do anything that is seen to protect the interests of any organization or individual in the community who may have committed an offence or been seen to be involved in mismanagement, whatever the source of that offence might be, and I should also say that I have no doubt that that applies to the reputation of Deloitte, Haskins and Sells as equally as it does to Ian Blair as an individual.
In regard to the matter of the so-called shonky private company that was established, it is important to say that that company was established in 1979 with the approval of the previous Liberal Government.

In respect of the alleged Medicare fraud, that is an issue of substance. It was a subject of some police investigation on or about 1977 and it was not proceeded with.

It is also my understanding that Mr Cameron and others have made no assertions about any current Medicare frauds but I do wish to seek an adjournment of the debate to endeavour to establish whether that is still potentially or might well be an issue.

Mr Birrell raised matters that went beyond the report of Deloitte, Haskins and Sells relating to issues of nepotism. He also raised issues regarding rules of boards of managements, their appointments and reviews and control of administration. I should like to give further consideration to those matters.

Mr Birrell also raised matters about Collingwood and Brunswick health centres. Although I have the benefit of access to annual reports, the tenor of his assertions prompts me to give further consideration to those matters before responding formally.

I have taken notice of the request for a further independent financial inquiry and I shall examine the merits of that in conjunction with my colleagues in the Government.

To place the matter in perspective, it should be noted that the over-all budget of the health portfolio is in excess of $2 billion. The total expenditure on community health services is approximately $34 million. That is of some substance but that needs to be put in context. The Government applies and will continue to apply the same standards and rules to major public hospitals as it does to any other hospital. If any hospital goes into deficit and has problems, such as have been faced by the Western General Hospital, the Royal Children’s Hospital and the Geelong Hospital, those problems will be considered by the Government in the same way as it would consider problems associated with any small country hospital. The rules and standards that apply to small country hospitals, major public teaching hospitals and community health centres are the same.

Because of the matters raised by Mr Birrell, to which I should like to give further attention before completing my response to the motion that he moved, I move:

That the debate be adjourned until later this day.

The Hon. M. A. BIRRELL (East Yarra Province)—Speaking on the period of adjournment, Mr President, I want to ensure that the Minister for Health will come back promptly with a response and I ask for a commitment from him to that effect.

The Hon. D. R. WHITE (Minister for Health) (By leave)—It will be during this sessional period.

The motion for the adjournment of the debate was agreed to, and it was ordered that the debate be adjourned until later this day.

PAPERS

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

Statutory Rules under the following Acts of Parliament:


Companies (Application of Laws) Act 1981—No. 73.

Fisheries Act 1968—No. 81.

Port of Geelong Authority Act 1958—No. 88.


Vegetation and Vine Diseases Act 1958—No. 78.
LOCAL GOVERNMENT (UNIFICATION OR ABOLITION OF MUNICIPAL DISTRICTS) BILL

The Hon. A. J. HUNT (South Eastern Province) moved for leave to bring in a Bill to provide for the conduct of a poll of ratepayers affected by a proposal for the unification or abolition of municipal districts, to amend the Local Government Act 1958 and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

DEPARTMENT OF CONSERVATION, FORESTS AND LANDS

The Hon. D. M. EVANS (North Eastern Province)—I move:

That this House expresses grave concern at the disastrous situation in the Department of Conservation, Forests and Lands, created by—

(a) the restructure of the department which has led to a lack of direction and low morale in district offices, erosion of farmer confidence in vermin and noxious weed control, and reduction in the necessary effort to control salinity and soil erosion; and

(b) the timber industry strategy, the operations of the Land Conservation Council and their effect on the timber industry in Victoria.

The Department of Conservation, Forests and Lands was established on 2 November 1983. It manages 38 per cent of Victoria’s total land area, including most of Victoria’s timber resources and its public recreation and conservation areas.

It is directly responsible for key functions influencing agricultural efficiency and the long-term productive capacity of our farming land including the issues of noxious weed and vermin control and research into salinity and soil erosion. It is a key target for the conservation and preservation groups which, although they may have a value, have achieved a disproportionate influence in the new department. The new department is taking over the responsibilities of the old Department of Crown Lands and Survey, the Forests Commission, the National Parks Service, Fisheries and Wildlife Division and the Soil Conservation Authority, each of which was an efficient organization and each of which subsequently attained that efficiency after long periods of continuing development and experience.

The combined department covers the responsibilities of three previous Ministries: forests, Crown lands and conservation, under the one Minister. This development was welcomed by the National Party when it was first announced in late 1982 because it saw the value of co-ordinated management of the interdependent elements of soil, water and forests, although it equally viewed the special areas of salinity and soil erosion on farms as the responsibility of the Department of Agriculture and Rural Affairs.

To spell out the importance of this department in the context of rural life in Victoria, the department has a budget of $159 million; it employs approximately 4500 people, most of whom work in decentralized locations, and it earns substantial income in its own right, including $34 million from the sale of forest products, $4.8 million from commercial fishing licences and Crown land rentals of $600 000, plus fees from national parks services, chemical sales to farmers and many other sources.

I have taken that information from pages 3 and 33 of the Department of Conservation, Forests and Lands’ corporate strategy 1985–86. It is an important business with wide influence on the well-being of the community and has an immense capacity to do untold damage. It is an organization that, to succeed, must, of all things, have practical, down to earth and field-oriented, practical people working outside offices.
Regrettably this department has a wild card in the pack—a joker—the Land Conservation Council.

To discharge its wide responsibility to present and future farmers, it is critical that the department has the confidence and support of those who are farming the land today.

On its establishment, the new department set about a total restructure with all the best buzz words: management teams, public participation, corporate strategy, priority programs and equal opportunity—as if it did not have enough problems already!

The Hon. J. E. Kirner—That is a philosophy, not a management strategy.

The Hon. D. M. Evans—A new organizational structure was announced, sweeping away the old divisions that had been fine tuned through years of experience, adaptation and development. With all due respect, that was all organized by a management expert from England experienced in bureaucratic structure. Incidentally, I have not seen much of Professor Eddison in recent times. Maybe he is not still in favour with the Government!

Constructive criticism from people with years of experience was effectively stifled or redirected. Those who were too forceful got the sack—ask Dr Grose and Mr David Sexton.

Make no mistake about it, many capable and conscientious people still work in the department at all levels, but they have learned to keep their heads down and not give unpopular advice too often.

During the transition period—that is still continuing—the old structures were left in place with no future, no authority beyond the present, in the best "lame duck" tradition. That is the same tradition that an American President faces from the time of the election of the new President until he hands over office. The whole world wonders whether what the outgoing President says will be totally changed by the new management.

The department is a huge influential business with all its wheels off, up on blocks, going nowhere, falling behind, and now with a heck of a lot of catching up to do.

The new structure had better be good. I wonder; is it? I ask honourable members to examine it closely. It is bureaucratic, I suspect, rather than field-oriented with more people in offices than in the field.

The clearly defined heads of responsibilities to such things as forestry and soil conservation, weeds, recreation and conservation are blurred and amorphous at the top. Soon there will be no more Forests Commission. We have to just hope that the operators at the regional level are jack-of-all-trades enough to know where they are going.

Soon there will not be a Soil Conservation Authority or a Vermin and Noxious Weeds Destruction Board with its purpose and know-how. As a part of Government, the National Party would strengthen at head office those heads of responsibility and ensure that those responsibilities were co-ordinated down the line and clearly refined and resourced at the regional level. I suspect that the new organization does not have those clear lines of responsibility well enough formed to ensure that a Statewide policy is adopted. Regionalization is fine, provided there is control and co-ordination. I suspect there is not sufficient control and co-ordination at the top. That is a very real concern that farmers' organizations, the timber industry and I have at this time. It may be that the Minister, in her response, can answer the criticism. It is a genuine concern and she and her department need to face it.

Morale in the department has plummetted. At a Forest Industries Advisory Committee meeting with the director-general, Professor Eddison, on 3 October 1985, industry spokesmen reiterated their belief that morale was low. I shall quote from a report on the meeting, which states:

Professor Eddison said that morale among new appointees is high, but conceded that it is low amongst the 90 per cent of people who have not yet been reassured about their future.
In other words, a few people are happy, but the vast majority—90 per cent—are not, and morale, as Professor Eddison said in October, is low.

When asked why he had taken so long to make organizational appointments, Professor Eddison went on to say that consultation with staff had been a major obstacle and that the reorganization would be completed within three years. Honourable members should remember that it had already been going on for two years. Is it any wonder that the wheels are off and the vehicle is up on blocks! There will be another two and a half years of uncertainty.

I have received constant reports that, at the regional level, many officers are not sure what responsibility or authority they have, who should make decisions and who should take direct responsibility for particular issues. One or two nasty people have even suggested that they take it turn about at head office and the regional office. They might say, "You make the decisions this week, and I will make them next week". I suggest that the Minister ascertain, by keeping her ear close to the ground, whether these assertions are correct. I believe they are.

Officers with particular expertise have been moved to new jobs, often in different disciplines. Fisheries officers have been moved to the forest area and national parks officers have been transferred to the soil conservation area. It is just like going to the dentist to have one's appendix out! A great idea! Officers who have built up a relationship of confidence and co-operation, especially with the farming community, are suddenly moved when programs such as streamside protection and weed and vermin control require co-operation, above all else, for success.

These types of programs do not attract much Government money for the work. Farmers are—as honourable members would be aware, because my colleague Mr Dunn and others point it out all the time—short of money at present, too. Yet the essential co-operation that can lead to effective programs is being constantly disrupted. One can achieve this either by spending money, or by getting people to co-operate on their home ground to do the work at the lowest cost. That requires co-operation and confidence and that is currently non-existent.

Therefore, we have replaced effective, working organizations, developed and refined by years of experience, with an entirely new structure, with a long period, which is still continuing, of changeover. I begin to wonder whether it was worth changing the structure. We will have five years to catch up in the finish.

We have a management structure that is bureaucratic rather than practical, an abundance of chiefs at all levels and a dearth of Indians. We are closing down, and have been for some time, a number of depots essential to the Vermin and Noxious Weeds Destruction Board.

The management structure administers an ideal and fertile field for ideologues of either extremity. But then, the Victorian Government did not give a high priority to this important responsibility.

It happens that I have a high personal respect for both the previous Minister for Conservation, Forests and Lands and the present one. I respect the Honourable Rod Mackenzie for his genuineness and his willingness—I mean that sincerely—to listen and learn, and the current Minister for her undoubted intellectual ability. That is a genuine view.

However, both Ministers were in totally new territory. They were genuine greenhorns, if honourable members like, with little or no prior knowledge of the wide range of responsibilities they were taking on. The Honourable Rod Mackenzie had been the shadow Minister for Public Works, and it is well known that the current Minister for Conservation, Forests and Lands has her eye on the education portfolio, an area in which she has expertise.
The Hon. B. A. Murphy—That is history.

The Hon. D. M. EVANS—It is not history. I am sure the Minister is still interested and may do very well in that area. I do not know.

In between Ministers and the people expert in the various disciplines and departments under their control, who could have assisted the new Ministers, were the Ministerial advisers, the political cadres dedicated to a philosophy and a party policy strongly influenced by the conservation and preservation lobby, to the immense embarrassment of Mr Murphy, who has to deal with the east Gippsland timber industry and a few people in the Australian Council of Trade Unions in the Latrobe Valley. Mr Murphy at least will acknowledge that I am trying to support him in this case; it is his only chance of being re-elected!

The Ministerial advisers are backed and directed by committees with little or no understanding of the practical requirements and responsibilities of the new department. They have no degree of accountability to the people of Victoria. They are certain that, out there, someone is making huge ill-gotten gains, raping the public estate and being uncaring about the fairyland that they themselves see from afar. It is people practising that selective morality that lets one smother the kids with Aeroguard and squirt aerosol cans at everything, regardless of its effect on the protective ozone layer in the upper atmosphere that shields us from ultraviolet rays, because it is convenient! Their attitude is that they are happy to do it at home but they are not happy to see somebody going about legitimate business and doing things of which they do not approve.

These same people cry "foul" at the use of 2,4,5-T to kill blackberries and are convinced, by years of viewing television advertisements for "My Dog" and "Pal", that the wild dogs that ravage sheep, lambs and calves in Victorian highlands are the same as the well-trained, lovable poohches on their television screens.

Industry groups have been put under constant pressure to fight for the survival and prosperity of their members. They are battling with their backs to the wall; they are never certain that they will have the necessary basic resources and they are never sure what additional new costs to people will be imposed to reduce their competitiveness on the home market.

Industries which have a fundamental impact on the prosperity and living standards of all Victorians have to battle constantly against more restriction, yet there is more interference from the cargo cultists who believe the goods and services we require in this community come from "somewhere out there" where nobody cuts down trees to obtain timber and no one has to worry about how to pay for the depredations of soil erosion, salinity and vermin and noxious weeds. I shall deal with those specific areas of concern after the suspension of the sitting.

The sitting was suspended at 12.59 p.m. until 2.6 p.m.

The Hon. D. M. EVANS—Prior to the suspension of the sitting, I had indicated that the motion had a number of specific areas of concern and I now wish to deal with them individually.

The motion states, and I paraphrase, that a disastrous situation exists in the Department of Conservation, Forests and Lands created by the timber industry strategy, the operations of the Land Conservation Council and their effect on the timber industry in Victoria.

A Land Conservation Council report and recommendations for the east Gippsland area has created an enormous reaction among people who have their jobs on the line. Timber industry unions, backed by the Australian Council of Trade Unions, put out a well-produced brochure setting out their concerns about the devastating effect that the Land Conservation Council recommendations could have on jobs and on the operation of the timber industry in general.

Those people would be interested to know that the people really supporting them to retain their work are members of the National Party. I am sure those workers hope there
are some people in the Labor Party who are prepared to support the retention of jobs of timber workers in east Gippsland at a time when their jobs are on the line.

East Gippsland supplies more than 30 per cent of Victoria's hardwood, and the timber industry is essential to the economic well-being of the Orbost shire and many of the associated towns in that area.

I received a letter from the Victorian Sawmillers Association dated 10 January which stated:

The timber industry job losses, apart from any productivity related changes, will not be the unfortunate outcome of circumstances beyond the control of Governments. They will be the direct result of a conscious Government land-use decision.

The letter then stated that if the Government elected to further restrict the industry resource base it would be consciously trading jobs for some dubious preservation gains demanded by a vocal minority. No wonder the ACTU is upset. I wonder why the Labor Party and the Government are not equally upset. Members of that vocal minority do not have their jobs on the line, they are comfortable; they are isolated, insulated and are very frequently unemployed. Every step taken by the Land Conservation Council, the Government and/or Parliament to further lock up any resource is simply another benchmark, another foothold towards the destruction of the timber industry in Victoria, regardless of its effect on those engaged in the industry, the Victorian economy or anything else. The Government has too many people in it who are adopting that sort of approach.

What is the timber industry? I have been through this matter before in Parliament when I moved a motion regarding the value of trees in the community during the last autumn sessional period, which motion was supported on both sides. However, a few simple statistics need to be restated. The forest product industry employs 30 000 people, which is approximately 8 per cent of the total manufacturing industry employment. The ACTU is aware of that figure. The turnover in the industry is $2.3 billion a year. It is a trade-exposed industry having no protective structure for it with a high level of internal competition and very little imported protection. The industry pays approximately 2 per cent to 5 per cent in duty to the Government.

Currently, Australia imports about 30 per cent of its total usage of timber and timber products from an increasingly scarce international resource. Despite the fact that Australia is one of the most sparsely populated nations of this earth, approximately 30 per cent of its total requirements is imported.

The Australian Broadcasting Commission television program *Countrywide* put the value of imported timber and timber products at $1.3 billion a year at a time when Australia is desperately battling to balance its international trade and is facing an adverse trade balance of approximately $6 billion, which could be a conservative figure.

No one denies that 30, 50 or 100 years ago, timber-cutters mined the timber resources of this land. That is not so any more. Approximately 35 per cent of Victoria is currently forested. The Minister for Conservation, Forests and Lands has mentioned a figure of 34 per cent and I have indicated 36 per cent, so I am prepared to split the difference and settle on 35 per cent.

The Hon. J. E. Kirner—Did we reach agreement on that?

The Hon. D. M. EVANS—I believe we do agree. Some 35 per cent, more than one-third, of Victoria is forested. Therefore, Victoria is not running out of forests, despite what the Australian Conservation Federation may have to say.

More than 80 per cent of forested land in Victoria is either reserved against use, will not be used or is not currently available for a number of reasons, including prescriptions for forestry and logging.
Hardwood production is viable in only 874,000 hectares, which is 9.9 per cent of public land or 4 per cent of the total State area, and a significant part of this land is currently unavailable for timber harvesting.

Timber is harvested on a long rotation, and the Victorian hardwood industry is sustained by the use of less than 20,000 hectares a year, all of which is regenerated immediately. As honourable members would be aware, the most likely plants and trees to grow in the regeneration process are those that are indigenous to the area, where the seeds are already in the ground.

In comparison with that area of 20,000 hectares, more than 150,000 hectares, or eight years of timber cutting, were destroyed in the 1985 fires, which, incidentally, cost in excess of $7.5 million to suppress in the Mansfield and Bright districts alone. More than 450,000 hectares were destroyed in the Ash Wednesday bush fires, that is, 25 years of timber cutting; and 1 million hectares, or 50 years of timber cutting, were destroyed on Black Friday in 1939. Therefore, in the past 45 years, nearly 100 years of timber cutting has been destroyed by bush fires.

According to press reports, in addressing visitors to the forest industry machinery exposition in Albury at the week-end, which is now being held at Myrtleford—the visitors came from countries such as Sweden, Chile, New Zealand and the United States of America and were shown machinery valued at more than $200 million—the Federal Minister for Primary Industry, Mr Kerin, commented that Governments were under intense pressure from conservation lobbies, and that the timber industry needed to adopt a co-ordinated approach to deal with that. I agree with that statement.

At the forefront of the conservation movement is an extreme pressure group, single-minded, putting forward not a balanced view but a particular philosophy. It has a value, acting as the community's conscience in these issues, but it tends to have a totally unwarranted degree of influence with this Government and with the Department of Conservation, Forests and Lands.

In his report on the Inquiry into the Timber Industry, in which evidence was taken from all sections and all interest groups, Professor Ferguson gave the timber industry of today a reasonably clean bill of health. It was a bland report, but it was quite complimentary to the timber industry, and it did not give the conservation movement a lot of joy. The Honourable Rod Mackenzie is to be congratulated for setting up that inquiry.

To summarize briefly his remarks, Professor Ferguson said that timber industry operations were compatible with most conservation values. He confirmed that successful regeneration of main eucalyptus forests took place under a clear felling system and suggested that restocking of timber is better under integrated harvesting than under saw log only harvesting.

That is the point that has to be hammered home to the Minister and the people advising her at present, and I am sure the Minister agrees with me—I hope she does!

It might be worth stating the trade union opinion on that matter, and I shall quote from that estimable publication, A Trade Union Position—The Facts About East Gippsland, which has been forwarded to me along with a card stating, “With compliments, Mr M. J. (Jim) Lynch, State Secretary, Federal President, Australian Timber Workers Union, No. 2 (Victorian) Branch”. It states:

Logging destroys the forest estate. . . The fact is that logging would take place over approximately 80 years or more, so that only half of 1 per cent (an over-all average of only 5 hectares per thousand) would be logged each year and regenerated.

Therefore, Mr Lynch does not think much of the statement that logging is destroying the forest estate; in fact, he denies it.
The report of Professor Ferguson stated that integrated harvesting did not present an increased threat to flora and fauna in a conservation sense and, most importantly, that the bulk of forest remains unavailable for timber harvesting, anyway.

Therefore, the conservationists have nothing to fear. They have 80 per cent, yet they want all of it. That is one reason why I have moved this motion today and why some concern has been expressed about some people in the Department of Conservation, Forests and Lands having too much influence.

Professor Ferguson said that there are no alternative resources in east Gippsland and that further resource restrictions will cost jobs. He backed the Victorian Sawmillers Association in that statement.

Claims by the conservation groups that integrated harvesting or pulpwood operations mean rampant clear felling and destruction of the vast forests were answered by Professor Ferguson, when he pointed out that, instead of forests being destroyed, all are fully regenerated with a viable new forest growth that forms a sustainable productive resource of the future and, incidentally, provides the variable forest regimes that are an integral part of true conservation.

In other words, the highly emotive claims by the conservation movement—acting as the community’s conscience, so to speak—which Mr Kerin said are a substantial pressure on the Governments, are not soundly based.

The Government and the department in Victoria have within them far too many people who continue to push the high conservation claim, forcing the timber industry and those involved in it into a constant rearguard action which is unnecessary and which puts jobs, industry and, indeed, the forests themselves, at constant risk, and will, unless arrested, restrict the Australian-based resource supply for the timber industry, force us more and more into reliance on an increasingly scarce overseas resource and cost Australians billions of dollars more than the $1·3 billion that is costs at present in scarce overseas currency.

It is interesting to note, for those who criticize our wood chip trade with Japan, that in a letter to the Herald of 12 March this year, Mr Huon, Executive Director of the Victorian Sawmillers Association, stated:

The forests of Japan are not left idle. In fact Japan produces nearly 10 times as much sawn timber as Australia. At the same time its pulpwood production is also many times that from Australian forests.

I have discussed the matter privately with Mr Huon, at which time he backed up the statement he made in his letter to the Herald.

It is interesting to reflect, when people are saying that we are robbing our forests to bloat the Japanese timber industry, which does not harvest its own resources, that with a minute amount of land available to that country, compared with Australia, it produces ten times as much sawn timber.

The draft timber industry strategy was drawn up following the release of the report of the Ferguson committee of inquiry and is currently subject to review and adjustment.

Chief executives involved in negotiations with the timber industry, and no doubt with other groups, about this report, are Mr Bob Smith, the Minister for Conservation, Forests and Lands and her adviser, Mr Tony Sheehan, none of whom until recently have had any experience in the sawmilling industry.

There’s constant trouble with caucus strategy and policy committees, which are again adopting a high conservation attitude. The Minister is, I believe, attempting to face her responsibilities, and I hope I shall encourage her in that direction, as perhaps will others—perhaps Mr Murphy, who represents east Gippsland, will also do so.

However, the industry wonders at times whether the Minister or Mr Pullen is the Minister, and recently we had the entry of the Attorney-General into the fray, in his new
capacity as the Minister for Planning and Environment, who is in charge of the Land Conservation Council.

It will be no surprise for honourable members to learn that the Attorney-General’s entry did not help at all.

**The Hon. B. W. Mier—**Why?

**The Hon. D. M. EVANS—**I fancy there was an immediate conflict between him and the Minister for Conservation, Forests and Lands, because they were not getting their act together and the duo was not working.

The Minister for Conservation, Forests and Lands is responsible for this enormous department, and any efforts honourable members make on behalf of the timber industry or the timber workers’ union are, to a great extent, stifled by the efforts of the Minister for Planning and Environment. Talk about a bull in a china shop! All in all, the two together are doing a great job! Just to illustrate the sort of damage being done, I inform honourable members that the Australian newsprint mills in Albury–Wodonga produce approximately one-third of Australia’s requirement of newsprint; one-third comes from Boyer in Tasmania and we import one-third. The mills at Albury–Wodonga have the capacity to double their production. If that were done Australia would be self-sufficient in newsprint and would not have to spend overseas dollars, but could produce and use its own newsprint. That is a sensible thought. However, I am told that, because of problems, particularly with the general direction in which the Victorian Government’s policy appears to be going at this time, under pressure from the policy committee it is likely that the new paper line will not be established in Albury–Wodonga but in New Zealand. That will be great for closer economic relations but lousy for trade, very hard on our balance of payments and will not employ many people in Australia.

**The Hon. J. E. Kirner—**Who told you that?

**The Hon. D. M. EVANS—**I heard the story.

**The Hon. J. E. Kirner—**It is a long shot.

**The Hon. D. M. EVANS—**I have a good source of information.

**The Hon. J. E. Kirner—**It is not from management, though, is it?

**The Hon. D. M. EVANS—**It came originally from management.

**The Hon. J. E. Kirner—**Good. Now we know who negotiated it.

**The Hon. D. M. EVANS—**I would suggest that the Minister check on that and make sure that what I have said is not correct.

**The PRESIDENT—**Order! I suggest that the honourable member get on with the debate.

**The Hon. D. M. EVANS—**The draft timber industry strategy proposed a number of initiatives, many of which are now being adjusted. It proposed, for example, fifteen-year licences for users requiring more than 8000 cubic metres a year and the phasing out of mills with a capacity of less than 8000 cubic metres by means of a short-term licence and a tender system for future supplies. That will rapidly put those smaller operators out of business.

The National Party believes it is essential that the industry have long-term security of supply and, in that sense, agrees with the strategy. Longer-term licences of the order of fifteen years can certainly do that. However, to charge $20 a cubic metre, as originally proposed by the strategy, and to enforce that payment over three years, could take huge sums of investment capital out of the industry at the very time when the Ferguson committee recommends increased efficiency, increased safety and improved technology.
Some businesses in the industry would be faced with payments of $400,000 to $600,000—perhaps more in some cases—over three years, taking scarce and essential capital out at a time when investment is required. That is scarcely the way to increase efficiency.

The suggestion that mills with a capacity of less than 8000 cubic metres a year should be phased out shows that the authors of the document have no understanding of the place in the industry of the small, efficient, local producers, including those operating in red gum forests, such as the Barmah forest, their safety record or their ability to work small coupes of timber supplemented with some private logs.

The strategy proposed new methods of assessing log royalties, but nowhere does it show that it intends to investigate the approach adopted by the Government of British Columbia in Canada, a most efficient producer of timber, where log royalties are assessed according to economic conditions and the prosperity of the industry.

Incidentally, Australia's increases in timber production will come increasingly from softwood production. It is likely that within a short period far more hardwood than softwood will be used in Australia.

The timber industry strategy proposes to increase production of timber by better forest management—and we all agree with that—and particularly by both private and public plantings of softwoods and hardwoods. Then, of course, the Land Conservation Council constantly recommends locking up more resources, and we will have Bills before the House—indeed, one Bill currently before the House proposes that—to ensure that this policy is even more difficult to make work. The left hand does not know what the right hand is doing. The appointment of the new Minister for Planning and Environment puts another joker in the pack.

The Hon. J. E. Kirner—I hope he is the right hand.

The Hon. D. M. Evans—Also for the past several months, the Federal Government has proposed income quarantining, which has already had substantial adverse publicity because of its narrow effect on the rural community, but has as yet had little publicity on its effect on the timber industry. According to yesterday's announcement by the Federal Minister for Primary Industry, I understand that income quarantining is to be phased out for primary producers, but I am not sure what the situation is with the timber industry.

The fact is that, unless investment in forestry can be offset against income from other sources, there will be a substantial reduction in private investment in forestry, which is a long-term project. No investor will stand out of his money for 20, 30 or 40 years without a tax incentive. I have raised this matter with the Minister and, unless she and her Federal colleagues get their act together quickly, that good idea of increased private production of timber will fail. I trust that yesterday's announcement by the Federal Minister for Primary Industry cleared up that matter, but at this stage I am not sure and I understand from the Minister's interjection that she is not yet clear on that matter either.

It appears to me that the draft timber industry strategy was drawn up by people who did not have an understanding of the industry, again putting the timber industry in a position of having to use its resources to fight its way out of a morass and to try to get a document that gives them an opportunity of spending efficiently and effectively. Regrettably, the opinion in the timber industry is that we will have a bland and rather worthless document at the end; further, every sawmiller must, I understand, be signed up in a brand new scheme by July, and all, I understand, controlled by one man. That man, Mr David McKittrick, will now have a totally impossible task and one that will create even more confusion.

I know some adjustments have been made to the strategy. For example, the $20 fee a cubic metre is likely to be substantially reduced and varied according to a number of other criteria, including expenditure on roaming, and this wonderful idea of value added production. The fact is that, in a serious document, it should not have been an option in the first place. Too many matters have to be corrected in that document—too many of
them against the timber industry. That is why I said in my motion that it has created confusion and concern in the industry.

I commented also on the effects of the Land Conservation Council on the timber industry and, incidentally, on other industries as well, particularly my friends from the mountain district cattle men. The Minister will be interested to hear me mention them but I do not plan to say a lot about them today. I mention them merely as being an important social group and one of our few heritages left in Australia.

The Land Conservation Council was established by the Hamer Government in 1972 to overcome a specific political embarrassment. Instead, it is now creating an additional political embarrassment. It is a loaded committee and I shall spell out for honourable members its composition.

Under section 3 of the 1970 Land Conservation Act the council consists of:

(a) a person appointed by the Governor in Council who shall be chairman;
(b) the chairman of the Soil Conservation Authority or his nominee;
(c) the Director-General of Agriculture or his nominee;
(d) the chairman of the Forests Commission or his nominee;
(e) the Secretary for Lands or his nominee;
(f) the chairman of the State Rivers and Water Supply Commission or his nominee;
(g) the Secretary for Mines or his nominee;

A few of those bodies have now been superseded, and no doubt the superseding bodies provide their representatives.

(h) the Director of Fisheries and Wildlife or his nominee;
(i) the Director of National Parks or his nominee;
(ia) a person who has experience in industry and commerce appointed by the Governor in Council;
(j) a person with experience in the conservation techniques used in developing land for primary production appointed by the Governor in Council; and

(k) two persons with special knowledge of and experience in some aspect of the conservation of natural resources appointed by the Governor in Council from a panel of five names submitted by the Conservation Council of Victoria within two months of receipt of a request in writing from the Minister or if no panel is submitted on the recommendation of the Minister.

In addition there has been added a representative of the timber industry itself, and that representative is Mr Thorre Gunnersen. It is an interesting body, to say the very least.

The Hon. N. B. Reid—To which members do you object?

The Hon. D. M. Evans—To the balance between the opposing views represented within the Land Conservation Council. That seems to me to be the problem.

The way in which the council works is interesting. Perhaps east Gippsland is a good example of how it works. I am told that, in voting on the final report, the representative nominated by the Department of Agriculture and Rural Affairs voted against the representative of the Department of Conservation, Forests and Lands, and it is suggested that he did so at the direction of the Minister, the Honourable Evan Walker. He was directed from outside; he was not making a judgment on the facts, but voting at the direction of the Minister. For a vital vote, the representative of the Department of Industry, Technology and Resources was absent, despite the fact that the timber industry represents 8 per cent of manufacturing capacity in Victoria.

Because there is no longer a viable Forests Commission within the Department of Conservation, Forests and Lands but rather the amorphous mass to which I referred earlier, there was no coherent submission from the Department of Conservation, Forests
and Lands. However, I point out that at least one submission was suspiciously like the proposals of the east Gippsland coalition.

On one occasion, the timber industry representative was, I am told, forced to restrict his opinions because of a tenuous, as it was described to me, conflict of interest. There was no other timber industry representative to take his place. In the final result, the issue was decided on the casting vote of the chairman, which was not satisfactory.

The Land Conservation Council is the vehicle through which the conservation movement constantly creates a benchmark for its operations further to restrict the timber industry and the majority of private users of public land, regardless of the value to the wider community of those uses and regardless of the areas of land that are already unavailable for any type of commercial application apart from tourism.

The industry is constantly on the back foot and forced into compromises that give a little to each party, and each successive step restricts its usage of land.

As part of a Government, the National Party will dismiss the Land Conservation Council and put in its place a totally different structure made up of people without any organizational ties, but with expertise in inquiring into public issues and especially with the capacity to cross-examine witnesses so that witnesses who want to make submissions have the opportunity of giving evidence in writing and then giving oral evidence on which they can be questioned.

The comment by the Federal Minister for Primary Industry, Mr Kerin, that the timber industry needs to get its act together because of constant pressure on Governments from the conservation movement was extremely significant, and one with which I totally agree.

The House will be aware that, on a number of occasions, I have drawn attention to the need for better education in forest industry matters, and I again stress the need to improve public education on the way in which the timber industry works and the way in which forests live and grow. What a disappointment it was that within weeks of coming to government, the new Minister for Conservation, Forests and Lands withdrew pamphlets that dealt with that very matter. That was done, I suggest, as a result of pressure from some of the ideologues within the department to whom I first referred.

The public needs to know how forests are affected by a number of natural forces, including fire and drought, and the intervention of man. The community needs to know so that it can make its own judgment that timber harvesting is not just a matter of someone going into a forest with a chain saw, but that each step is carefully planned by skilled foresters and that an essential part of forest operations is the full regeneration of the forest for the benefit of future generations.

On a number of occasions I have suggested the establishment of an education institution, similar to the World Forestry Centre at Portland, Oregon. I have obtained from that institution video tapes that I am happy to make available. The tapes are also available from the Victorian Sawmillers Association.

I commend an educational program to the Minister, the Government and the timber industry itself, and they should consider an institute such as the World Forestry Centre, perhaps to be established in an area adjacent to Melbourne so that the community can begin to understand this vital community resource.

Primary industry and the farmers of Victoria are substantially affected by the operations of the Department of Conservation, Forests and Lands through a number of different disciplines.

As early as the 1930s, Frank N. Ratcliffe, in his book, Flying Fox and Drifting Sand, pointed to the degradation caused by soil erosion in Australia’s dry areas and the long-term effects of overgrazing and underlined that most destructive of all imports—the rabbit.
In 1978 the Commonwealth Standing Committee on Soil Conservation noted that 52 per cent of the land in Australia needed some form of treatment for land or vegetation degradation, more than one-third of the entire land mass. It also found that 55 per cent of the arid zone was suffering land degradation and conservation measures were needed on one-third of all arid grazing land. The Standing Committee found that 34 per cent of the extensive cropping land needed treatment for land degradation and 34 per cent of the intensive cropping land also needed treatment.

The problem is not new, but it is widespread. The Commonwealth report of 1978 clearly illustrated the major requirement for responsibility to be accepted by Government. The report recommended that Commonwealth expenditure be the major source of funds and that, by 1983, $12 million—on 1977–78—values be expended. That figure has not been reached in 1986, and it was a modest total in the first place.

It is interesting to note that the April issue of Update, a publication of the Victorian Government, states that:

Salinity damage to our land and water systems costs Victorians an estimated $40 million annually. Victoria has called it “Victoria’s greatest environmental threat”...

Indeed it is! The amount expended by the Commonwealth as indicated by Update is less than half the amount the problem costs Victorians annually.

The former Soil Conservation Authority is now being replaced and, as I indicated in my earlier remarks, officers with experience in specific areas are being transferred to areas outside their general experience, no doubt on the basis that all officers are jacks-of-all-trades. However, that is not so.

There appears to have been a substantial reduction in the number of experienced soil conservation officers working in soil conservation positions, and the new appointment of some ten or twelve officers is seen as little more than window dressing that may well fail to put soil conservation back on an appropriate basis. The National Party hopes to see greater action in this area from the Minister, and I trust that the motion will be a catalyst for such action.

The Vermin and Noxious Weeds Destruction Board has lost the experience of Mr David Sexton, with the appointment in his place of Ms Carole Marple, who, despite protestations from the Minister, has no experience in the field. As a result, Ms Marple does not have the respect from her peers that her position requires and she has little credibility because of her lack of knowledge of the field.

The Hon. K. I. M. Wright—She gets $47,000 a year.

The Hon. D. M. EVANS—That is $40,000-odd a year for someone whose job until now has been in the field of education. She has replaced an experienced officer who lost his job, I believe, through making statements that were not palatable to the Government. The truth hurt, so Mr Sexton was shifted.

The Hon. J. E. Kirner—Are you suggesting that Tony Plowman keep his job?

The Hon. D. M. EVANS—I believe he is there for another twelve months.

The Hon. J. E. Kirner—They both are.

The Hon. D. M. EVANS—Therefore, one could not say that their positions are secure.

The Warrenbayne–Boho Land Protection Group is backed by the Department of Conservation, Forests and Lands, and a departmental officer is working with the farmers involved in that group. The funding is generally from the Commonwealth Government. The importance of the group is, however, as a pilot project that shows clearly that landowners, given encouragement and some assistance with resources, can and will work to control dry land salinity and the associated problems of erosion. It shows clearly that the problem is not a single farm, piecemeal problem but one that requires group action.
That area is not the only area in the State with the same problem nor is this the first group conservation scheme—the Wilby-Almonds Soil Erosion Program of twenty years ago was another. I suppose the Eppalock catchment area scheme could be regarded as a third example. Put in perspective, it is one small island in a sea of problems and should not be seen as an indication of how much is being done but rather as a clear pointer to how much needs to be done.

A major problem exists on stream banks throughout Victoria. Resolutions passed at the recent river improvement trust conference at Wangaratta clearly reflected landowner concern and a reasonable approach.

I specifically refer to an area that I know well, the cultivated lands in the upper reaches of the King River. Landowners generally lease the adjoining river frontage and, in past years, some undesirable practices have crept in, including levee banks that protect one owner to the detriment of others and cultivation right to the river bank.

Some cultivated land under private ownership is in the flood plain, and I have witnessed scenes of absolute devastation caused by high floods with 10 or 15 acres of good, fertile soil being literally washed away, leaving a stony river bed in its place.

The farms are small in area and the landowners in many cases have invested their life savings into those farms and are committed to continuing practices which, in the long-term community interest, can be detrimental in individual cases.

The use of private land and even the placing of it at substantial risk, is a separate issue from that of river frontages, but it is an important one that must be addressed in due course. The “State of the Rivers” report clearly shows the degree of stream degradation in Victoria.

In the upper King River area, which I believe is typical of many other areas in Victoria, the stream bed is constantly shifting. The areas of private land and public land shown on titles and the current position of the main stream bed bear no relation to each other any more.

What is required is co-operation and consultation between the department and the landowners, in many cases involving the landowner giving over some of his own land to soil protection works, and accepting in return the right to use river frontages which are safe from soil depredation.

That requires the building up of a good relationship between officers of the department and the landowners concerned. Yet the officer who had achieved that good relationship was shifted, and a new one put in his place, leaving the new officer with a period of adjustment and assimilation until he is accepted by the landowner.

The matter of vermin and noxious weeds is a constant battle for the rural community. We have the new Land Protection Council which supersedes the Vermin and Noxious Weeds Destruction Board with landowner representation, but with only one representative to represent 2 or 3 different regions. The main landowner representative Mr Plowman is on for only a twelve month period, and there is considerable concern as to his position. He is very well trusted and respected by the farming community in Victoria and is a most experienced person.

The Hon. Robert Lawson—That is enough to condemn him.

The Hon. D. M. EVANS—I take up Mr Lawson’s interjection; I hope it does not because we need him there.

The PRESIDENT—Order! It appears that Mr Evans is reading his speech.

The Hon. D. M. EVANS—Mr President, I understand that under Standing Orders I have that right as I am moving a substantive motion, just as Ministers are permitted to read their second-reading speeches.
The PRESIDENT—Order! I believe that is permitted when a lot of statistics are being read but that does not apply when a member is speaking to a motion.

The Hon. D. M. EVANS—I am reading some sections and I am using copious notes but there are a number of comments that I am making.

Honourable members interjecting.

The PRESIDENT—Order! I ask the honourable member to continue but to refer as briefly as possible to his notes.

The Hon. D. M. EVANS—The dismissal of David Sexton, and his replacement by Ms Carole Marple, a person with no experience in the responsibilities carried by the position, has destroyed a great deal of landowner confidence in this organization.

Morale at head office, 601 Bourke Street is at a low ebb, with no staff at head office and a reduction of staff in the field.

A number of depots throughout Victoria have been closed. Concern is being expressed that research into myxomatosis and the provision of new strains to overcome resistance to the existing strains is apparently not being carried out at a satisfactory pace. I do note that there is $500 000 for research and I hope that is one of the areas in which research takes place.

The problem of control of weeds on roadsides remains, and unless and until the Government accepts responsibility for this problem and changes the Act so that it can do so, the weeds will continue to spread. The public risk and other dangers to farmers are too great to let farmers deal confidently and competently with this problem. Blackberries and St John’s wort continue to spread throughout our public land, and just in case honourable members may think our conservationist friends have recognized the problem, I quote from the 1985 issue of parkwatch, No. 141; these are simple souls because they say:

Recent trips have included:

29–30 September: Strathbogie Ranges.

They state that they climbed to the top of Mount Wombat, were rewarded with superb views and:

... plenty of wildlife including birds, kangaroos, wallabies and hundreds of rabbits.

The Hon. B. A. Murphy interjected.

The Hon. D. M. EVANS—That is only one mountain, Mr Murphy.

Crown land rentals continue to cause concern, particularly as many of them have been substantially increased. This case has been argued in Parliament in recent days. I know the Minister says she is working on the issue with the Victorian Farmers and Graziers Association and I hope in due course some resolution is forthcoming. However, the report from the Valuer-General that I have seen clearly shows that he has a totally unrealistic idea of the earning capacity of private farming land.

Honourable members interjecting.

The Hon. J. E. Kirner—Is that the previous report?

The Hon. D. M. EVANS—I hope it is the superseded report; if it is not, there are some real problems.

The public access provisions on both water frontages and unused roads substantially reduce the value for grazing, because of the risk of inexperienced persons leaving gates open, allowing stock to stray on the highways, with all the problems that that can cause under the new amendments in the Wrongs (Animals Straying on Highways) Act, because of the disturbance to lambing ewes or calving cows, and because on so many of our water frontages the restrictions to which I have referred with regard to the erosion and other
problems on stream banks, not only lead to greater care being required, but also further restrict usage of that land.

In addition, stream banks are a constant problem with noxious weeds and vermin. The best blackberries grow on stream banks and are generally far more expensive to treat on farmland on the river banks.

The problem of fencing in such situations is serious because it is not easy to keep a fence standing up and in good repair when it is constantly assaulted by flood waters.

I referred to the depredations of wild dogs early in my comments. The big issue has been the matter of steel-jawed traps. Statistics released by the Minister herself clearly show that the new snare is not as effective. A very good article on the front page of *Stock and Land* just a few days ago showed that. Until the snare is as effective, the trap must remain as a front line weapon against the depredation of wild dogs. The new fashion is the electric fence.

The PRESIDENT—Order! The honourable member is continuing to read his speech.

The Hon. M. A. Birrell—Ask!

The PRESIDENT—Order! Mr Birrell will apologize to the Chair for that remark.

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

The PRESIDENT—I shall quote from *May* in regard to this matter so that it is clear in the minds of all honourable members, including that of Mr Birrell. Page 418 states:

The rule against reading speeches is, however, relaxed for opening speeches or whenever there is special reason for precision, as in important Ministerial statements, notably on foreign affairs, in matters involving agreements with outside bodies or in highly technical bills.

I do not believe the speech of Mr Evans is of that nature. I have allowed him a great deal of latitude in this matter, especially earlier when he was quoting statistics, and I refer him to what has been the tradition in this House and ask him to continue his contribution without reading his notes.

The Hon. N. B. REID (Bendigo Province)—Without questioning your ruling, Mr President, I seek some further clarification. Does this mean that Ministers introducing their second-reading speeches will be required to make those speeches off the cuff or without the aid of a written statement or written notes?

The PRESIDENT—Order! It has never been the practice in that case. Second-reading speeches have always been read. However, it is the tradition in this House for speeches not to be read, except in the special circumstances that I have outlined. I ask Mr Evans, because he is a good debater, to continue in the normal manner accepted in this House.

The Hon. D. M. EVANS (North Eastern Province)—In regard to the electric fence it is an issue of concern at present within the rural community that that means of dealing with wild dogs will use all available funds. The fences certainly have a value but their use is restricted in rough country. There is real concern that there will not be any money left for other purposes.

Every available resource needs to be used. Anyone who has seen a flock of sheep or an individual sheep that has been attacked by wild dogs, anyone who has seen a sheep with part or all of the skin torn off its head, a leg eaten off or disembowelled but still alive, will understand precisely what I mean.

As I said when I commenced my remarks, the sorts of dogs that we see in the “Pal” and “My Dog” advertisements are not the ones that attack sheep in the country. The recent well-publicized case of the attack by wild dogs on a small child in Queensland clearly shows what can happen. I am sure other examples will readily spring to the minds of people in the community.
To add to landowners' woes, a Bill proposes that the Minister can impose an interim development order on private land to control its use, albeit with some degree of compensation, to protect what are regarded as rare or endangered species. The concern of the landowning community is that there is no restriction on the area of land that can be so declared, nor is there any significant restriction on the Minister, who has the power to declare a particular species endangered or liable to extinction for the purposes of the Bill.

My concern is that, faced with that sort of proposal, if a landowner does have a rare or endangered species of animal or plant on his property, that species is in real danger of being swept under the carpet, forgotten about and put away. The correct way to deal with what I consider to be a problem is to do so by co-operation, education and assistance, without legislation being enacted. The best possible result would be achieved in that way. The moment there is a likelihood of restrictions on clearing land in Victoria, every bulldozer that farmers can get their hands on will be out clearing land, whether it is necessary or not. It is an alarm bell that people listen for and it is counterproductive. I accept that there is the rare genuine need.

Fire control methods are a major problem for the Department of Conservation, Forests and Lands. I have already mentioned in this House on a number of occasions the need for fuel reduction burning and the lack of that work, which has had devastating effects in the past few years with huge costs to the community. Statistics show that $7.5 million was spent on fire control in the Bright and Mansfield areas in 1985, and $2.5 million has been spent this year in the same area.

The best fire control involves forward planning and cleaning up combustible fuel material. Research reveals the relationship between the static fuel load on the forest floor and the intensity of the blaze. The intensity of the blaze increases by the square of the amount of fuel on the floor—twice as much fuel, four times the intensity; four times as much fuel, sixteen times the intensity, according to tests that have been carried out.

Not to carry out fuel reduction burning, as has occurred with the Aborigines for the past 30,000 years, simply increases the cost to the community of fire suppression and increases the danger to the community, as was so amply demonstrated on Ash Wednesday. It also adds to the nervousness of people who are most directly in the firing line, whether they are people who farm the land or who live in townships such as Bright.

Another major responsibility for the Department of Conservation, Forests and Lands is that of national parks. Already, 1.17 million hectares, representing 5.1 per cent of the area of the State or one-third of public land, is in declared national park areas, according to information currently before the House and other information that has been publicized. Another 480,000 hectares is proposed to be declared as national parks. That will take the area of national parks to almost 8 per cent of the total area of the State. The National Party has grave doubts whether the department can manage this enormous area, yet it is constantly locking up more areas of land and more resources. Even the Australian Council of Trade Unions is appalled at the general direction and thrust of the Land Conservation Council's recommendations.

Landowners are concerned at the effects on their properties of vermin and noxious weeds and fire with the impact of the new Land Conservation Council recommendations and the additional requirements for control that are likely to be accepted if these plans are brought to fruition by a department that apparently does not have adequate resources for the task.

A further point is the increasing impact of people that is evident in the high country; not sawmillers or cattlemen but just human beings. For the first time, the mountain cattlemen can see evidence in the high country of where people have been; not four-wheel drive vehicles or motor bikes, just people. Anyone who has been to Mount Kosciusko, above the Thredbo village, will have seen the kilometres of steel track that have been installed to make steel walkways to protect the environment in an area in which no grazing has occurred for 50 years and they will have seen the degradation caused by tourists.
I do not suggest that the population of Victoria should be prevented from traversing those areas and enjoying the wonderful scenery and the air of freedom that those areas afford. However, if the areas are to be used more by people, more money will need to be spent for protection, guidance and policing the behaviour of tourists in those areas.

Four-wheel drive vehicles and trail bikes are not controlled, yet the Land Conservation Council, the wild card under the control of the Minister for Planning and Environment, goes on its merry way recommending yet more restricted use and management of these areas, although fewer resources are provided for them.

I commenced my remarks by stating that the Department of Conservation, Forests and Lands controls 38 per cent of the total land area of Victoria and has a substantial impact on major primary industries and the timber industry. It has substantial responsibilities in public land management, recreation and conservation. No doubt the Minister will shortly tell us that everything in the garden is lovely and that we must trust the Government.

The timber and other primary industries are constantly battling to survive and are under constant pressure, especially from the Land Conservation Council, the caucus and policy committees of the Labor Party, which thwart their opportunities to survive. Every new decision by the Land Conservation Council creates a new benchmark that puts more pressure on those industries. Instead of receiving encouragement from the Government, they constantly have their backs to the wall fighting for survival.

The Minister and the Government must begin to take notice of people. Just as the trade union movement is concerned for the future of its members, the farmer groups, the Victorian Farmers and Graziers Association, the timber towns associations, rural municipalities, such as the shires of Alexandria, Orbost, Bairnsdale and others are concerned to protect the future of their constituents. It is no longer a matter of compromise, of giving a bit more ground. The communities have given enough and they cannot afford to compromise any longer. We must halt the onslaught.

There are examples of how to proceed. There are examples of co-operation and of an understanding that foresters and farmers are experts in their own fields and, given the proper advice, encouragement and assistance, good decisions will be made about the use of land and good methods will be used.

Better public education is a clear and constantly developing need. Wild and emotional assertions by the conservation movement will eventually be seen for what they are—inaaccurate and misleading.

The Minister must reverse the present trend of giving undue influence to the ideologues in her department and come back to a realization that the many practical people in her department are the ones to whom she should be listening, especially in view of her own lack of experience and expertise because she has been Minister for only a short time. The Minister cannot, in just a few months, develop the sort of expertise that is needed to understand her wide-ranging responsibilities.

The Minister must be prepared to listen to the experts even when the advice that they give is difficult to carry out, controversial and in direct conflict with that of some of the ideologues to whom I refer. Further, those expert advice-givers should not go in fear of their heads. This Government will not last for ever, and when it does go I hope there is not a big mess for the incoming Government to clean up.

I have a vested interest in this matter as I believe an incoming Government certainly will include the National Party and, as a member of the National Party, I do not want a great mess to be left by the Labor Party Government. That is one reason for moving the motion.

I hope the Minister takes note of the motion and I hope the people in the community and members of the Australian Council of Trade Unions take heart from the fact that someone is prepared to stand up and speak for them on these issues.
The Hon. L. A. McARTHUR (Nunawading Province)—I reject the motion Mr Evans has moved and I assure him that if the supposed sins that he outlined are the only ones committed by the Government, the Government will last for a very long time and the chances of his party being a member of a coalition Government are very dim.

The motion has no basis and Mr Evans did not sustain any of his arguments concerning alleged disasters that have resulted from the restructure of the Department of Conservation, Forests and Lands. Certainly, it did not result in any reduction of efforts to control salinity; the contrary is the case. I had to wait a long time for Mr Evans to refer to the point of salinity that he made in the motion he moved. His arguments were not well constructed and were, to borrow his adjectives, even inaccurate and misleading.

The record of the Government, the Minister and the department on the issue of salinity, which I agree is essential to control, is impeccable. The Government's concern has been translated into action, into planned research, into community action, and into the hardest of all—funding—to attack the problems of salinity, which was avoided by the Liberal Party, and I do not suppose that the corner party had much to do with that for many years. Certainly, the concern and effort of the Government towards the problem of salinity has been commendable and should not be the subject of the motion Mr Evans moved.

I reiterate that Mr Evans’s arguments were not sustained, and I shall explain why. The Department of Conservation, Forests and Lands has been very successfully reorganized. It has been concerned not only for public land but also for farmland. On this element of Mr Evans’s motion, I refer honourable members to Mr Baxter’s Notice of Motion, No. 1, under General Business, which has been on the Notice Paper for some time and which purports to attack the Government on its record of salinity control. Although Mr Baxter is not in the House at present I am sure he will attempt to substantiate Mr Evans’s remarks on salinity and, like Mr Evans, he will not be successful.

The Government has a salinity strategy. I agree with Mr Evans’s statement that salinity is the single greatest environmental threat in Victoria. The threat is to both public and private land and it extends further to threaten rural communities, towns and industries. The Government has faced up to the reality of those threats. In fact, the Government faced up to the problem of salinity in its first term of office.

I am sure all honourable members realize that salinity is caused by rising movement of water table levels that carry salt already present in the soil into the root zones of plants, destroying vegetation. Water tables have been rising over the past 100 years since land was first cleared and farmed. They are rising as a result of irrigation, which in my opinion plays a small part, and as a result of rainfall, which plays a large part, saturating land that has been cleared of trees that previously contained no heavy water seepage.

This is no fault directly of the farmers or the people of yesteryear because they did not know about this reaction. They did not realize that the soil was being filled with excess groundwater. The recharge zones that take water in to the groundwater system and the discharge zones that cause salinity problems are sometimes wide apart. Therefore, different farms have different problems. The farmer with the recharge problem may not have any effect on his area because the discharge may be 20 or 40 miles away, or the problem may be a completely regional problem, as it is becoming in parts of the Mallee and the northern and north-east sections of Victoria and I shall not refer specifically to problems in other States such as the Riverina. When these things occur there are social and economic implications, and these are the basis of the Government’s attack on salinity. Mr Evans tried to avoid this aspect.

The Government has set up a Ministerial task force which comprises the Ministers of the following Government bodies: the Department of Conservation, Forests and Lands; the Department of Agriculture and Rural Affairs; the Rural Water Commission; the Department of Industry, Technology and Resources; the Department of Water Resources; the Ministry for Planning and Environment, and the Rural Finance Commission. Further,
the Government has set up a support unit within the Department of the Premier and Cabinet—a place where previously it would be unheard of to set up a unit of this type.

The Government believes that is the single most important environmental issue facing Victoria. It has placed the support unit in the Department of the Premier and Cabinet, which is the right place for it. The Government has established interstate agreements regarding the Murray-Darling Basin at the Adelaide conference. The Government has a departmental salinity liaison committee. The restructured Department of Conservation, Forests and Lands is co-operating with various working groups and the departmental salinity liaison committee.

An amount of $12 million has been made available this year to combat salinity. The Government has a real commitment to the problem. The Department of Conservation, Forests and Lands, which is under attack by Mr Evans's motion, has played its part in attempting to overcome salinity in Victoria. The Government does not say that it has all the answers because further research must be undertaken. Hydrological information and mapping of various catchments is required. The dynamics of the community must also be harnessed because the involvement of the community is paramount.

When there is such a difference between the places of cause and effect of salinity, the control of the problem involves farmers and citizens of every town and city in Victoria. The Government will obtain further information about that when it studies the regional pilot Goulburn-Broken River program. That program is serviced extensively by the Benalla region of the Department of Conservation, Forests and Lands. Irrespective of any restructure, I do not believe any criticism has been made by rural people that the pilot program is a waste of money. The program is important in tapping the department's commitment and understanding how communities and Government agencies can assist in controlling and turning back the tide of salinity that could devastate most of the Murray Valley and would have an enormous effect on the valuable farm land and public land in that region.

I could quote further Government achievements in this vital field, but I shall not do so. It was important to correct the record about the Minister for Conservation, Forests and Lands and the Government in this area of salinity and that is what I have attempted to do. The new integrated and regionalized structure of the department is effective. It is using its resources efficiently and it is playing its part in combating salinity in Victoria.

Contrary to what Mr Evans said, the department has given its staff and landowners a better deal because it has provided better value for money and is more ably protecting the land of the public estate. I reject the motion.

The Hon. N. B. REID (Bendigo Province)—I commend Mr Evans for his motion and also on the comprehensive manner in which he presented his case. I shall examine the motion and bring to the attention of the House what questions it poses. The motion states:

That this House expresses grave concern at the disastrous situation in the Department of Conservation, Forests and Lands, created by—

(a) the restructure of the department which has led to a lack of direction and low morale in district offices, erosion of farmer confidence in vermin and noxious weed control, and reduction in the necessary effort to control salinity and soil erosion; and

(b) the timber industry strategy, the operations of the Land Conservation Council and their effect on the timber industry in Victoria.

Honourable members will recall that, on 17 September 1985, I moved an urgency motion in this House relating to the Department of Conservation, Forests and Lands. I informed the House that the matters I would raise would be just the tip of a huge iceberg because of the bungled administration, financial chaos and incompetence of the department and the Minister. I told the House that the Minister had a disregard for the safety and well-being of thousands of employees in her department.
The department comprises between 4500 and 5000 employees. The Minister has a budget of more than $150 million and has responsibility for managing 40 per cent of all land in Victoria.

The Hon. J. E. Kirner—It is 38 per cent.

The Hon. N. B. Reid—It is 38 per cent, which is approaching 40 per cent. The lack of direction is the first aspect of the motion I wish to tackle. When I moved the urgency motion on 17 September 1985, I informed the House that there was a lack of direction at that time and obviously it has continued. One must ask whether the Minister is controlling her department, whether the department is trying to control her or whether neither issue is clear.

I believe the answer is that no one knows who is running the Department of Conservation, Forests and Lands. It is certainly not the Minister and I wonder who within the department is performing that task. In September I said that the Minister was playing the role of Hacker and that Professor Tony Eddison was playing the role of Sir Humphrey in the Yes, Minister program. I am not sure now who is playing the role of Sir Humphrey! I ask the Minister to inform the House who within the department is providing her with the support and necessary skills.

It is obvious that the department has lost direction in many proposals because of the restructure of offices within the department.

In the two and a half years that the planning exercise has been continuing, it is still not clear whether the Government has its act together. Members of the community, farmers, people in the timber industry and officers within the department all recognize that the department has not got its act together.

I now turn to the establishment period of the department because it is important to examine what has happened since January 1985, particularly since the current Minister took over the portfolio. One point that has upset the community and those people closely associated with the department has been the number of experienced people who have left the department for many reasons: some have retired; some have been pushed down the lift well; and others have been pushed sideways. It is a tragedy that we have lost the services of some exceptionally fine people such as Col Middleton, John Ashworth, Dr Ron Grose, Dr Frank Moulds, and Alex Mitchell from the Land Protection Service. Some of those people have made a valuable contribution.

The Hon. J. E. Kirner—Most of them were before my time.

The Hon. N. B. Reid—Dr Ron Grose received the chop the moment the Minister stepped into the office in 1985. I do not know whether that move was in train before she took over, but it occurred at that time.

The Hon. J. E. Kirner—And the others?

The Hon. N. B. Reid—Some of the other persons I mentioned were retirements. I make no excuse for that. All I am saying is that the abilities and skills of those people have been lost to the department. The department is worse off for the absence of the skills of Dr Ron Grose because he was a capable administrator and ran his department well. The consultative process that occurred during that period continued until 25 July 1983 when Professor Tony Eddison was appointed as Director-General of the Department of Conservation, Forests and Lands to try to sort out the reorganization and structure of the new department. A project team was formed by the Public Service Board to develop options for the Government in the major task of amalgamating and restructuring the various agencies into a single department. Substantial emphasis was placed upon the consultative process.

The Government claims that more than 1000 people were consulted during that process. Mr Alan Clayton from the Management Consultancy and Organization Studies Division of the Public Service Board was appointed as implementation co-ordinator. The consultation process continued and during November and December 1983 further public
comment was sought on the project team's proposals. More than 130 letters and submissions were received and still the consultative process continued.

During that period the departmental structure was established with nine divisions, each headed by a director who reported to the Director-General of the Department of Conservation, Forests and Lands, Professor Eddison, and in turn advises and is responsible and accountable to the Minister. That process continued for more than two and a half years. On 18 July 1984 the Department of Conservation, Forests and Lands was restructured. What has gone wrong since then? Honourable members must consider that question because after two and a half years of planning one would have thought that the directions to be taken by the new department would have been sorted out but it is obvious that the department is not operating efficiently, is not offering the services that the agencies should currently offer—to the rural community particularly—and is not providing the top service that a Government agency is expected to provide.

The low morale in district offices can easily be sheeted home to the poor administration of the department. I shall refer to a number of issues. One can understand why there is low morale in the district offices when one understands some of the issues that were involved during the first twelve months of the Minister's occupancy of her Ministry. There were fires in the north-eastern part of Victoria and the Department of Conservation, Forests and Lands was negligent in not paying its staff for the additional time that some officers put in fighting those fires.

Members of the community were recruited; they were also given the opportunity of assisting in fighting those fires. It was many months before those people were paid for their contributions and assistance in fighting the fires in north-eastern Victoria. I am sure Mr Baxter is aware of that issue.

One of the other issues that disappointed staff of the Department of Conservation, Forests and Lands was the protracted negotiations between the Minister and the Victorian Public Service Association over conflicts in the filling of positions in the new structure and, obviously including the Minister, over the restructuring process not being carried out efficiently and the fact that positions were not filled as quickly as they might have been. Obviously, those factors affected staff morale and contributed to the low morale in district offices.

Other issues are also involved. One of those issues concerned management agreements with lessees and managers of various caravan parks that were situated on Crown land throughout Victoria.

I shall refer to the current situation on the payment of accounts as at December last year, covering the period from July to December 1985 when the administration of the department was still not under complete control. There were 9116 accounts that had not been paid for periods of between six and eight weeks, representing $5.6 million; a further 13 026 accounts ranging between eight and twelve weeks overdue, representing $5.2 million; a further 7706 accounts which had not been paid for between twelve and sixteen weeks totalling $3.6 million; a further 4337 accounts that were sixteen to twenty weeks overdue, representing $1.7 million; a further 960 accounts of between 20 and 30 weeks overdue representing $1.5 million; a further 686 accounts between 30 and 40 weeks overdue, representing $223 705; and almost 1000 accounts that were more than 40 weeks overdue.

The Government claims that it has sympathy for people affected by the rural crisis. However, 36 000 accounts of the department, many of which are accounts payable to small country businesses, are carrying the department, in some cases, for more than 40 weeks. That is the regard the Cain Government has for people in rural areas. The department had 36 000 accounts outstanding, totalling $18.5 million. One can imagine the effect an influx of $18.5 million would have on rural communities during this difficult time, if only the Government would pay its accounts on time. I am not suggesting that the Government pays its accounts ahead of time or on the day that the account is rendered.
All I am suggesting is that it pays its accounts within 30 days, like any other normal business procedure. The Government claims that it is trying to help people in the rural situation, yet it has a huge amount of money owing to small businesses throughout Victoria. They may have outstanding accounts of only $300 or $400 but depend on that cash flow going through the business in order to survive in difficult rural circumstances.

The Hon. W. R. Baxter—One of my constituents is hoping to receive his money in winter to help him with his cash flow when things are quiet.

The Hon. N. B. Reid—I wonder whether the people at Barmah have been paid for the afternoon tea that they provided! I hope the Minister attended to that payment. It was an absolute disgrace that the account had not been paid. It is a disgrace that a women’s organization has not received payment of an account. The Minister proclaims her support for women and women’s organizations but does not even pay their accounts.

I have gone through the problems that are still inherent in the Department of Conservation, Forests and Lands, problems that were inherent at that time. I would be delighted to receive an assurance from the Minister that the situation has improved because on Thursday, 8 August last, the Premier gave an instruction to heads of State Government departments and authorities to speed up the payment of accounts. The Premier said that he had received justified complaints. Obviously the Premier knew what the situation was and he took action—he instructed heads of Government departments to pay their accounts.

It is obvious that that instruction to the Department of Conservation, Forests and Lands was ignored. In December, the situation was still grim. Not only did the Premier instruct the heads of those departments to pay the accounts, he also instructed the Treasurer to ensure that they did and to carry out audits of those departments.

It is obvious that the Treasurer, Mr Jolly, has not done his job either, otherwise he would have been aware that, at the end of December, the Department of Conservation, Forests and Lands had not paid its accounts. I want to know what excuse has been given to the Premier by the Treasurer for that situation.

I have referred to the department not paying its accounts to creditors. On the other side of the ledger I wish to refer to the collection of revenue. Regarding the collection of royalties on timber extracted from Victorian forests, I understand that, in the past, a monthly review was conducted but the Department of Conservation, Forests and Lands no longer carries out a review of outstanding royalties.

I repeat, the department is not paying its bills and is not bothering to collect royalties; nor is it carrying out a monthly review to see what royalties are due to the department. Both sides of the ledger are involved. One can imagine the effect this failure to pay the department’s creditors and to collect money has had on the morale of people working in the district offices who, in many instances, live and work in fairly small communities. Those persons are instantly recognizable by the traders. One can imagine how embarrassed conservation, forests and lands officers would be on occasions when they go to a local hardware store to purchase something personally and are told that if they want to charge it to the department, they cannot do so because the department has not paid its accounts. Obviously the low morale would permeate through the ranks of the district officers.

I now wish to deal with the erosion of confidence in the department by farmers.

The Hon. J. E. Kirner—Do you have a statement from the VFGA?

The Hon. N. B. Reid—I have talked to officers in the department and the Minister’s standing is not high in the farming community.

The Hon. J. E. Kirner—That is not how it reads in the newspapers or in the VFGA publication.

The Hon. N. B. Reid—The farming community is not happy with the services the Minister is providing. I wish to highlight a few matters. The first relates to a tree planting
scheme which I raised in the House. One person spent $1500 on tree planting and it was not repaid to him until I raised the matter in the House. The matter went on and on. The Minister cannot expect to inspire confidence in the rural community when that type of thing happens.

Recently in Victoria one situation arose where the Shire of Korumburra moved a vote of no confidence in the Minister for Conservation, Forests and Lands because of the Minister's reluctance to sort out a problem in the shire. The shire wrote to the Minister and a lot of correspondence transpired with the Minister but the shire finally had to resort to informing the Premier that on 19 March the shire council had recorded a vote of no confidence in the Minister for Conservation, Forests and Lands, the Honourable Joan Kirner.

The reason for the vote of no confidence was that the shire was not getting satisfaction from the Minister on land management services. Representatives met with Carole Marple, Mr Griffin and Mr King, but they received no satisfaction. Obviously it required a political decision. The provision of land management services in the Shire of Korumburra was a Ministerial responsibility. The shire wants a land management service because of the prolific growth of noxious weeds in the area.

Mr Evans has already referred to the noxious weed situation in Victoria. I commend and compliment him for raising that issue which is of real concern to the rural community. Mr Evans also raised the problem of wild dogs.

The Minister will recall that I raised the problem of wild dogs in this House early in her career as Minister—perhaps within the first sessional period. I refer to the damage that wild dogs do throughout the north-eastern part of Victoria, about which Mr Evans has first-hand knowledge. Mr Evans has highlighted the need for the retention of steel-jawed traps until the snare traps are perfected. It is obvious that the snare traps are not yet perfected and they will be struggling to minimize the effect of the impact of wild dogs on stock losses in north-eastern Victoria.

I have already mentioned the soil conservation project. The abolition of the former Soil Conservation Authority, which was a specialist organization with specialist skills built up over a time, is a loss to Victoria. That authority is gradually being absorbed into the Department of Conservation, Forests and Lands and projects like the Eppalock catchment project, which was undertaken by the former Soil Conservation Authority, are no longer undertaken.

I understand that the Minister has inspected the fine work done by the former Soil Conservation Authority and the regular maintenance carried out to improve soil conservation in the Eppalock catchment area. The neglect of soil conservation projects throughout Victoria will have a long-term detrimental effect on rural production and will result in the degradation of land throughout Victoria.

I mentioned community confidence in the Minister for Conservation, Forest and Lands and I want to refer to another issue that has been causing a great deal of community concern: it relates to the proclamation of the Marine National Park at Wilsons Promontory. The Minister released a statement on Thursday, 27 March 1986. I refer to page 3 of the statement where it says, "Amateur fishing around the promontory will be restricted to some extent." The Minister wonders why she does not have the confidence of the community! I can assure her that the amateur fishing people are greatly concerned about restrictions on their access to fishing areas. They see it as being the thin edge of the wedge in preventing amateur fishermen from enjoying their sport and having access to important amateur fishing areas in Victoria. That is one aspect of the problem.

The other aspect is the lack of consultation and discussions with the commercial fishing industries relating to the fishing grounds around the Wilsons Promontory area. I know it is a difficult area, but if the Minister had had adequate discussions with people involved
in those areas, who regularly fish in those areas, a worth-while compromise could have been worked out.

The rock lobster fishermen have until 1991 to keep fishing in that area but, ultimately, it means that people will be phased out of fishing around that area. The Victorian Piscatorial Council made representations to me at one time regarding amateur fishing; and that organization is an important one. My understanding of amateur fishing is that it is still one of Australia’s largest sports, it is a great recreation, and I can assure the Minister that that organization and the members of it are greatly concerned that restrictions will be placed on them, not only in that area but also in many areas of Victoria, because the Minister has already indicated that other areas are under consideration and that amateur fishermen will not enjoy the privilege and pleasure of being able to fish at some of those fantastic spots around Wilsons Promontory.

Mention was made in Mr Evans’s motion of the timber industry and the important role it plays in Victoria. I am sure that the Minister for Conservation, Forests and Lands is receiving a great deal of pressure now from many of her own colleagues on this industry and I was delighted to see, before the Nunawading by-election, that the unions came out strongly indicating their support for the development of the timber industry in Victoria. They recognized just how important that industry is to the State and, in fact, to the nation.

I am sure that the Minister will be receiving and has received a great deal of pressure regarding this point. She should listen to these people because they live and work for the timber industry and that industry has now put together an extremely good case regarding the development of the timber industry in Victoria and its importance.

It has the support of the Timber Towns Association. They have put together an association that offers their support and their need to retain the jobs and the industry at a very high level.

I shall give the House a couple of details from a document forwarded to me by the Victorian Sawmillers Association. It relates particularly to the alpine area. They made a couple of other comments about aspects of the industry, and a study was conducted by Coopers and Lybrand Services in 1984 on the socio-economic impact of the timber industry in the alpine area.

The industry’s output (valued at $58 million in current prices) generates a flow-on of some $50-$65 million of which 50-60% is felt within the region.

They are talking about the region covered mainly by the Timber Towns Association.

Sawmilling and logging directly creates some 1150 jobs which generate a further 1500 jobs of which approximately half would be located within the region. A further 4000 persons are employed in further processing (joinery, doors, veneers, etc.), the pulp and paper industry.

One can see from that quote how important that timber industry is just in that one region of Victoria and how important it is that the Minister and the Department of Conservation, Forests and Lands get their act together to ensure that they have adopted a strategy that will ensure that those industries are viable and that they will continue to make contributions to the well-being of the Victorian housing construction industry.

Because of changes made by the Federal Government to interest rates and subsidies to banks, I predict that the housing industry is destined for a very hard time in the next few years. My reason for saying that is that the banks admittedly have been provided with extra finance but the building societies, which have been a major contributor to housing finance in Victoria and Australia, have not been beneficiaries of that interest reduction and the level of home building and construction will diminish and will have a significant impact on the rest of Victoria.

Therefore, I make that note on the importance of housing and the construction industry, particularly in respect of the timber industry in the eastern part of Victoria.
Mr Evans also made reference to the role of the Land Conservation Council. In my concluding remarks, I refer to the Land Conservation Council which, generally, over the years has done a very important job. It has handled many difficult issues with great skill, but I object to the political interference that has become evident since the Labor Party took office in Victoria.

Mr Evans would concur in the view that I am putting forward now: that the political interference in the terms of reference of the Land Conservation Council certainly has not helped and in fact has really been one of the most disastrous moves that the Government has ever made.

The Government will regret that political interference to the Land Conservation Council, in changing terms of reference that were literally given to the council in respect of the Gippsland alpine area and I am sure that the Minister for Conservation, Forests and Lands was not really responsible and would undo the situation if she possibly could.

That is not in the best interests of arriving at the best possible decisions on land management for Victoria. Because of the political overtones of one party, they are virtually being told the terms of reference under which they will work and the answers at which they will arrive. That makes the situation worse.

In summary, the terms of the motion are accurate with respect to the lack of direction of the department, the low morale in district offices, erosion of farmer and community confidence and the need to ensure that the interests of the timber industry are taken into consideration to ensure that it remains viable, not only for Victoria and timber industry workers, but also for those who are dependent on those industries in the surrounding townships. One must also consider the political interference to the Land Conservation Council.

I commend Mr Evans for moving the motion and for the comprehensive manner in which he presented it to the House.

The Hon. B. T. PULLEN (Melbourne Province)—The motion moved by Mr Evans reflects the fairly disparate and pot-pourri approach of his speech. He has asked the House to express grave concern about a host of matters. He is concerned about the restructure of the Department of Conservation, Forests and Lands, its lack of direction, low morale, erosion of farmer confidence in vermin and noxious weed control and a reduction in the control of salinity problems. I am sure the honourable member must have missed a few things, but that is the way he addressed himself to the issue.

Unfortunately, there was a lack of any logical approach to the responsibilities in the portfolio. Moreover, Mr Evans went on to speak about the timber industry strategy. If that is what the honourable member wished to discuss, I wonder why he did not frame a motion about that and it could have been debated as an issue instead of mixing it up with a debate on the restructure of the department.

The honourable member complained about the Land Conservation Council which does not fall within the structure of the department, but it is the responsibility of an entirely different Minister. I do not know why he added that to the motion. It reflects that he has not done his homework and did not think about the import of complaining about the structure of the department and the way it might deliver its responsibilities to any Government, and particularly to this Government.

What has been absent in the address of Mr Evans and in the address given by Mr Reid is any real attention to policy. The honourable members have brought forward a catalogue of what they think is wrong with the department's activities. They have simply named individual projects and other matters about which they have complaints. They did not express any considered views on how policy should be developed in an area which is developing and is requiring a balance between the interests of conservation, economic and industry development and employment. They did not really analyse in any sense whether the new structure, about which they are complaining, is a better structure to deliver to the
Government advice and carry out those very difficult sets of interlocking responsibilities. They gave a catalogue of those issues about which they are worried.

In response, I shall deal firstly with the structure of the department and compare the current structure with the previous structure which I believe, by inference, they were happy with and I shall relate it to the particular issue that Mr Evans dealt with, namely, how the Government is dealing with the timber industry strategy in relation to the important interests of conservation, economic development and employment.

In the case of the former structure, which carried the function of conservation, forests and lands, I suppose Mr Evans is aware, but he did not point it out, that at that stage national parks were divided into seven divisions, forests into five regions, lands into eleven regions and forests into 46 districts.

One does not have to be a student of organization to realize the difficulties that people would have in those different areas of co-ordinating and coming up with a consolidated approach, with that type of mish-mash of area boundaries and responsibilities.

There are now eighteen regions that are organized on multidisciplinary lines that can provide services to clients, provide more effective consolidated policy input to the department as a whole and give a much more rapid response to the local needs of community groups and municipalities on a wide range of issues; and do it with more effectiveness and clout than the disparate units could in the past. That is a significant advance.

Apparently it has not occurred to either Mr Reid or Mr Evans to analyse the situation in those terms. They have simply trotted out a catalogue of ills and complaints without bothering to analyse any of these aspects, even though Mr Evans moved the motion and claimed it was a grave situation that needed to be addressed.

In comparison there is now a structure that, as well as having eighteen regional offices is co-ordinated by a Regional Management Division with a deputy director-general reporting to the departmental head. Functional divisions of the department represent effectively the range of complex issues that such a department must face up to. There is a State Forests and Lands Service, a Land Protection Service, a Regional Management Division, a Fisheries and Wildlife Service, a National Parks Service, Policy Coordination and Strategy Group and, for the first time, a unit dealing with economic issues.

The department has now lifted its game to the extent that it is not just an isolated area separated from the main thrust of the Government in terms of the economic and social strategies. It has a capacity to link its programs in a co-ordinated way and has a more effective input into the Government's whole strategy. The greater co-ordination of functions means it represents the interests of its clients and the people who depend on its services in a more effective way in the structure of Government. That point has completely escaped the attention of Mr Evans and Mr Reid.

Furthermore, out of the restructure, for the first time there is a corporate strategy document which runs the gamut of the functions and sets out clearly—although I suppose members of the Opposition may wish to disagree as to content, as it is their right—the intent of the department.

For the first time one is able to see clearly what the department is doing, what its objectives are and the programs in which it is engaged. This was completely absent in the previous structure and is clearly completely absent in the minds of the spokesmen of the Opposition and National parties because of the way in which they have approached debate on the motion.

The corporate strategy statement includes an economic strategy involving the forests and fishing industries, the administration of the Crown estate, a contribution to the agricultural base and is generally concerned with efficiency and reform in the department itself.
The conservation strategy includes public land management, national parks, protection of natural flora and fauna, total land protection and protection from fire. It represents a consolidation of policy interests in a way that is understandable and logical to people in the department who, admittedly, have gone through change. Change does not come about without problems. However, in the end the departmental officers can see that they will be part of a consolidated and logically set up department in which they can make valuable and effective contributions.

In addition, the strategy statement relates to the tourism strategy, which includes cultural sites, coasts, recreational reserves, fishing and hunting, urban parks and so on. Lastly, the department, in developing its corporate strategy, has recognized important links with social justice and education information.

For instance, people have been given opportunities when entering parks and supported with education material to obtain a real experience of nature. That process was developed under the guidance of the President, when he was the Minister of Conservation, Forests and Lands. The general questions of employment, social justice, equal opportunity and such matters have been developed within the department. That process takes time to develop. It is not the sort of thing that can occur overnight. People require the information to participate in the changes so that they feel that the rug is not being pulled out from under their feet but that, in fact, they are valued workers in that area and that, to be more effective, these changes are required.

If one travels around the State, whether as part of a Parliamentary committee or on one’s own initiative and meets with and is assisted by officers of the department, one feels a strong sense of commitment and willingness to assist in inquiries. I recently had the opportunity of visiting an area around the Rodger River catchment in the Errinundra plateau in east Gippsland with a view to examining conservation issues and the logging in and on the fringes of that plateau. I was assisted by regional officers who represented different disciplines. Those officers were obviously enjoying their work. They were extremely competent. Some had a forestry background, others a background in zoology or earth sciences and others still had practical on-the-job skills. They all gave a strong impression of being an efficient, co-operative team who were competent in what they were doing.

No one who spends time with people in the field has a right to say that morale is low and that those people are not effective operators within the department. That is not to say that those people or others before them were not competent within the previous structure. People can make a personal contribution in the work place, despite the environment.

Many people have made enormous contributions and the effectiveness of a person in any situation is clearly a combination of that person’s ability and the environment in which he or she is placed, whether that environment encourages that officer in doing his job or frustrates him. The structure of the department is, therefore, an important aspect and the Minister has endeavoured to grapple with the situation and not hide problems such as conservation and development pressures, the pressure to maintain jobs and those pressures coming from the general community, which cannot be ignored and must be handled.

The way to handle those matters is not to create different sections and pretend that they can only relate to one particular sectional interest or industry, or lobby group. That simply places people in the invidious situation of obtaining a singular point of view, having to sort out that viewpoint later on and then possibly being trodden on, if they are unsuccessful on the issue they are confronting.

The department’s policy is an attempt to give people recognition in the work place that they are dealing with a complex problem that requires multiple skills and that they have a responsibility and the ability to handle the problem. The department is decentralized and it is important that the regions handle their particular area of responsibility. The delegation of responsibility to regional directors reflects the Government’s commitment to allow the decision-making process to be made in that way.
This is an important Government initiative and it is disappointing that not one person during the debate so far has addressed the question in a structural way. Speakers on the National Party and Opposition side of the Chamber have, I repeat, simply produced a catalogue of their latest moans and groans.

The timber industry strategy is a perfect illustration of the way the department has addressed a complex issue which encapsulates within itself almost everything I am talking about regarding the serious conflict in handling issues where some people win and some people lose. That process commenced some time ago and was initiated by the President, when he was the Minister. The process should have commenced years ago. The then Minister, the Honourable Rod Mackenzie, commissioned a proper investigation of the timber industry under the chairmanship of Professor Ferguson. The inquiry was given a wide term of reference. Professor Ferguson was able to establish a foundation of information about the industry, to provide some options and ideas which had never previously been put before a Government, to the great discredit of the previous Liberal Government, which had never thought to address the matter in a proper, thoughtful, constructive way, and the National Party, which, despite its continuing complaints, had never had the creativity to adopt this approach.

Following that inquiry a strategy was prepared as a draft document. It was not presented to people with a take it or leave it approach; it was a consultative process, a process of addressing issues of great difficulty with a number of different industry groups involved. The peak groups were the people in the industry who run the mills, own the trucks or organize contracts; the people whose economic activity is tied up in the cutting of timber and the production of timber products. A clear industry group is involved in that outcome.

A second group are the workers represented by the unions, whose livelihood and future jobs depend on sustaining the industry and the level of work there, as well as considering health and safety issues. Clearly they were another important group that had to be considered.

The third group within that general community are the people who take it upon themselves to urge conservation values upon society. They have developed some credibility and importance in that area and they have presented those views to the Government. That is not to say that the ordinary person is neglected, because various submissions have been made by individuals.

In dealing with a problem, it is necessary for the Government to set up a process of recognizing the key players in the area. Those groups have made submissions on the draft strategy; they contributed earlier in responses to the Ferguson report, when it was made public, and have been involved since in conferences with the Minister and departmental officers. In putting their points of view and in obtaining responses in this open way, the message I have received from those groups is that the process is admirable in terms of the serious intent of the Government and the way those groups have had the opportunity of presenting their ideas. That is not to say that either of those three groups will receive everything for which they ask. On the whole they are realistic enough to understand that such a complex issue involves compromise and that the final strategy will reflect as much as is humanly possible their different aspirations.

The process itself, as I indicated, is a model process and has been enhanced by the reorganization of the department, particularly at the regional level, so that the multiple discipline views can be brought forward and the department itself can contribute to the process in an integrated and responsible way.

I believe these points have also been neglected in the criticism of this inquiry today. The National Party is just trotting out a single-issue point of view that has been put by the person who has most recently lobbied the National Party, rather than realizing that there is a responsibility to deal with each of those groups in a proper way.

I shall mention some of the issues addressed in the strategy, although I do not believe it is proper for me to debate the timber industry strategy today, because it is due to be
debated at the appropriate time. An issue was raised relating to the Land Conservation Council's activities and its consideration of what areas actually have to be taken out. Many people have the legitimate belief that some areas cannot be exploited for economic gain, that they must be preserved for our children, grandchildren and great grandchildren—and in this case, one is dealing with forest areas that do not have a recycling period of 100 or 120 years, but 300 or 400 years.

If Victorian forests are cut down, as has happened in some parts of the Rodger River or Errinundra Plateau areas, one must realize that they will be lost because even with the best forestry practice—and I believe Victoria has a good record in that area, and it will improve—none of our children, grandchildren or great grandchildren will see the like of them again. Even over a period of sylviculture, which has a rotation of about 120 years—and it is not even that at this stage, it is more like an 80-year rotation—that superb combination of flora and forest growth will not be seen again.

It cannot be reproduced by us in a shorter period. Therefore, to cut down such forests is a fairly big decision to make, and it is quite proper that there be a body such as the Land Conservation Council, which was set up by the Liberal Party—and I believe everyone recognized it was a good initiative, although I do not know why members of the Liberal Party now denigrate it—to monitor and control that activity.

I do not know why the National Party should try to pre-empt the process that will take place when such an important resource is at stake, involving a 300 or 400-year-old resource. I do not understand why it would want to pre-empt the results of the strategy for what are short-term situations. That does not mean that the land conservation people will get everything right, but the issue is important enough to warrant its consideration by due processes.

The other issue relates to running the whole timber industry more efficiently. Mr Evans did not examine the question of sustainable yield. If timber cutting and so on were continued as it has been in the past, in twenty years' time no jobs and no industry would exist in east Gippsland. If that process were continued at the present rate, that is where it would end. If one is to have continued industry and jobs for the benefit of the industry and the workers—and I am not, at this stage, talking about conservation—one needs only to get one's sums right to realize that there has to be a change. Therefore, there is a need to have a strategy. Apparently nobody bothered to consider that matter before.

One must also consider the question of technology and its impact on jobs and the industry. Victoria is not in a bad situation in the field of sylvicultural practices. I have been very impressed with the activities of the department in regard to Victorian forests, but tree felling and the way people go about harvesting and regenerating the forests could still be improved.

One must also address the question of whether one is obtaining enough value from timber or whether, in cutting down these trees that have taken 80 or 90 years to grow, one is getting the most value out of processing them; for example, one must consider whether one is using as scantling timber that which could be used for furniture. They are the questions that any Government would want to ask in determining whether the resources in which it has a long-term investment, and which are now being regenerated, are being managed properly.

The trees can be cut down only once in 80 or 90 years; they are not like wheat, which one plants and cuts every year and, if one does not do it well in one year, one can remedy it in the next. I am referring to a crop that takes 80 years to mature, and when one has cut it, one must obtain the best results from it. It must be marketed properly in an economic way. A Government must ensure that it is sensitive and that the process adopted will provide jobs and useful products. That apparently is not realized by the National Party, even though its members are supposed to represent country interests.

The Hon. W. R. Baxter—Rubbish!
The Hon. B. T. PULLEN—That aspect was not mentioned in today’s debate. The question of technology also has a bearing on this issue. It is not just the loss of resources that has an impact on the number of people working in the industry, it is also the long-term technology. That was not mentioned, either.

Mention needs to be made of the uncertainties about the whole strategy in terms of where the markets will be. One needs to adopt a strategy that is able to cope with different situations.

Honourable members know, for instance, that New Zealand will come on stream with a significant amount of softwood. The strategy must be able to cope with that. Apart from the situation on the ground, there is need for a good marketing strategy and assistance in preparing the industry to be able to sustain itself against imports.

All those things are important. In the past there was no economic resource or focus in the department to produce the advice that could be given to the Minister, so that the Minister could make contributions in Cabinet meetings with her colleagues on the import of some of those macro-changes and implications for her portfolio.

I believe it was very remiss of Governments of the past that that sort of resource was not applied in the department, but that improvement has now been made. None of those things has been mentioned in the debate on the motion, which asks honourable members to take note of the parlous state of the department.

Wednesday debates are a bit of a sham, and if the opposition parties intend to use their opportunity to raise matters of concern, they ought to do more homework and give the subject-matter some thought, so that there can be an intellectual debate that addresses the issue; so that, at the end, even if the vote is not significant or in their favour, those matters will be brought to the attention of the people, and their intent will be carried. That is all I need to say about the motion before the House, except that I oppose it.

The Hon. B. A. CHAMBERLAIN (Western Province)—I should like to congratulate, firstly, Mr Evans for bringing this issue before the House and, secondly, Mr Pullen for a very good speech. It is interesting to note Mr Pullen’s change of attitude in the time he has been in this House. He has learned a lot since his early days in this place, when he would not have made as balanced a response as honourable members have just heard.

Having said that, I point out that what he said was, to a great extent, unrelated to what is occurring in the field. His remarks were ignorant of the views of officers of the department who have to work under the new system that has been established.

I recall that, when the departmental change was announced early in the term of the new Labor Government, speaking for myself, I supported the concept of public land being under the control of one Minister. Ever since, however, I have been very critical of the way that process has been put into effect, so that the man on the coal face, as it were, whatever his task might be in the department, is now confused about what his job is. In fact, most of the officers suffer from an identity crisis; they do not know in which direction they are heading or what are the basic objectives of the department.

I should like to deal with one aspect of the department’s administration—and I believe it is one of the most important—that is, the question of soil conservation. There is universal agreement in this House that one of the major problems facing Victoria is the degradation of its soil, which arises for many reasons. Some of them deal with erosion as a result of climatic conditions, soil management practices and others; some of them relate to problems brought about by our forefathers, who were very good at cutting down trees for their houses, mines and so on; and some relate to problems with river salinity and dry land salting.
Soil conservation and soil degradation are major issues facing this Government and this State. When the departmental amalgamation took place, the Government assured everyone that an enhanced service would be delivered to the clients of the department.

The clients in this case are the private landowners who are experiencing soil degradation problems, and users of public land. We are told that, as a result of the reorganization of the resources, there will be better ability to deal with these issues. However, the Opposition finds that the experts who are needed to do this work, which requires a particular expertise, have left the department. One cannot train a forester for a week and then say to him, "You are now a soil conservationist, an expert in this area"; it requires a range of specialities. An examination of the period from July 1983 until October of last year reveals a 34 per cent decline in the number of specialist personnel who are available in the department to do this work. There is no way in which the same output can be achieved with that loss of expertise, especially at the senior level.

To illustrate that position, I should like to present to the House, and I have already distributed, a chart that was drawn up by the Victorian Public Service Association; and I seek leave of the House to have it incorporated in Hansard.

Leave was granted, and the chart was as follows:

Details of the losses which are still continuing are:

<table>
<thead>
<tr>
<th>Old position in Soil Conservation Authority</th>
<th>Numbers at amalgamation, July 1983</th>
<th>Numbers at October 1985 loss per cent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief soil conservationist</td>
<td>1</td>
<td>Nil</td>
</tr>
<tr>
<td>Deputy chief soil conservationist</td>
<td>1</td>
<td>Nil</td>
</tr>
<tr>
<td>Regional soil conservationist</td>
<td>8</td>
<td>3</td>
</tr>
<tr>
<td>Senior soil conservationist</td>
<td>14</td>
<td>7</td>
</tr>
<tr>
<td>Area soil conservationist</td>
<td>34</td>
<td>25</td>
</tr>
<tr>
<td>Soil conservationist</td>
<td>8</td>
<td>8</td>
</tr>
<tr>
<td>Senior extension officer</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>

The Hon. B. A. CHAMBERLAIN—The chart divides the conservation officers into categories. In July 1983 the department had one chief soil conservationist and one deputy chief soil conservationist. At October 1983, it had neither. The number of regional soil conservationists had dropped by 63 per cent from 8 to 3; the number of senior soil conservationists had declined by 50 per cent from 14 to 7; the number of area soil conservationists had declined by 26 per cent from 34 to 25; and the numbers in the other two categories of soil conservationist and senior extension officer had remained at the same level.

The position has deteriorated since that time. In the Hamilton district, a very senior soil conservationist has resigned from the department because he was upset about the practices and the policies of the department, and the reasons for his resignation were published in the Hamilton Spectator.

The Hon. J. E. Kirner—He has also gone into a very lucrative private consultancy.

The Hon. B. A. CHAMBERLAIN—As I said, he could not achieve his objectives through the department.

The Hon. J. E. Kirner—You will find there may be two reasons for it.

The Hon. B. A. Murphy—What has happened since October?

The Hon. B. A. CHAMBERLAIN—I am dealing at the moment with what happened between July 1983 and October 1985. In that period the number of soil conservation officers in the department declined by 34 per cent for a number of reasons. Obviously, some people had other job opportunities in that time, but the advice I receive as I move
around the whole of western Victoria and talk with people in the department is that they are absolutely convinced that the Government is not fair dinkum on the issue of soil conservation; that the Government has no will to tackle these problems and that it has no sense of direction as to how the problems should be tackled.

Something else which is happening and which the chart does not reveal is that a number of those people who have remained with the department have assumed other duties that are not directly associated with soil conservation.

The Hon. J. E. Kirner—Senior administrative and other duties.

The Hon. B. A. CHAMBERLAIN—Consequently the work effort available to be achieved from this reduced number of officers has declined by not only 34 per cent but by more than 34 per cent, because a number of those officers have, as the Minister says, assumed administrative and other duties; so the problem is even worse than the chart illustrates.

The Hon. J. E. Kirner—That does not mean that they are lost to soil conservation.

The Hon. B. A. CHAMBERLAIN—If they are genuine administrators in the department, which is now an umbrella organization, there is no way in which they can be specializing in the area that requires specialist attributes; and the problem is worsening.

The concern expressed in a resolution moved by the Victorian Public Service Association is that those reductions have in fact reduced Victoria's ability to meet its commitments to the Federal Government under the national soil conservation strategy, and that is a matter of regret.

I ask the Minister to address those issues and, more importantly, to examine the structure she has imposed on the department to ascertain whether it is achieving the objectives in the sense of productive use of taxpayers' money, or whether there should be a redirection away from this super administrative structure, which is designed for the bureaucrats and not to produce goods in the field, of some of the resources into the workplace where this work is well and truly required.

The Hon. B. A. MURPHY (Gippsland Province)—Mr Evans's motion is designed to complement a campaign by the National Party to undermine the good work of the Labor Government in country areas. This deliberate policy of denigration and harassment of the Labor Government is designed to shore up waning National Party support and to undermine what the Government has done to improve life in country areas in recent times.

The Hon. D. M. Evans—you cannot believe that!

The Hon. B. A. MURPHY—I shall outline for honourable members some of this campaign that has been going on. The National Party recently ran a campaign on closures of police stations. That was denied by the Minister, and I have the facts to show that the Government has no plans to close police stations at this time.

The National Party has been conducting a campaign in opposition to the amalgamation of local councils. Over the years the Liberal Government and the Labor Party always said that improvements must be made in local government. The one group of people who deny that and who have constantly opposed it are the members of the National Party.

The Hon. Robert Lawson—I thought we had a word or two to say about that.

The Hon. D. M. EVANS (North Eastern Province)—On a point of order, Mr Acting President, I point out that in my motion I made no mention of either police stations or local government amalgamations.

The ACTING PRESIDENT (the Hon. M. J. Arnold)—Order! I uphold the point of order. Mr Murphy will come back to the motion.
The Hon. B. A. MURPHY (Gippsland Province)―I was just outlining some of the stories currently being spread by the National Party in general, Mr Acting President, although I believe Mr Evans has sometimes referred to such matters as the amalgamation of councils in his questions and in his general attitude.

In dealing with his motion Mr Evans dealt with wild dog control. I assure the House that the Government is acting with full responsibility in conducting trials not only with snares but also with electric fences, poisoning and other means to control wild dogs.

The National Party has for some reason always opposed the extension of national parks by this Government. Only last week the Minister announced a successful extension, which is the result of years of work by the Land Conservation Council and the Liberal Government, which first announced national parks.

Mr Pullen and Mr McArthur gave the lie to Mr Evans's statement that the Government has not done anything about salinity control and the timber industry. When the Minister sums up the debate, I know she will polish off Mr Evans himself.

I shall now deal with the facts concerning the Department of Conservation, Forests and Lands in country areas. Of the eighteen departmental regions in Victoria, five are in Gippsland. One could give many examples of successful actions being carried out as part of the Government's policy by regional officers in Gippsland.

Two weeks ago the Minister announced a new series of marine and coastal parks, five of which are in south Gippsland. That announcement was enthusiastically received by the public at large as well as by amateur fishermen and even by professional fishermen whose rights to fish there for abalone are guaranteed until the day they hand in their licences. This Government has, for the first time, created in Victoria a major series of marine parks that were badly needed. The Government has accepted the challenge of identifying areas that should and will be used in future for world references for marine parks.

As I stated, the officers working in those departments are extremely enthusiastic. Naturally, they want more resources, and the Minister for Conservation, Forests and Lands has given assurances that resources will be provided in the Yarram and Wilson's Promontory areas to carry out necessary work to care for the parks and to improve their facilities.

I shall give another example of the work of the Department of Conservation, Forests and Lands. A member of this House, Mr Michael Arnold, is currently conducting a review of commercial fishing licences. When he is not in the Chamber, he is travelling around Victoria. This week, he will travel to Portland, and that is all part of an over-all review of commercial fishing licences.

Three weeks ago the Minister announced the release of an interim report on the scallop fishing industry. The department is already working on that. Yesterday, officers of the department were searching off the coast of Bass Strait in conjunction with fishermen from Lakes Entrance and from Port Phillip Bay, who are combining to identify the location of scallop fields. I congratulate Mr Arnold on the report. It is acknowledged by people in the industry that it will have far-reaching consequences for the future of the scallop industry. I am sure honourable members are waiting with keen interest for the final report.

Another example of good works carried out by the Department of Conservation, Forests and Lands is the Cunninghame Arm Restoration Committee, which I have had the pleasure of convening at Lakes Entrance. Last Sunday, more than 300 people attended a public meeting to discuss the ways they can protect and restore Lakes Entrance for the future. The committee is sponsored by the Minister, is organized by the people of Lakes Entrance and is paid for by the department. I compliment Mr Leon Collett, who is the special projects officer of the department. He has been working with local people, such as Ian Smith, the regional environmental engineer. Officers of the department are working to
carry out the policies of the Government. For 300 people to attend a Government-sponsored meeting on a beautiful day is a compliment not only to the Government but also to the department and the Minister.

I shall now refer to World Tree Day, when the Minister attended a meeting of rural people at Powelltown. A representative of one of the biggest sawmilling companies in Australia welcomed the Minister, who has acted with her department quickly to identify that area as an area of special significance. The department has already erected signs and set aside the area as a forest reservation. That is another example of the enthusiasm of the department. When the Minister says that something must be done, officers of the department ensure that it is done. The morale of the department is high because it is quick to carry out the wishes of the Minister.

A good example of co-operation between the Federal and State Governments is the issue of wild dogs. Next week a meeting will be held at Talbot in east Gippsland. The Federal member for Eden-Monaro has sponsored that meeting. The Department of Conservation, Forests and Lands is taking part, along with the relevant Commonwealth and New South Wales departments. The meeting will discuss how electric fences can help control wild dogs. That is another example of how officers in the department are working to identify and solve problems that arise.

I congratulate the President, who is not in the Chamber, on the good work he carried out in setting up the department. He organized a department employing 4600 officers involving five former agencies that did not always work together. Honourable members are aware that in some towns, such as Omeo, there was an office of the Department of Conservation, an office of the National Parks Service and an office of the Forests Commission down the road from each other and all working in different directions. Those officers are now glad to help each other. If they know a bush fire is burning, they work together; if a conservation problem exists, they will combine forces to solve the problem. That is an advantage of the amalgamation.

A general policy of the Government is regionalization through amalgamation of Government offices. That policy has worked extremely well in education; it is beginning to work in the health area; and it is working extremely successfully in the Department of Conservation, Forests and Lands, especially in the Gippsland area.

The Hon. F. J. Granter—Has it cut down the number of officers?

The Hon. B. A. MURPHY—I am sure the Minister will refer to that at a later stage. Victoria is gaining from the economies of the department, and the Minister’s reputation is growing every day in country areas. I reject Mr Evans’s assertions and compliment the Minister and her department on their good work.

The Hon. ROBERT LAWSON (Higinbotham Province)—Honourable members cannot entirely blame the Minister for Conservation, Forests and Lands for the mess created in the Department of Conservation, Forests and Lands, which must be a great relief to her. However, her problem is that she has inherited a mess. All the various former bodies, including the Forests Commission, the Department of Conservation, the Soil Conservation Authority and others, were thrown into one bowl and mixed together. The Minister was instructed to try to make something of it. She has a task in front of her that is too large for one person. I respect her for attempting it.

According to an article in the Herald of 11 March, the Minister took on the job in the year 198. I presume that is a misprint, although the Minister may feel she has had the job for that long. The article said that the Minister’s opponents in battle have been the Opposition and, more recently, conservationists, who she said made false claims about Government plans for wood chipping.

Regardless of whether the conservationists are correct, the Minister is faced with numerous problems, and they are obvious from the complaints put forward all the time
about the difficulties country people, farmers and conservationists are having with the department.

The Department of Conservation, Forests and Lands could be described as a mega-department. According to the corporate strategy statement of the department, it comprises a Corporate Services Division, with a financial management branch and human resources management group; the State Forests and Lands Service; the Land Protection Service; a Regional Management Division above which is the deputy director-general and the director-general and below which are eighteen regional officers; the Fisheries and Wildlife Service; the National Parks Service; a Policy Co-ordination and Strategy Group and an Economics Group.

The Hon. E. H. Walker—Magnificent!

The Hon. ROBERT LAWSON—Honourable members know why the Minister for Agriculture and Rural Affairs is enthusiastic about it—he is the principal architect of it. If the honourable gentleman cannot afford to be enthusiastic about it, who can?

This huge department has a budget of $159 million in 1985–86 and that is a large budget even by Labor Party standards. Unfortunately, even with a $159 million budget the department still cannot pay its bills, it still cannot pay the registration of its motor cars and it still cannot pay overtime for its staff. Moreover, the department cannot even pay for an afternoon tea. What is happening about the $159 million? I am not sure.

There is a tendency for members of the Government benches to find it amusing that these unfortunate people are not paid for their overtime. It is clear that Mr Mier was not a contract plumber otherwise he would have sympathy for these unfortunate tradesmen who have been waiting for months for payment of their bills.

The Hon. B. W. MIER (Waverley Province)—On a point of order, I would like to correct Mr Lawson’s comment as I did work as a contract plumber from time to time and I am familiar with the problem of the non-payment of accounts.

The ACTING PRESIDENT (the Hon. M. J. Sandon)—Order! There is no point of order.

The Hon. ROBERT LAWSON (Higinbotham Province)—I am glad Mr Mier corrected me on that point; I am happy to learn that he was a contract plumber and for that reason I find it surprising that he should consider it amusing to learn that these small tradesmen and the like are owed between $5-2 million to $5-6 million; this seems an extraordinary amount of money for a department to owe.

There are several points I wish to mention to the Minister. She will be aware that the Victorian National Parks Association is concerned at present with the possibility that the conservation service of the department is to be downgraded. I hope the Minister can reassure conservationists on that, and that she will do it in the course of her reply.

I hope the Minister’s Division of Forests has given consideration to the growing of special trees such as blackwood and other fine timbers as a long-term project because it appears to the Opposition that the division concentrates on growing either pine or hardwood plantations.

When there is a debate in the House, the emphasis seems to be on those two classes of timber—either hardwood or softwood. However, between the two there is a definite niche for a long-term plan to grow fine timbers in this State, and I hope the Minister will also mention that in the course of her reply.

A matter that is also of concern is the decline in the soil values in the State of Victoria. It has been of no help that the Soil Conservation Authority has disappeared into the maw of the Department of Conservation, Forests and Lands because when the Soil Conservation Authority, the conservation department and the Forests Commission were combined, a
great advantage was lost. According to my informant, who is a highly-placed public servant, the various departments used to “fight like Kilkenny cats”.

As a result of the hard-edged debate that took place between the various departments as to the value of the respective bodies, there was consensus, and good decisions were made. This competition is now lost and although under the aegis of the Minister no doubt numerous debates and conferences now take place between the various groups, I do not believe that can replace the powerful debates that took place in the past. It is especially noticeable that the Soil Conservation Authority had declined in the two and a half years since the creation of the mega-department and as a result the soil in Victoria is suffering proportionately. In fact, my informant tells me the quality of Victoria’s soil is deteriorating markedly. This matter was brought out by Mr Chamberlain who spoke earlier and who told honourable members of details of staff losses which are continuing in what remains of the Soil Conservation Authority. There was an interjection from the Government side, “You are never satisfied; if we reduce the numbers you complain; and if the numbers are increased you complain”.

The complaint we wish to make is that we do not want the experts to go; we do not mind if the department rids itself of the various chiefs who have been brought in at various times to administer the department but the department is losing expertise where it is needed. It does not matter whether these experts are getting jobs as well paid soil consultants; they are being lost to the department. That is sad indeed for the State of Victoria.

I ask the Minister whether she is aware of the educed dredges used in streams running through land which she administers. I understand that the Minister administers the Crown Land (Reserves) Act 1978 and yet prospectors are allowed to prospect in streams that run through land that is reserved.

The proposal is that the prospectors take their dredges through the streams on reserve land. The prospectors are not allowed on the reserve land but they are allowed to dredge in the streams on that land. This seems a departure from proper management.

The Hon. J. E. Kirner—This is actually administered by the Department of Industry, Technology and Resources; I get to comment on it.

The Hon. ROBERT LAWSON—I hope the Minister will comment on that because the Crown Land (Reserves) Act reserves this land for important reasons and as prospectors are not allowed on the reserve land, they ought not to be allowed in the streams that run through that land.

During the debate all the arguments have been thoroughly canvassed and I do not want to go over old ground, but the Minister has a lot to reply to with the important matters that have been brought forward. To an outsider, the amalgamation of the various departments into one huge department has not been a success, and it is not likely to be a success unless the department is given some new directions and its management is tightened up. I can see that the Minister has replaced strength with weakness and she has replaced direction with confusion, and this is not good for Victoria.

The Hon. B. W. MIER (Waverley Province)—Firstly, I take this opportunity of indicating to the House that I intend to be reasonably brief and I shall refer to only two matters relating to the motion of Mr Evans. Those are, firstly, the first part of his motion in which he refers to the low morale within the Department of Conservation, Forests and Lands and, secondly, his reference to the timber industry strategy.

In regard to the aspect of low morale, I remind the House that I am a member of the joint-party Natural Resources and Environment Committee, and the chairman of that committee is Mr Reid. One of the references the committee has before it at present, which was given to it by the Minister for Conservation, Forests and Lands, is access to national parks. Mr Reid, myself and other members of the committee have had the opportunity of visiting many parks throughout the length and breadth of Victoria. That committee has
had the opportunity of discussing matters with the staff of the Department of Conservation, Forests and Lands.

On no occasion, during any of those many visits, have any complaints been brought to my attention. I point out to Mr Reid that on the many occasions when I have raised with the staff their attitude to amalgamation and the conduct of the department since then, I have met with similar replies: that it is going extremely well. Everything seems to be fitting into place and staff of the former Ministry and the present department are working together in a way they have never done before. Staff members had the opportunity of diversifying their activities, thereby making their jobs more interesting. They have been able to embark on new tasks that were previously unavailable to them and to use the manpower and the labour force of the department to its fullest capability.

Mr Reid and Mr Evans have both criticized the department for its low morale. No evidence of that exists within my experience. During numerous visits to all types of parks throughout Victoria, I have found a general response of goodwill and satisfaction among the people involved. Mr Evans's reference to low morale is unfounded.

The Hon. D. M. Evans—I referred to Professor Eddison, the Director-General of the Department of Conservation, Forests and Lands.

The Hon. B. W. Mier—Mr Evans also mentioned the timber industry strategy. I am a member of the Minister's policy committee and caucus and I have had the opportunity of being involved in the assessment of submissions from all parties involved in the industry. That strategy has not yet been finalized but it is clear to me that the Minister and the staff have made enormous attempts to consult with all interested parties.

It is now clear that if the timber industry were allowed to continue its current practices, it would be in diabolical trouble within the next ten years. The evidence in the east Gippsland area alone is telling. Everyone in the industry, including the sawmillers, the unionists and the conservationists, is agreed that, if the present volume of harvesting is continued, the resource will be gone within ten years. All interested parties agree that an urgent need exists for a sound and definite policy to be developed for this industry, from which the State derives substantial income.

Many submissions have been received about the methods of harvesting timber. One of the most controversial methods is clear felling, to which Mr Evans referred. It was obvious, when Mr Evans said that the refuse from clear felling became a fire hazard, that he did not know much about the subject and had not done his homework. For his enlightenment, the refuse from clear felling is deliberately burnt so that regeneration can take place. Whatever refuse is left from that is charred and will not burn any further. It lies on the forest floor for 50 to 60 years before it breaks up.

Problems exist with clear felling and with the wood chip export industry but the Minister, her department and the committees have taken these problems on board and I am sure that the strategy, when finalized, will solve those problems.

A problem that occurs with clear felling is that when a particular area has been felled, burnt and replanted it becomes an even-aged forest. Conservationists readily point out that one problem of an even-aged forest is that no regeneration of certain species of eucalypts or certain fauna occurs. That is an issue—not necessarily a problem—that the timber industry strategy will embrace.

Sawmillers, trade unionists and conservationists have all stated that they have never had as much consultation with a Minister as they have had with the present Minister for Conservation, Forests and Lands and her staff with regard to a strategy for the industry. The Minister could easily be titled the "Minister for Consultation" because consultation has been paramount in the formation of the timber industry strategy.

Mr Evans's motion is ill-founded. It does not hold water and it has no basis. When finalized, the timber industry strategy may not please all elements within the industry on
every issue, but no one ever wins a 100 per cent victory and I am certain that the strategy will be in the best interests of the timber industry and the State of Victoria.

The Hon. F. J. GRANTER (Central Highlands Province)—I had no intention of speaking this afternoon but, after hearing the remarks about the former department concerned with forests and lands and the Soil Conservation Authority, I feel obliged to say a few words.

Some 22 years ago, my first speech in this House—from the other side, almost where Mr Murphy is sitting—related to the Soil Conservation Authority and what it was achieving in the preservation of land in Victoria and, at that time, especially in the Eppalock area. It was a subject I knew a lot about. I admired the authority and I have been able to observe the value of its work to the State of Victoria.

Only a few months ago the Minister came to Eppalock and spoke at the celebration dinner of 25 years’ service of the Soil Conservation Authority in the Eppalock area. That night the names of such people as the late Dr Geoff Downes, the late Mac Wood, Alec Mitchell and Dave Elvery were mentioned. It was through the efforts of these officers of the authority that the Eppalock catchment is preserved now. It is an area that shows the farmers of Victoria what can be done. I must mention a former Leader of my party who was very keen on soil conservation work, the Premier who probably had the greatest influence on the State of Victoria, Sir Henry Bolte, because his efforts to have the Soil Conservation Authority established and work the way it did are commendable.

I believe the authority and other small departments, as my colleague, Mr Lawson mentioned, do fight like Kilkenny cats—they have had to because they were small and were likely to be overrun by the larger departments such as the former Department of Conservation, and I do not believe it is right that they should be merged. That is my opinion. It is the Government’s decision to do it, but if I were still Minister of Forests I would have fought hard for the Forests Commission to be retained in its own right. It is of great value to the State of Victoria for the preservation of forests.

Forests in Victoria are a real credit to the State, and the credit must go to the officers who have preserved them over many years. If one studies the history of the Forests Commission over the past eighteen years one can see that the forests have been developed and preserved by those officers, who are all conservationists, without doubt, and one has only to talk to them to realize their worth.

Mr Lawson mentioned that the Forests Commission perhaps was keener on and developed its efforts towards hardwood and pine only over recent times. I do not believe that is true. However, hardwood and pine provide the best return for the State. The pines are radiata, which grow to a maturity in approximately 35 years, and are of great value when one considers what is happening to the Australian Newsprint Mills in North Albury, and to Bowater-Scott Ltd and the timber industry in Portland. They have all been developed in recent years. While Australian Newsprint Mills is not located in Victoria, the supply of much of its pine comes from Victoria.

Other speakers have stated the case for the Opposition, and Government speakers have stated their case. I can only reiterate that the decision to merge the three departments was wrong. However, it was the Government’s decision. If a change of Government comes about there will probably be further changes, and I hope they will change the other way.

Mr Mier mentioned the timber industry and its value to Victoria. I fully realize the timber industry’s value to Victoria. The Timber Workers Union is a very good union, in my opinion, and I had a lot to do with the late Pat Hubbard when he was in charge of it. I valued the union’s advice and the consultations I had with it. Also, I valued the consultations I had with the owners—the millers—and appreciated what they do for Victoria. I believe they can all work in harmony and can all get their logs. They cannot always get them in the places they want or the quantities they want. They always tell one that the quality is not the best. That is only because they want to get their royalties down, but we also argued on those points.
The timber industry should be encouraged because it is vital to Victoria and one does not want Victoria to be importing 40 per cent of its timber requirements from overseas or from Tasmania and other States. It is a resource in Victoria that should be used more fully than it is being used at present.

The Hon. J. E. KIRNER (Minister for Conservation, Forests and Lands)—May I first thank honourable members for their contributions to the debate, particularly Mr Pullen, who I thought clearly demonstrated the lack of input from honourable members on the real issues associated with the restructure of the Department of Conservation, Forests and Lands.

The evidence that has been put forward by the opposition parties is both uncoordinated and unsuccessful in its attempt to demonstrate what is set out in the motion, that is, that my department is in a disastrous situation. The real evidence both from the workers in my department and the public is quite to the contrary. Any regional manager who is consulted by any member of the opposition parties would be able to give hundreds of examples of how successful the department is both in staff enthusiasm and public enthusiasm, whether it be for the recent field days at Euroa or Beech Forest, one of which I attended, the staff newsletters which are open to everyone to read, nursery open days, social functions, conservation farming projects, forestry days, or the process of the timber industry strategy itself.

I am very proud of my department, Mr President, as I am sure you were when you were its Minister. I am proud of its people and its performance. I believe, as Mr Mier said, that person for person the officers of my department deliver a better service than any other department in the Victorian Government and that they are well supported by both the structure, the information and the resources to do just that.

There was some criticism of the central managers in my department. It is true, Mr Evans—and I would not have it any other way—that I do not have a hierarchical structure operating in my department with those hierarchical lines of direction. We do have a corporate management team at the centre, a concept well supported by Mr Hunt and, I believe, Mr Storey recently for the Ministry of Education, and at the regional level there is a regional manager with his regional team. Mr Evans made the assertion that there is less quality in that corporate management team of mine at the centre than there had been in the past.

The Hon. D. M. Evans—No, I said it was not working as well.

The Hon. J. E. KIRNER—The suggestion was that there was less skill because the department lost some very important people.

I shall go through the names of the corporate management team. Professor Tony Eddison is well known for his creativity in terms of policy and his dedication towards ensuring that a proper process of staff participation occurs in the restructure of the department. His ability in these areas is unequalled in the Public Service.

Gerry Griffin is the deputy director-general and is a respected forester, as Mr Evans would agree, and is a member of the Forests Commission. He ensures that the wheels of the department are operating efficiently. Bob Smith, who replaced Ron Grose, has considerable experience in forestry, despite the suggestion made by Mr Evans. He has a degree in science and forestry and a doctorate of philosophy in management science. He is making a fantastic contribution to the development of the timber industry strategy. If Mr Evans were prepared to consult the members of the Victorian Sawmillers Association and the timber industry, he would find that is so.

Faith Fitzgerald is the director of the Policy Co-ordination and Strategy Group and is recognized across the Government as a leading planner and policy person in the Public Service.
I could continue listing the corporate management team of the department, but it can be easily established that we have a first-class corporate management team at the centre. I do not intend to go through the list of regional managers, but honourable members would again find that their policy implementation ability and commitment is unsurpassed at regional management level.

The suggestion was made that my Ministerial advisers have been too easily influenced by conservation groups and that they were insufficiently aware of the importance of the timber industry and of economic developments. I reiterate that Mr Tony Sheehan, one of my advisers, is a Bachelor of Economics and is making a significant contribution to the development of the timber industry strategy.

It would be foolish of me to say that in probably the most radical reorganization of any department in Victoria, and perhaps Australia, there have not been concerns or uncertainties. It has taken a significant amount of work by the previous Minister for Conservation, Forests and Lands, the department and me to bring together and amalgamate those five former agencies into one strong and committed department.

We are now on the road to achieving that end. Once technical assistants and other staff are appointed at the end of the year, the department will be close to its aim of a successful reorganization.

I am amazed that the Opposition did not mention the most important point about the reorganization, given its so called commitment to having people on the ground to service all the needs that have been listed, and with which I agree.

The Hon. A. J. Hunt—That is far more important than the bureaucracy at the centre!

The Hon. J. E. KIRNER—The department has moved the bureaucracy out of the centre.

The Hon. A. J. Hunt—How many people are in the centre?

The Hon. J. E. KIRNER—Some 60 per cent of departmental staff are now in the regions.

The Hon. B. A. Chamberlain—Only 60 per cent; it should be 80 per cent!

The Hon. J. E. KIRNER—I agree with Mr Chamberlain and the department has a time frame for that to occur.

The Hon. A. J. Hunt—What reduction has there been at the centre?

The Hon. J. E. KIRNER—Approximately 200 positions. It is a start but it is not sufficient.

The Hon. B. A. Chamberlain—Could you give us a chart of employees to spell out where they are?

The Hon. J. E. KIRNER—The important point is that we have set targets to shift people out to the regions. Once the technical assistants are appointed, we will be able to demonstrate for the first time that sufficient people will be in the regions to tackle all issues raised by honourable members.

It is interesting that honourable members spoke about the lack of direction of the department. My responsibility as Minister is to ensure that all public land is managed efficiently. That is my key responsibility and to do that I have five separate agencies which can be integrated in various ways to ensure that that objective is achieved.

In their contribution honourable members picked only a few of the areas for which I have responsibility in managing the department efficiently. They did not say that the department has in its corporate statement for the first time important directions for three Government strategies: the economic strategy, the conservation strategy and the social justice strategy.
In the economic strategy the department is setting important directions for timber for the first time. I remind Mr Evans and Mr Reid that problems would not exist in east Gippsland if overcutting had not been allowed after the second world war by political parties, now in opposition, which had no timber industry policies, strategy or direction.

I direct the attention of the House to commercial fishing. Where is the commercial fishing strategy of the Opposition? It was barely mentioned by honourable members except for Mr Reid who mentioned marine parks. What was the policy when the Liberal Party was in government? There was no policy. I was the first Minister for Conservation, Forests and Lands to get the scallop fishing part of the industry organized. The previous Minister made moves on abalone. For the first time in history the Government has a proper review of commercial fishing licences under way, which is the second phase, and the third area of economic responsibility in my department is agriculture.

I do not have basic responsibility for the economic strategy of the Government for agriculture, but I agree with honourable members that I have an important role to play. In the corporate statements honourable members can find clear statements of the Government’s responsibility to ensure that private land worked by farmers is used at its most productive level. I am sure farmers would agree with that statement.

The Hon. N. B. Reid—What about finance? Are you going to ignore finance?

The Hon. J. E. KIRNER—Mr Reid has difficulty in speaking about policy, but if he listens he might obtain some information that he did not seek when he was shadow spokesman. At the end of the year when the organizational appointments settle down, the department will have the best possible regionalized service. Perhaps I should give examples of the areas in which the department has been successful with its integrated structures.

The first one involved the duck hunting season. It may be a good or bad example, depending on one’s view, of how conflicts in the department have constantly to be resolved. Many conflicts occur during the duck hunting season within and outside the department on conservation and other matters.

The Hon. A. J. Hunt—Of course, there are conflicts in every department.

The Hon. J. E. KIRNER—Exactly. The Department of Conservation, Forests and Lands was not able to handle those conflicts before, but now a system is being set in train. Instead of having less than 40 Fisheries and Wildlife Service officers operating, as occurred last year, when more than 500 protected duck species were damaged, this year 150 officers—not all Fisheries and Wildlife Service officers—were authorized to operate, and much less damage occurred to protected species. We now have the ability after the event to debrief and discuss matters with conservation groups and the Victorian Field and Game Association to work out next year’s plan at regional and State levels. Since the duck season I have received a letter from a Liberal member of Parliament saying, “Well done”.

The Hon. N. B. Reid—You never responded to ducks and things being dumped on your doorstep.

The Hon. J. E. KIRNER—I was not impressed by having my staff harassed by people dumping ducks covered in cockroaches on my doorstep because that is an invasion of privacy. I hope Mr Reid agrees with that and does not encourage that action being taken.

The second issue is fire protection. Because of the integrated department, there is an ability to move people from, for example, St Arnaud to the Snowy Plains to fight fires in the north-east. With the number of staff now in the department who can act in a coordinated way, the improved communications system and the commitment of staff—whether they were members of track teams or senior fire research officers—when an outbreak of 120 fires in one week-end occurred in the early part of this year, for the first time all those fires were brought under control in one week. As Mr Evans will know, the normal pattern is that at least one or two fires cannot be controlled. I admit that the fire fighters were assisted by favourable weather conditions, but it was a first-class effort. The
department was also assisted by an excellent fire reduction burning program, which has not decreased during the past twelve months.

I shall sum up the issue by quoting from the *Wimmera Mail-Times* of Friday, 21 March 1986. An editorial headed “Success story in triplicate” stated:

One of the success stories of Cain Labor is the tripartite Conservation, Forests and Lands Department, criticized as an unwieldy conglomerate when it emerged tentatively from a cocoon of Public Service restructuring little more than a year ago.

An elaborate advisory system which ensures co-operation and consultation with the people is one reason for the department’s growing effectiveness as a watchdog for land and resources.

Another is the quiet intense dedication of policy makers and staff. Critics of the merging of conservation, forests and lands had reason to believe that three fiercely-independent departments could never survive the conflict of interest.

Not only have they survived, the department is winning respect and commitment from the community. In the Wimmera, more people than ever before are involving themselves with conservation in all its forms.

I suggest that newspaper could never be accused of being a strong supporter of my Government. It was the *Wimmera Mail-Times*, not the Hamilton *Spectator*, for the information of Mr Chamberlain.

**The Hon. B. A. Chamberlain**—Do you want me to quote other editorials?

**The Hon. J. E. Kirner**—If Mr Chamberlain can find a quote as good as that one, he can quote it any time.

The erosion of farmer confidence in vermin and noxious weed control was another issue raised by honourable members. The control of vermin and noxious weeds has always been a contentious issue between the department and farmer agencies and landholders. One-seventh of my department’s total budget is allocated to vermin and noxious weed control. As Mr Evans has said, it cannot be carried out without farmers’ co-operation and, for that reason, the vermin and noxious weed control system and the soil conservation system are based on the co-operation of farmers.

The Department of Conservation, Forests, and Lands is the only Ministry that operates with legislation providing a carefully detailed advisory network at State and regional level. The Land Protection Council is comprised mostly of elected landholders with regional land protection advisory committees in each region. This House passed that legislation last year. However, issues of concern still remain. Unfortunately, attempts are made from time to time to take up those areas of concern in ways that are distorted out of proportion. The issue of wild dogs is a good example of that, not the handling by farmers, but the handling of the issue in newspapers such as the *Border Morning Mail*.

**The Hon. A. J. Hunt**—Why did you not pay your accounts?

**The Hon. J. E. Kirner**—That is all the Opposition has left.

**The Hon. B. A. Chamberlain**—Tell us about soil conservation!

**The Hon. J. E. Kirner**—I shall deal with finance at the end of my remarks. I shall talk about policies, although I know it makes Opposition members uncomfortable, but they started this debate. The annual expenditure on wild dogs is $850 000 a year. I am pleased Mr Evans said that there is no need to introduce an electric fencing program by taking money away from important programs now under way in an endeavour to solve the wild dog problem. I am looking forward to receiving Commonwealth money.

I refer also to the projected rabbit plague. The forecast Mr Dunn made in the House last year of a rabbit plague fortunately has not occurred in the central, northern and western parts of Victoria. The department has the co-operation and respect of farmers on this
issue. Farmers are considering what they can do to tighten up on their rabbit control programs.

Mr Reid mentioned a small incident about tree growing non-payments. That is an important issue to that farmer and I regret that the payment was not made early enough. However, Mr Reid failed to mention that the department has revamped the tree growing program. The old program did not have enough money anyway, and the land protection incentive scheme will give the farmers of Victoria a real opportunity for the first time to participate in the distribution of Commonwealth and State funds. Not one mention did Mr Reid make about the Government’s building at the Keith Turnbull Research Institute a new quarantine building at a cost of $2.3 million. The Government did not waste money on pest and vermin control measures but used it in developing biological techniques. I do not know why he did not mention it; maybe he does not know about it!

The Hon. B. A. Chamberlain—It has been there for years.

The Hon. J. E. KIRNER—Mr Chamberlain is not listening again. I am saying that it is unfair to my department—not to me as Minister—in a balanced argument about vermin and noxious weeds control not to make those remarks in the total context. What is new about the expenditure of $2.3 million is that it is an attempt to gain biological control of vermin and noxious weeds, and has been organized by the department in an effective manner.

Mr Chamberlain spoke about soil conservation and Mr McArthur also spoke effectively as a former member of the Salinity Committee. I totally agree with members on the Opposition side of the House and supporters of the Government that land degradation is a serious environmental issue facing the Victorian and Australian community. The subject ought to be above party politics; it is an issue on which honourable members must attack collectively, which is what the Parliamentary committee did. It is an issue that has been attacked by this Government for the first time.

When the Minister for Agriculture and Rural Affairs, the Minister for Water Resources and I have travelled around the country we have had people say to us that they are delighted that, for the first time, Victoria has a Government that has the guts to attack the salinity problem. Previous Governments, because of their desire to protect electorates and voters, were too concerned to touch issues of river management and salinity. Now that the Government has had the courage to tackle those issues farmers are prepared to cooperate. They realize that unless they are prepared to face the hard issues they will not be able to farm effectively in the future.

Mr Chamberlain made an important analysis of the employment of soil conservation officers in the department. It is correct that insufficient numbers of professional and technical officers are currently employed in soil conservation. As at 1 July 1984, there were 63 scientific officers and 24 technical officers. As already stated, it is my intention to ensure that by the end of this year 66 scientific officers and 34 technical officers will be employed.

It is also important to acknowledge that some regional managers and assistant regional managers are top-flight soil conservationists who are bringing to the region an understanding of soil management, which adds to and does not detract from the employment of soil conservation techniques in my department.

I have been pleased to be personally involved in a number of “on the ground” conservation group farming projects. I believe most farmers are committed to conservation as part of their farming technique, but it is true that conservation has to be discussed in the sense of it being connected with productivity.

The Hon. B. P. Dunn—You need more money for research.

The Hon. J. E. KIRNER—I agree. Indeed, I am delighted that the new rural package will provide an opportunity for examining some of those issues in a much more detailed and farm-based way.
I could quote extensively to the House but I will not take up the time of the House by quoting letters from conservation farm groups thanking me for taking an interest in farm conservation and farm matters and stating that they are delighted to have an integrated department with soil conservationists who are able to work with water and wildlife experts. I could quote the Warrenbyne-Boho group, the Marnoo area and the Lake Buloke group who came down to see me the other day.

I do not really need to go through the timber industry strategy. I am puzzled as to why Mr Evans placed the motion on the agenda. It certainly has not been his best contribution to debate on my department. It might have been because he thought he would have his views about the timber industry strategy on the Notice Paper before the strategy was published. He made a mistake. He was in such a hurry to get it on the Notice Paper that he referred to the strategy as the timber industry task force.

The Hon. D. M. Evans—I will explain privately why that happened.

The Hon. J. E. Kirner—that is an industry group. Mr Evans was in such a hurry to get the matter on the Notice Paper that he made a mistake. I wish to quote a couple of opinions of members of the Victorian Sawmillers Association on my department's performance on the timber industry. I refer to the response of the Victorian Sawmillers Association to the timber industry strategy. That association states:

The association is pleased to, at last, have a document addressing a timber industry strategy. Despite its deficiencies and omissions it represents an important step forward and the Government should be congratulated for starting to document an approach to contentious issues, and areas that many people regard as politically sensitive.

My second quote is from Stan Collins, who is President of the Victorian Sawmillers Association. He states:

I have not mentioned the numerous good points outlined in the strategy—but I acknowledge them and the fine attempt being made to put our industry and all associated bodies on a compatible long term course.

I hope the final document—"The Timber Industry Strategy for Victoria" as presented to the people of Victoria in March/April next year, will allow our industry to expand and prosper, and take all those associated with it along that path for generations to come.

I quote lan Ladner:

The Freck, Ladner Group of Companies looks forward to an exciting and challenging future for the timber industry, and continued association with concerned, enlightened Government, through the implementation of an amended, balanced strategy.

The way Mr Pullen outlined the process of developing the timber industry strategy, and the importance of having a department that is structured and that possesses information and resources to communicate that strategy for the first time, means that I do not really need to add to that part of the debate; except to reiterate my commitment to a timber industry which is economically viable within an environmental framework.

On the question of farmers having confidence in me, I could not really decide which group of farmers to quote as demonstrating confidence in the department, so I decided upon someone close to home who might be appropriate. Mr Dunn would know Bernie Leach, who is a fine man, a great farmer and a man who has always been interested in how we will handle rural properties. I refer to a telegram dated 20 March 1986, which states:

Urgency debate Bernie Leach President VFGA and I reached agreement on F2 lands rentals stop he congratulates department on its understanding and cooperation.

It is interesting that no one in this debate has been able to quote any of the other major organizations as criticizing my department or the Ministry: criticism has been confined to isolated examples.
I now refer to the issue of unpaid accounts. The figures for March are that for less than 32 days, 32-9 per cent of bills were unpaid and 30 days after the end of the month it was 80-3 per cent. Like Mr Reid, I will not be happy until those figures are brought down, but it is a vast improvement on the December figures.

I will not have my department or Ministry belittled by Mr Reid's constant whingeing about financial statements. I will ensure that the department is operating effectively. I can assure Mr Reid that when he takes as great an interest in the department than he has taken in financial management he might get back in the shadow Ministry.

The Hon. A. J. Hunt—There is a difference between intentions and good management.

The Hon. J. E. Kirner—Indeed, we have both in the department. I wish to conclude by mentioning the arguments put by Mr Lawson, but I do not think he is in the Chamber to hear my comments. He made a good point about the Victorian National Parks Association's concern about resources for national parks conservation. I do not necessarily believe that they equate: conservation is a larger umbrella than national parks. National park resources have been increased over the past three years by about $1 million a year. Perhaps when talking about staff morale the very best example of how committed our staff is is the way the rangers handled objections to the restructure. The rangers had problems with the recommendations of the regional working party on the restructure for technical assistants. They came to me and said that they wanted me to reconsider it. I agreed to that but the preamble to their statement was that they wanted to make it clear that they were committed to the regionalization of the department and that it would be successful. That is my commitment; I believe it is the commitment of my officers and staff and I believe what we have in our department is a realization of the dream of both the previous Minister and Mr Walker, the Minister for Agriculture and Rural Affairs.

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

Ayes 22
Noes 21

Majority for the motion 1

PERSONAL EXPLANATION

The Hon. N. B. Reid (Bendigo Province) (By leave)—Mr President, I wish to make a personal explanation. During the debate on the last motion, it may have been indicated by Mr Mier—and I am sure in all conscientiousness—that some information had come...
into my hands through my position as Chairman of the Natural Resources and Environment Committee.

I am sure he did not intend that inference to be drawn from his remarks and I would like to say that, if it were interpreted that way, I assure the House that I used no information that came to me as chairman of that committee and, in fact, the information which I did make available to the House during the debate, and which I have used in previous debates in the House, came to me from off-duty officers of the Department of Conservation, Forests and Lands and members of the farming community.

**ADJOURNMENT**

Sittings of the House—Moorabbin bus services—Federal rural adjustment scheme—Southern Community Drug Liaison Committee—State Electricity Commission connections to new properties—Hospital beds in Shire of Upper Yarra—PET scanner at Austin Hospital—Regionalization of offices of Department of Agriculture and Rural Affairs—Amendments to Wrongs Act—Traffic problems in South Melbourne

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

That the Council, at its rising, adjourn until Tuesday, April 22.

The Hon. A. J. HUNT (South Eastern Province)—The proposition that the House should now adjourn, at this time of the day, with another day to go and with five more Bills with which the House could continue, is outrageous.

The Hon. E. H. Walker—The Opposition is not willing to go on with any of them!

The Hon. A. J. HUNT—We are willing.

The Hon. J. H. Kennan—Would you pass them?

The Hon. A. J. HUNT—The Opposition is willing to go on with the Transport (Victorian Ports Authority) Bill, the Freedom of Information (Amendment) Bill, the Residential Tenancies Bill, the National Parks (Alpine National Park) Bill and the Melbourne Corporation (Election of Council) (Proportional Representation) Bill.

For the second week in a row, when there is time to deal with these measures, the Government is calling off the House before dinner on Wednesday. It is not using Wednesday evening and it is not using Thursday in accordance with Sessional Orders, and the Opposition asks that the Government proceeds with those Bills as quickly as possible.

The Opposition puts the Government on notice that it intends to press the Government to carry on with those Bills. The Government continues to treat the House with contempt by leaving Bills on the Notice Paper indefinitely and the Opposition urges the Government to provide time to meet. Even if the Government does not want to sit on Thursday this week perhaps it is prepared to sit on Thursday next week.

The Minister is not prepared to give the Opposition an indication that the House will sit at least on Thursday next week to finish all of this outstanding business.

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. M. J. SANDON (Chelsea Province)—I direct the attention of the Minister representing the Minister for Transport to bus route 862 on McLeod Road, Carrum. Residents of Patterson Lakes and Carrum can use that service only as part of the Moorabbin neighbourhood service. The concern arises with respect to the use of the neighbourhood bus services.
The Moorabbin neighbourhood service has been devised in such a way that it was perceived that residents on the outer fringes of the Moorabbin network could do their shopping in Chelsea. Because the street is on the border, residents do the majority of their shopping in Frankston because it has a greater range and diversity of shops than Chelsea.

On behalf of the residents of Patterson Lakes and Carrum, I ask the Minister to examine whether the public transport service is flexible enough—as it should be—to devise some sort of overlap system that should provide a solution to the problem.

The Hon. B. P. Dunn (North Western Province)—I direct the attention of the Minister for Agriculture and Rural Affairs to the rural adjustment scheme. Yesterday the Minister for Primary Industry, Mr Kerin, announced that another $22 million would be provided to the States for the program. He seemed to indicate that it would be for the 1986–87 year.

I am concerned that the additional money will be provided only from the beginning of the next financial year. It is my understanding that the Rural Finance Commission is receiving 120 applications a week for rural adjustment and crop planting funds. It will need funds well in advance of the end of this financial year because it is during the next one or two months that the heavy requests for finance will come.

Will the Minister make an immediate inquiry to ensure that the commission has the capacity to meet its commitments over the next couple of months? Will he ensure that the funds promised by Mr Kerin will, if necessary, be used this financial year as well as the 1986–87 financial year which the Minister seems to indicate is the applicable year.

The Hon. G. P. Connard (Higinbotham Province)—I direct the attention of the Minister for Health to a topic that I have brought to his attention on several occasions in recent months, namely, the Southern Community Drug Liaison Committee. As the Minister knows, the committee is a respected and viable committee which is attempting to do something with the drug problem in St Kilda, Brighton and the southern suburbs generally. It is an effective and competent committee that is efficiently going about its affairs.

I understand that the committee has now been advised by Health Department Victoria that funds that were previously approved and were to be allocated are now not to be allocated for the detoxification unit that was to be located at the Alfred Hospital. Apparently the funds are to be diverted elsewhere.

The committee has been informed that it will be funded for 2.5 workers who will be expected to work within the confines of the casualty section of the hospital. This is inappropriate to the aims and aspirations of the committee and will retard its good work in attempting to do something about the existing drug addicts in the general St Kilda area.

The committee has written to Health Department Victoria expressing its concern at the low priority given to this important unit. From publicity I have received, it is evident that the Commonwealth and State Governments have access to $100 million to attempt to do something about the drug problems.

I ask the Minister to ensure that the important area of drug detoxification be given a high priority and that a commitment be made this financial year for appropriate resources.

The Hon. M. A. Lyster (Chelsea Province)—I direct a matter of administration to the attention of the Minister for Planning and Environment, although it may seem at first that it may not be a matter for his concern. The reasons for directing it to him will become clear.

Last June a constituent of mine signed a contract to buy a house and block of land in Greaves Court, Seaford. The house was to be constructed by Byron Homes. He believed all was proceeding well and was delighted that he was to move into the house next week. However, he now finds there is no State Electricity Commission connection to that part of the subdivision and the electricity will not be available to his new house for four to six months.
Apparently this has come about because of a series of misadventures and misapprehensions by the real estate agent, Mr Karl Jonsson of Patterson Lakes, Mr Gary Foot, the developer, and Byron Homes, the builder. Each believed it was the responsibility of the other to apply for the extension of the State Electricity Commission line and presumed that that was being done. The end result is that my constituent is buying his house—he is paying $500 a month for his bank loan—but cannot move into it.

I have spoken to the State Electricity Commission about the matter. I have been more than impressed with its response to this difficult situation. It is not the fault of the constituent that he is in this predicament and the commission has been extremely accommodating in making provision for the land at least to be surveyed in the near future. The commission is hopeful that the constituent, Mr McAvoy, will not be delayed for such a length of time.

However, my concern is, as I said, directed to the Minister for Planning and Environment because it appears that it is nobody’s responsibility to advise a purchaser on the availability of services when blocks of land are purchased.

Will the honourable gentleman investigate whether this is the case? If so, will he take steps to remedy the situation to ensure that when people buy blocks of land they are advised of the availability of services to that land?

The Hon. F. S. Grimwade (Central Highlands Province)—I direct a matter to the attention of the Minister for Health. It has a wider application, but I shall illustrate the problem that occurs in the Shire of Upper Yarra. The shire has two hospitals, the Upper Yarra Bush Nursing Hospital and the Warburton Health Care Centre and Hospital. They are both private hospitals and there are no public hospitals in the shire. The nearest public hospitals are some kilometres away and there is no transport to them.

Because they are private hospitals the beds are not available for public patients—that is, people who do not have health insurance and are therefore not able to pay the fees charged for a private hospital bed.

In essence, this means that 20 per cent of the population is disadvantaged because public hospital beds are not available to them. The private hospitals I have named have vacant beds and I understand there is a scheme whereby the State Government will lease beds from private hospitals—making them public beds, as it were—to be available for public patients.

Further, I understand that the Federal Government makes finance available to State Governments for just this purpose; this scheme of assistance tends to be available in remote areas.

What are the grounds for eligibility for hospitals to be considered as part of the scheme if, in fact, the scheme does exist in the way I believe it does? I have mentioned in some detail what has occurred in the Shire of Upper Yarra, but I could have equally illustrated the matter by referring to the Shire of Romsey, which has a bush nursing hospital and the Shire of Euroa which has a bush nursing hospital and where there are no public hospitals. I invite the Minister to inform the House in some detail about the eligibility grounds.

The Hon. Rosemary Varty (Nunawading Province)—I refer the Minister for Health to an application by the Austin Hospital to the Commonwealth Government for the installation of a PET scanner which enables the metabolism and functions of various parts of the body to be studied. The scanner can measure the metabolism of various compounds in different parts of the brain. The scanner can be installed in Victoria with the assistance of the Commonwealth Government.

The PET scanner can provide an understanding of any functional differences between the brains of children with infantile autism and other children. The Austin Hospital has a large register of children and adolescents who have been diagnosed and assessed as suffering from infantile autism. This register forms an excellent basis for research. There is a great
need for research into infantile autism and the potential value of the scanner in such research is tremendous.

Will the Minister advise the House whether he is aware of the application and whether he or his department are supporting it?

The Hon. W. R. BAXTER (North Eastern Province)—I raise a matter for the attention of the Minister for Agriculture and Rural Affairs concerning the regionalization of the Department of Agriculture and Rural Affairs and, in particular, the alarm that has been caused in the Shepparton district with the announcement that the regional headquarters of the department are likely to be located at Bendigo or Benalla. It has been indicated that Shepparton will not miss out and that it is possible there will be a transfer of staff from the Shepparton office.

The Hon. E. H. Walker—That has not been said.

The Hon. W. R. BAXTER—I am asking the Minister to put the record straight. The Shepparton office is highly regarded and has been established for a long time. Fortunately, a senior officer of the department said in the local newspaper last Monday that it is highly unlikely that staff will be transferred from Shepparton.

I ask the Minister to confirm whether that is so because Shepparton is the heart of Victoria, the market centre with a large hinterland. It has medical facilities for a large area and is the focal point for a number of reasons. Shepparton is an ideal location for a high powered presence of the Department of Agriculture and Rural Affairs.

I ask the Minister to give consideration to locating the regional headquarters at Shepparton but, if that is not possible, to confirm that there will be no loss of the existing presence of the department in Shepparton.

The Hon. D. M. EVANS (North Eastern Province)—I raise the issue of the operation of amendments to the Wrongs Act with the Attorney-General. In particular I direct the Attorney-General’s attention to the issues regarding animals straying on to highways. I particularly refer the Attorney-General to the second-reading debate on that matter in which the Minister indicated that amendments were to achieve balance between interests of motorists and landowners and that courts would take into account matters such as locality, traffic flow, local fencing practice, previous accidents, warning signs and a number of other matters. The intention of the legislation was by no means to absolve the motorist of any responsibility.

I refer to the Attorney-General the case of Mr David Quick of Murchison who owned an animal that strayed on to the highway some months ago and came into collision with a motor vehicle. Damage was sustained by the motor vehicle and the animal, an eight-month-old steer calf. The motorist subsequently sued Mr Quick and his insurance company and an award of $2000 was made to the motorist on the basis that Mr Quick, as the owner of the animal, was totally liable for the damage caused.

Subsequently, I inspected the fence and, in my opinion, it was well up to the standard of other fences in the district. Indeed, it had an electric wire about 0.7 of a metre from the ground as an additional protection. Despite that, the court’s judgment was that Mr Quick was 100 per cent liable, according to the lawyer for Mr Quick who contacted me on this matter.

I ask the Minister a number of questions regarding the legislation. Can the Minister monitor the legislation to ensure that his intentions so expressed in the second-reading speech are being carried out and whether further amendments to the legislation should be considered?

I understand that a number of cases are pending in the courts at the moment. Clearly, I cannot refer to those cases, but I understand that additional judgments have already been made.
Will the Attorney-General monitor the operation of the Act in the following ways: to ascertain whether the courts are recognizing contributory negligence by the motorist? Is there a clear definition of adequate fencing as indicated in the second-reading speech should occur and do the courts inquire into the history of straying stock? What is the position of a stock owner legitimately driving his or her livestock on the road and what precautions should be taken by that person? Have clear guidelines been spelt out regarding storm damage to fences, damage by third parties, gates being left open by third parties.

On that issue, an accident occurred near my home three weeks ago where a motorists ran through a neighbour's fence with his motor vehicle. He was helped off the fence and was proceeding to drive away when I suggested to him that he needed to contact the owner in case stock got out. How long is it reasonable after such an accident for the owner to repair the fenced damaged by the third party before he becomes liable for negligence under the Wrongs Act?

It is a most important issue and I ask the Attorney-General to consider the facts most carefully. An accident involving stock may involve a landowner in high compensation payments amounting to hundreds of thousands of dollars or even millions of dollars should a person be made a quadriplegic from that accident. The farmer, because of his peculiar position in his business of having substantial assets invested in the business is in a position to pay but only by selling his farm business.

I further raise with the Attorney-General the fact that many farmers do not at this time, despite the changes in the Act, believe they require third-party liability and do not carry adequate insurance of a third-party liability nature which would cover them for accidents involving stock either on the roads or being driven on the roads.

It is a wide-ranging issue and I thank the House for allowing me to raise it. Are the issues I raised being examined by the Attorney-General and, if not, can he investigate whether the Act requires further amendments?

The Hon. REG MACEY (Monash Province)—I refer a matter to the Attorney-General with a request that he bring it to the attention of the Minister for Transport in another place. Last evening I brought to the Minister's attention some figures that were provided to me by the Port Melbourne council. I have been provided with updated figures by the South Melbourne council regarding traffic volumes along Beaconsfield Parade which relate to the material that I brought to the attention of the Minister yesterday.

The PRESIDENT—Order! I rule that matter out of order. It is a matter that has been raised on two or three occasions by Mr Macey. It is a similar matter to that which he raised last night, except that it has some more relevant information. The honourable member can send that extra information to the Attorney-General.

The Hon. REG MACEY—With respect, Mr President, I intended to raise something completely different, offering a solution.

The PRESIDENT—Order! I have ruled Mr Macey out of order.

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—Mr Dunn raised with me a concern about rural adjustment scheme money, particularly the amounts announced yesterday by the Federal Minister for Primary Industry, Mr Kerin, in his statement. Mr Dunn is correct about the application of those moneys to the next financial year, 1986–87. However, his fears are ill-founded, and I remind him that earlier this year I wrote to Mr Kerin indicating that there would be a need for additional funds for rural readjustment in Victoria.

Mr Dunn may not be aware that those funds were made available. I indicate to him that Mr Morton, who is the Chairman of the Rural Finance Commission of Victoria, assured me that he has no concern about being able to manage with the requests that will be received between now and the end of this financial year. With the assurance of Mr Morton, I believe Mr Dunn must be reasonably satisfied.
Mr Baxter raised the matter of regionalization, and I suppose he is really attempting to issue a press release for the local newspaper in Shepparton. I assure Mr Baxter that the regionalization matter has been considered carefully in the department and in the light of experience within the Government and in other departments. The approach that the Government will take is still being debated, although there has been unity as to the approach it intends to take, and that is to have a minimum number of regions, five or six, one of which would be a Melbourne or metropolitan region, so that there would not be a large number of regions, as is the case with some other departments, where it would sometimes be necessary to transfer resources from lesser centres to nominated regional centres.

In this case, I assure Mr Baxter that the intent is to sustain the nature of the services supplied by the offices that currently make up the Department of Agriculture and Rural Affairs; they are a very important series of district offices, sometimes quite small, which are doing an excellent job.

In that regard, I am at pains to ensure that an absolute minimum of movement occurs. Preferred nominations for regional centres are not yet finally established; that matter is still being debated. Of course, certain towns will want to be considered as regional centres. They have every right to put forward their positions, as some have already done.

I indicated that my preferred locations included Bendigo for the north-central region. However, that does not mean that the decision is finalized. If representatives from Shepparton wish to put forward a submission on their own behalf, they can do so.

Mr Baxter can be absolutely assured that the Shepparton location for the department is extremely important, and I have no intention of effecting any substantial transfers from one to the other, other than in the normal course of administration of the Department of Agriculture and Rural Affairs generally.

As Mr Baxter would understand, there is always some mobility, but there is no intention, as a result of this regionalization approach, to cause any substantial transfer from one centre to another simply because of the nomination of a regional centre.

Therefore, there is a commitment by my department and me to the maintenance of the system of the offices that now exist, so that we can remain highly sensitive, particularly to issues of a social kind. Of course, the Office of Rural Affairs has been established, and I believe it is important to maintain that system. I hope my remarks reassure Mr Baxter.

The Hon. D. R. WHITE (Minister for Health)—Mr Connard raised the question of funds being provided to the Southern Community Drug Liaison Committee and his concerns about the method of funding for that group of $2-5 million. I shall follow up that matter and provide an answer to Mr Connard in due course.

Mr Grimwade raised the question of funds for the Upper Yarra Bush Nursing Hospital and the Warburton Health Care Centre and Hospital. Bush nursing hospitals are now the subject of a separate study by the Economic Budget and Review Committee, as announced this week. Funds are provided at State level for major public teaching hospitals that have difficulties in providing beds for elective surgery. Some patients have been transferred to private hospitals on a carefully selected basis.

Mr Grimwade also raised the question of whether funds were available for providing public beds in private hospitals in remote areas. I shall take that matter on board and provide the honourable member with a response.

Mrs Varty referred to the application by the Austin Hospital to the Commonwealth Government for a PET scanner and asked whether I was aware of it. I was not aware of it. She also asked whether the department was supporting that application. I shall find out whether representations have been made to my department and shall provide Mrs Varty with a response.
The Hon. J. H. KENNAN (Attorney-General)—Mr Sandon raised with me a matter relating to bus route No. 862, and I shall take up the matter with the Minister for Transport.

Mr Evans raised a matter relating to the Wrong (Animals Straying on Highways) Act. I do not believe the position could be made any clearer than it has already been made in respect of that Act. I understand that litigants who have judgments entered against them do not like the Act, but it is a measure predicated on the normal common law principles of negligence.

The letters I receive are from litigants and people who represent them who have lost cases, and not a shred of evidence has been produced to me to suggest that the courts are applying anything other than a test of reasonableness or common sense. I continue to have confidence in the courts.

Mrs Lyster raised with me the question of the duty of vendors to arrange for services, or at least disclose the situation in respect of services, to land without services. In 1982, the Government amended the Sale of Land Act to provide for vendor disclosure in contracts for the sale of land, which introduced, for the first time in this State, principles of vendor disclosure. Those provisions relate to particulars of mortgages, particulars of easements and covenants and particulars of planning details, in addition to rates, taxes and outgoings that are payable, as well as planning matters, such as notices or orders affecting the land.

The rest of the law relating to the sale of land in the area to which Mrs Lyster referred depends on ordinary contractual principles. It is, under the law, not necessary for the vendor to do anything other than comply with the terms of the contract, whatever they may be. The duty rests on the purchaser to make his or her own inquiries about facilities as they affect the land.

However, the case Mrs Lyster has highlighted raises the questions about the sorts of problems that may arise—for example, in regard to the vendor who would have no reason to believe other than that services would be provided at the appropriate time—of whether the law should be amended to provide for a greater measure of vendor disclosure, or whether some standard clause should be inserted in contracts for the sale of land to that effect. I shall be happy to examine that issue.

The motion was agreed to.

The House adjourned at 6.19 p.m. until Tuesday, April 22.
DEATH OF THE HONOURABLE ROBERT WILLIAM MAY

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

That this House expresses its sincere sorrow at the death, on 16 April 1986, of the Honourable Robert William May, a former member of this House, and places on record its acknowledgement of the valuable services rendered by him to Parliament and the people of Victoria as the member for Gippsland Province from 1957 to 1973.

I should like to make a few comments about Robert William May’s background and career in this place for the benefit of all honourable members.

Bert May was born on 6 July 1909 in Yarram. He passed away last Wednesday at the age of 76 years. He lived all his life in the Yarram area and was educated at the Macks Creek State School and the Yarram High School. He was a dairy farmer and grazier at Trenton near Won Wron, a director of the South Eastern Dairy Co-operative Ltd and a founding director of the Australian Dairy Technical Service and Australian Sunny South Services. He was also secretary of the Yarram branch of the Dairyfarmers Association for twenty years.

Bert May joined the Yarram branch of the former Country Party in 1934 and between 1938 and 1943 he was president of the Yarram branch of the Country Party and a member of the district electoral council for the Liberal–Country Party McEwen Executive.

Between 1943 and 1957 Bert May was a central councillor, and he became a justice of the peace in 1945. From 1949 to 1953 he was Treasurer for the then Victorian Country Party. He was elected president of the party between 1956 and 1957. He was a member of the Legislative Council for Gippsland Province between 1957 and 1973. He was defeated in the 1973 election when the seat passed to the Liberal Party; it is now occupied by Mr Long. In 1949 he contested the Federal seat of McMillan.

In his Parliamentary activities he was a member of four committees: the Statute Law Revision Committee, the Joint House Committee, the Distribution of Population Committee and the Royal Botanic Gardens Select Committee.

I did not know Bert May personally but, on discussing his career with other honourable members, it was clear that he was a man committed to his electorate and its affairs. He took a strong and active role in the dairy industry, which was an interest he maintained throughout his life. He was also a strong advocate for the establishment of the Office of the Ombudsman. Like many members of his party he took a strong and continuing interest in and had a great affection for all that is attached to rural life. On behalf of the Victorian Government and members of the Legislative Council I express sympathy to Bert May’s wife, Helena, his five sons and two daughters.

The Hon. A. J. HUNT (South Eastern Province)—The Liberal Party associates its members with the remarks of the Leader of the House concerning the late Honourable Bert May. The record the Leader has outlined provides the bones upon which other honourable members will add some of the flesh. The twenty years for which Bert was the secretary of the local Yarram branch of the Dairyfarmers Association and the twenty years of office he held in the then Country Party from the lowest office to the highest indicates something of the man he was. The years that he spent as a dairy farmer, his establishment of a dairy service company and his directorships of two dairying companies of themselves show his abiding interest in dairying.

No man who ever served in this Parliament had a deeper knowledge than Bert May of the problems, the economics and the politics of the dairy industry. It was a very special contribution which he brought to Parliament.
In addition to dairying, he naturally had a deep knowledge of agro-economics and agro-politics, and the House was often enlightened by his contributions on those issues. He spoke quietly and never raised his voice, but there was a whimsical streak which often enlivened the debate. He was a skilled interjector, and his interjections were of the kind that the House now hears from Mr Lawson—clever and apposite interjections on many issues.

I do not know whether all members of the House are aware that he was a self-made man and a highly successful businessman who had a particular interest in property development, and that from the time he was elected to Parliament he avoided property development in this State, but directed his investments in real estate outside Victoria. It was a high standard that he adopted. He developed substantial interests outside the State through being an astute businessman. His astuteness as a businessman again contributed to his debates in the House.

There was no malice in the man and he had no enemies, even though he pulled no punches. That was because his sense of humour, which I have already mentioned, was always present and nobody ever took his remarks personally. Honourable members knew that they could remain friends, and did so.

I recall one occasion when the Statute Law Revision Committee was away investigating some matter, staying at a hotel in the city in which the committee was undertaking the study, and members of the committee started telling stories. I never realized until that occasion what a great raconteur was Bert May. The stories went round and round the group, in ever-diminishing circles until, after a while there were 4, 3, and then only 2 honourable members, Bert May and the Honourable Roberts Dunstan, telling stories. I must say that the stories were not all ones which Bert would have told in his other capacity as a lay preacher but they were thoroughly enjoyed. Bert May was a warm personality and members of the Liberal Party extend their condolences to his widow and children.

The Hon. B. P. DUNN (North Western Province)—The late Honourable Bert May was an esteemed colleague of members of the National Party and a personal friend to all of those who had the privilege of knowing him and sharing his time and effort on behalf of the Country Party—later to become the National Party—and in this Parliament.

I had the privilege of sharing an office with him for some years when I first came into this place and I was assisted greatly by his wise counsel. He was a wise man and an outstanding thinker. He had the ability to analyse things thoroughly and rarely made mistakes. If I remember correctly, he used to sit where Mr Hallam sits at present and contributed significantly to debates, particularly in the interests of country people generally and those whom he represented.

Bert May was a gentle and kind man. As Mr Hunt said, he did not have an enemy—at least I do not know of any—and he was well regarded by honourable members on all sides of the House. Bert May was a wise thinker but a tough bargainer in the true sense of a good representative; when he needed to be, Bert May could be tough and through his efforts and attitudes he gained a significant amount for his province.

The late Honourable Bert May was held in the highest regard by the people he represented and almost everybody in Gippsland knew him. Bert May certainly knew a large number of people but there were not many in Gippsland who did not know, or know of him.

Bert May has been sadly missed since he left this place some years ago. Honourable members used to see him from time to time and members of the National Party were pleased that he continued to remain in contact with them. His involvement in the political arena goes back a long way, as outlined by the Leader of the House. His political involvement commenced with the inaugural meeting of the Yarram branch of the Country Party in 1934 and that continued up until the time of his death.

Bert May rose from being only a branch member to president of the party in Victoria. At a time when it was not easy to communicate throughout the State, Bert was a good
president, was highly regarded and capably filled that position. Prior to that time he served as State senior vice-president and State treasurer, so he had a distinguished record and involvement in party organization before being elected to this House. Bert May was a campaign director on five occasions and was also a contributor to the local community. He was a justice of the peace before commencing his Parliamentary career, which has already been fully outlined by the Leader of the House.

Bert May was the grandson of one of the original settlers in Gippsland. He was a dairy farmer who had a fierce love of Gippsland and considerable regard for that part of the State. In Parliament he always contributed to debates that had anything remotely to do with the province that he represented. His life of involvement in the community and the political arena represents a great example to other people; it is certainly an example for members of the National Party. He was an exceptionally valued colleague.

Bert May’s wife and seven children will sadly miss him. He was very much a family man. All honourable members were aware of the high regard he had for his family and the difficulties that he experienced as a country member living away from his family for long periods. He was a family man of the highest order; his family will miss him.

The National Party passes on its condolences to the members of his family. We place on record our thanks to Bert May not only for the service that he provided to our party and the State but also for his wonderful friendship and the advice that he provided to each one of us over a long period.

The Hon. H. R. WARD (South Eastern Province)—It would be easier for me to say that Bert May knew me long before I came to know him. We actually became friends after a slight tussle we had, in the days when I was with the Victorian Teachers Union, over matters relating to the establishment of a branch of the union at the Yarram High School. Bert May had been a student at that high school. He was a man who stood up for what he believed was right. He followed closely the principles of his church and lodge. Everyone in the Yarram district dearly loved Bert May. They believed that if Bert took up their cause he would win, and he usually did.

Bert May was a self-made man. As other honourable members have pointed out, he was unselfish in his service to the community and Parliament. It was only a few weeks ago that I was talking to Bert May on the telephone. He indicated that he would not be able to come to bowls as he did occasionally on Mondays to meet members of Parliament and enjoy their company, and then return home. He said he was not feeling well and that maybe he ought to take it a bit easier.

He was one of the great Country Party stalwarts. As has been pointed out, he held every office in that party. I had occasion to deal with him in the 1950s on a deputation involving the Country Party, as it was in those days. He was a hard but true bargainer. He seemed to be able to find the points that were to be picked up and then stood by them.

I join with honourable members in expressing my condolences to the family of a remarkable man. Bert May was also a remarkable businessman and pursued his overseas business interests quite successfully, as has been indicated, after he entered Parliament. It is regrettable to see the passing of such an important and community figure who served the Gippsland district so well.

The Hon. R. J. LONG (Gippsland Province)—I desire to associate myself with the condolence motion. It is true that I took Bert May’s place in this Chamber as a result of the State election in 1973. Honourable members have heard about the qualities of Bert May, which naturally meant that the election was hard fought, but no personalities were involved. That is the way we all expect elections to be carried out.

Bert May was held in high esteem, particularly in the Yarram area where the May name is well known. He had considerable knowledge and association with the dairy industry. As the Minister for Agriculture and Rural Affairs said, he was committed to the Gippsland
Province, particularly on issues that arose in that area. He was a fearless fighter for Gippsland, as Mr Dunn has said.

I regret his passing and I should like to express my sympathy to his wife and family. Bert May will be sadly missed.

The Hon. B. A. MURPHY (Gippsland Province)—I should like to pay tribute to the Honourable Bert May. He was one of those members of the then Country Party of many years ago who were close to some of the people in the Labor Party. Bert May, together with the Leaders of that party at that time, Sir Herbert Hyland and Sir Albert Lind, helped develop the following of the Country Party to the level that it enjoys today as the National Party.

I can recall Bert May visiting the polling booths, generally on cold days, when he wore his great gabardine coat and he always used to say "Hello" to everyone. That was his strength—he spoke to everyone. Indeed, he looked like a Labor man and he had a basic empathy with Labor people in the country. I am sure many Labor people voted for Bert May in the Upper House.

Bert May had the respect of the people of Gippsland Province and he earned this respect for the work he did for many years in politics. He first stood for the Federal seat of McMillan in 1949, when he was defeated, and he later stood for the Upper House seat of Gippsland Province in 1957, which he won.

A few weeks ago I, too, spoke with Bert May in the grounds of Parliament House and he looked quite well, but he obviously missed this place. I should like to pass on to his wife and family the condolence of the House and especially the people of Gippsland Province.

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

ADJOURNMENT

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

That, as a further mark of respect to the memory of the late Honourable William Robert May, the House do now adjourn until five o'clock this day.

The motion was agreed to.

The House adjourned at 3.23 p.m.

The PRESIDENT took the chair at 5.3 p.m.

GUARDIANSHIP AND ADMINISTRATION BOARD BILL

This Bill was received from the Assembly and, on the motion of the Hon. J. H. KENNAN (Attorney-General), was read a first time.

RACING (AMENDMENT) BILL (No. 2)

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.

MINES (AMENDMENT) 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.
PUBLIC HOSPITAL BOARDS

The Hon. M. A. BIRRELL (East Yarra Province)—I refer the Minister for Health to his claim that he believes in the independence of public hospital boards of management and that they should not be appointed on political grounds. In light of this commitment, how does the Minister justify speeches given by himself and a senior officer of Health Department Victoria on 12 April to a secret Australian Labor Party seminar that was designed to advise Labor Party activists on how to get on to and manipulate hospital boards?

The Hon. D. R. WHITE (Minister for Health)—I am not aware of the meeting.

ACCESS TO OFFICERS OF DEPARTMENT OF AGRICULTURE AND RURAL AFFAIRS

The Hon. B. P. DUNN (North Western Province)—My question, directed to the Minister for Agriculture and Rural Affairs, concerns Notices of Motion, General Business, No. 6 standing in my name on the Notice Paper, relating to agricultural research and the subsequent contact I made by letter some weeks ago with 26 research centres throughout Victoria.

Is it a fact that the Minister has telexed the various agricultural research centres advising them not to respond to my letter or provide any information on their operation? Will the Minister provide me with a copy of his telex, if that did occur, and inform the House why this action has been taken? It appears that these officers will not be free to talk to Opposition members because of the duress the Minister has placed on them.

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—The honourable member emotionally uses the word “duress”. I was not conscious that telexes had gone to the 26 establishments, but that does not mean it was not the case. It is quite proper, in my view, for honourable members to have contact with members of my department by arrangement with my office or myself. There may have been a tradition in the past where Opposition members were able to contact significant officers within the department direct, but I believe that is an unfortunate procedure and that contact should be known to me.

The proper procedure is for the honourable member to inform me what he wants and, of course, there is no intention of stopping the honourable member from meeting with officers of my department. I have bent over backwards to make briefings available to the honourable member at all times. My intention is that the honourable member should make formal contact with me before he makes contact with any officer within research establishments.

ST ALBANS COMMUNITY HEALTH AND RESOURCES CENTRE

The Hon. C. F. VAN BUREN (Eumemmerring Province)—Further to the report on the St Albans Community Health and Resources Centre tabled last week, can the Minister for Health inform the House whether any previous investigations into the centre were carried out and what action, if any, was taken as a result?

The Hon. D. R. WHITE (Minister for Health)—On 31 October 1979 the Director of the Hospitals Division of the Health Commission asked the Director of the Finance Division to undertake a full audit of the financial business of the St Albans Community Health and Resources Centre. This was undertaken in February 1980.
The report by Mr J. Busuttil states that access to the books of the medical services account was refused. This meant that a full report was not possible. The centre subsequently agreed by letter dated 1 May 1980 to admit Health Commission officers to see this account. No further examination of the centre's books took place.

This failure to follow up the issues raised in the investigations of February 1980 is in sharp contrast to the action taken by this Government in response to the allegations being made by Mr Cameron, among others. I asked the regional director to arrange an investigation at once. I met with Mr George Seitz, President of the St Albans Community Health and Resources Centre, and Mr Ian Mill—

The Hon. A. J. HUNT (South Eastern Province)—I raise a point of order, Mr President. A Dorothy Dix question without notice in question time and an answer to it should hardly be used to anticipate the debate, the adjournment of which the Minister for Health moved, on this very issue. The listing of a matter on the Notice Paper provides the Minister with an opportunity of making a statement. As I said, the Minister adjourned the debate on the matter when it was last before the House. He has an opportunity of making a statement in response to the matters raised on that very issue, not by taking up question time to do so. It offends against the rule of anticipation, in any event.

The Hon. D. R. WHITE (Minister for Health)—On a point of order, Mr President, I believe it is in the interests of the House and the community to know what process is being followed. It is clear and understood that, in respect of the issue that is on the Notice Paper, it is my intention to report back with the outcome of the investigations prior to the end of the session, as I indicated to the Opposition. However, in response to the question put to me by Mr Van Buren, I am explaining the process being carried out. The outcome of that investigation will be discussed when debate takes place on the matter at the appropriate time.

The PRESIDENT—Order! There is no point of order. However, if the Minister wishes to continue his answer to the question, the point raised by Mr Hunt is valid. The Minister should confine his remarks to the matters raised in the question.

The Hon. D. R. WHITE—In response to the question, which related to the process being undertaken, I agreed that Deloitte, Haskins and Sells, a most reputable firm of chartered accountants, should be appointed to conduct the inquiry in order to ensure that it would be free from influence from the department or the Government.

I agreed to the appointment to assist the inquiry of Mr Bill Newton, Manager of the West Heidelberg Community Health Centre, on secondment to Health Department Victoria, an acknowledged expert with wide experience in community health, with great credibility in the field and with no known political association.

On receipt of the report, I directed that its recommendations be implemented at once and have set a deadline of 31 August. On hearing further allegations, I at once asked the chief general manager to arrange for them to be investigated. The implementation process recommended by the report has already begun.

The Hon. R. I. KNOWLES (Ballarat Province)—The question I direct to the Minister for Health follows on the answer that he has just given about the process being undertaken. Is the Minister aware whether any members of the Committee of Management of the St Albans Community Health and Resources Centre have been offered unsecured personal loans using funds held by the centre; if the Minister is not aware, will he ensure that the process he spoke of will initiate an investigation into this issue?

The Hon. D. R. WHITE (Minister for Health)—I am not aware of the matter the honourable member has raised, but I should be more than happy to have the matter referred either to Mr Newton or to Deloitte, Haskins and Sells, whichever is more appropriate.
VICTORIAN COLLEGE OF AGRICULTURE AND HORTICULTURE

The Hon. W. R. BAXTER (North Eastern Province)—Is the Minister for Agriculture and Rural Affairs aware that the Victorian College of Agriculture and Horticulture, Dookie Campus, conducts a course in the use of explosives and that enrolment for such a course is granted simply upon application?

In view of the unfortunate trend in our community towards the unauthorized use of explosives, such as the tragedy that occurred in Russell Street not long ago, does the Minister believe this openness may no longer be appropriate and will he take steps to institute some form of security checks upon those who may wish to enrol in the course?

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—In response to the first part of the question, I was not aware that a course of that sort was run at Dookie. I indicate to the honourable member that it was not long ago that responsibility for the Victorian College of Agriculture and Horticulture was transferred from my department to the Minister for Education. It would be appropriate for me to take up the matter with the Minister for Education and obtain an answer from him.

CHILD CARE CENTRES

The Hon. JEAN McLEAN (Boronia Province)—Can the Minister for Community Services inform the House when the next allocations for new child care centres will be made?

The Hon. C. J. HOGG (Minister for Community Services)—The committee of the tripartite agreement between the Federal Government, the State Government and local government which aims to provide places for 2250 children in this State over the next three years through the provision of 64 new child care centres or schemes has agreed on the first twelve locations. They are: the City of Box Hill, the City of Brunswick, the City of Camberwell, the City of Chelsea, the City of Keilor, the City of Knox, the City of Northcote, the Shire of Rodney, the City of Sunshine, the City of Wangaratta, the City of Warrnambool and the Shire of Whittlesea.

Those are the first twelve of the 64 centres. I shall take pleasure in announcing the locations as the tripartite committee works through the multitude of applications that have been received from metropolitan and, I am happy to say, non-metropolitan areas.

ST ALBANS COMMUNITY HEALTH AND RESOURCES CENTRE

The Hon. HADDON STOREY (East Yarra Province)—I refer the Minister for Health to the mismanagement of the St Albans Community Health and Resources Centre and ask whether the Minister is aware that documents released to the Opposition under the Freedom of Information Act reveal that the Health Department was lax in its overview of community health centres and did not realize until 1984 that it had not read the 1980 or 1983 annual reports and financial statements of the St Albans Community Health and Resources Centre. If this is so, what steps is the Minister taking to ensure that there is proper supervision of these centres?

The Hon. D. R. WHITE (Minister for Health)—The first point I made in response to a question from Mr Van Buren was that the director of the hospitals division indicated in 1979 that the affairs of the St Albans Community Health and Resources Centre ought to be properly audited and investigated. The facts are that under the previous Administration, that never occurred. The opportunity was available from 1979. It is also clear that it is publicly known that an implementation group led by Bill Newton has been examining the role of community health centres.
That group will continue to examine the range of issues raised by the community generally, the public, the Opposition and the National Party. All of those matters that become the subject of investigation will also be the subject of public scrutiny.

NAZI WAR CRIMINALS

The Hon. G. A. SGRO (Melbourne North Province)—I ask the Attorney-General: in view of serious allegations made in the press and on television concerning Nazi war criminals in Australia, including Victoria, will the Government consider taking some action against such people and, further, will the State of Victoria join with the New South Wales Government and urge the Federal Government to hold a Royal Commission to bring these Nazi war criminals to justice?

The Hon. J. H. KENNAN (Attorney-General)—The Government is concerned about this matter. Mr Walker, the New South Wales Minister for Housing, pointed out in the New South Wales Parliament that the Liberal Government in this country in the 1950s was an accessory to a monstrous conspiracy against people in the Western democracy which defeated the purposes of the Nuremberg prosecutors. As Mr Walker pointed out, in the 1950s, under the Menzies Liberal Government, many hundreds of war criminals and collaborators entered this country.

A recent Four Corners program raised considerable public concern relating to a number of individuals, one of whom was wanted in Europe for prosecution for war crimes.

In 1961, Sir Garfield Barwick, the then Federal Attorney-General, refused to co-operate.

The Hon. R. J. Long—You would not go outside and say that.

The Hon. J. H. KENNAN—Sir Garfield Barwick’s comments are to be found in the Federal Hansard of that time. It is interesting to note the extreme sensitivity of members of the Liberal Party about the 1950s. Perhaps if they cannot stand the heat they should get out of the kitchen.

Honourable members interjecting.

The PRESIDENT—Order! I remind the Attorney-General that the question related to Victorian Government administration. A question was asked about what action his Government would take in regard to certain matters. I ask the Attorney-General to confine his remarks to that.

The Hon. J. H. KENNAN—I thank you, Mr President, for your guidance. The Victorian Government is extremely concerned because it is its view that the Australian people do have the right to know who the politicians and Government officials were who gave protection to war criminals and used them for their own political ends during the highly McCarthyist 1950s. Today’s Liberals would possibly not be facing this problem if yesterday’s Liberals had acted properly and justly in the pursuit of Nazi war criminals.

The Government is concerned because Australian Security and Intelligence Organization documents have now come to light, according to a Four Corners program, which reveal the activities of Nazi war criminals in Australia during the 1950s.

The Hon. A. J. HUNT (South Eastern Province)—On a point of order, Mr President, it is obvious that the Attorney-General is not only flagrantly abusing question time for political propaganda purposes but also is showing no inclination whatsoever to observe the ruling you have rightly given. I ask that he be required to do so.

The Hon. D. R. WHITE (Minister for Health)—On the point of order, the issue was as to the matter’s relevance to Government administration. I believe the Attorney-General has stuck thoroughly to and has responded consistently with your ruling, Mr President. There is no point of order.
The Hon. HADDON STOREY (East Yarra Province)—On the point of order, Mr President, you quite explicitly said that the Attorney-General should direct his answer to the question he was asked as to what the Victorian Government is doing about this matter. Ever since you gave that ruling, the Attorney-General has done nothing but talk about things that are recorded in Federal Hansard. He has not once addressed the question of any action being taken by the Victorian Government. He is clearly in breach of your ruling, Mr President.

The PRESIDENT—Order! I uphold the point of order. I asked the Attorney-General to confine himself to what the Victorian Government administration was doing about the matter. As he has not done so, I suggest the House should move to the next question.

MENTAL HEALTH SERVICES STAFF VACANCIES

The Hon. ROBERT LAWSON (Higinbotham Province)—Is the Minister for Health aware that the Victorian Public Service Association has stated that the Minister has broken his promise to provide finances and administrative reforms that will ensure that all 600 staff vacancies in the mental health system are filled?

Given that these views are also held by the association of mental social workers and the Health Department psychologists association, what action will the Minister take to reverse the run-down of mental health services?

The Hon. D. R. WHITE (Minister for Health)—Discussions have this week been held with representatives of the Victorian Public Service Association and the management of psychiatric institutions and with the Acting Director of the Clinical Branch of Mental Health Services, Mr Jim Daly, a first-class officer.

As a result of those discussions, more than 151 positions are being filled. This fact is known to the VPSA and it was sought by the VPSA. Some minor bans are in existence. The manner in which the clinical branch is handling the implementation of the appointment of those 151 positions is more than satisfactory.

PROTECTION OF SHELLFISH HABITAT

The Hon. D. M. EVANS (North Eastern Province)—I refer the Minister for Conservation, Forests and Lands to an incident that occurred recently at Venus Bay in Gippsland when people desiring to dig for clams for bait for fishing were told by an officer of the Minister's department that that action was illegal. Can the Minister inform the House how long it has been illegal to dig for clams for bait in Venus Bay, and does that ruling apply generally throughout Victoria?

The Hon. J. E. KIRNER (Minister for Conservation, Forests and Lands)—In December 1985 I announced an extension of the protected shellfish habitat eastwards along the coast from Western Port to Cape Liptrap, which, of course, includes Venus Bay. The officer concerned was operating within the Shellfish Protection Regulations 1985 which insist that clams, together with other molluscs listed in the regulations, cannot be taken. The fine that can be imposed is $500.

I am prepared to review those regulations after they have been in force for twelve months, but it is important to protect the habitat in the area.

PUBLIC HOSPITAL BOARDS

The Hon. M. J. SANDON (Chelsea Province)—From time to time constituents come to my office who are interested in being appointed to hospital boards, so I ask the Minister for Health a question in relation to that matter. Can the Minister inform the House what criteria are used in relation to appointments to hospital boards for persons in my area who would like to involve themselves in this work?
The Hon. D. R. WHITE (Minister for Health)—The method of appointment to hospital boards throughout the State is well known and understood. It is well known that it is in response to an advertisement that committees of management of hospitals make recommendations to the Minister as to who the most appropriate appointments may be, in order. The custom and practice has been in place for some time.

I have from time to time indicated to members of hospital boards that it may be in their interests to consider having categories of representation. One matter that should be known, clear and understood, is that no attempt is made to ask individuals whether they are identified with any political party; no attempt is made at this stage to ascertain their income or their occupation.

If the Opposition wishes to persist in this issue and would like to know the political affiliations of the current incumbents, I have no difficulty in joining with them in establishing that or in establishing their income and professional base. It should also be known, clear and understood, that a disproportionate number of members of hospital boards throughout this State—the overwhelming majority of whom were appointed by the previous Administration, which showed no compunction in regard to reflecting the community on those boards—are from the Liberal Party; and a disproportionate number are also from a socio-economic group that does not in any way reflect the community.

RESIGNATION OF DIRECTOR OF REGIONAL SUPPORT SERVICES

The Hon. G. P. CONNARD (Higinbotham Province)—I refer the Minister for Health to the resignation last week of Mr Barrie Beattie who held the key new job in Health Department Victoria of Director of Regional Support Services. On what date did Mr Beattie inform the Minister of his disillusionment with the department, and is low staff morale a key reason for the Minister’s failure to make permanent appointments to other key health jobs?

The Hon. D. R. WHITE (Minister for Health)—Unlike the practice of the previous Administration, it is the responsibility of the chief general manager to make permanent appointments to the organizational structure within the department and to make it known and understood from where those people have come. The previous appointment of a political nature of the current incumbent, the chief general manager, Mr Leon L’Huillier, was made by the National Party in Queensland, which appointed him to the board of the Royal Children’s Hospital. That person may be known to the Liberal Party because he was formerly a member of that party before he joined the National Party.

Honourable members interjecting.

The Hon. D. R. WHITE—Unlike the Opposition, Mr Barrie Beattie is held in high regard by the corporate sector and professionals throughout the community. It is quite probable that he has been head-hunted by a group of people acting on behalf of either the corporate sector or on behalf of another part of the Government sector and it is likely that he will be appointed in the very near future to a senior position. I wish him well in that regard.

I have indicated earlier that he worked in local government in a first-class capacity, and he was on secondment from local government in Essendon which secondment provided him with the opportunity of gaining experience in Health Department Victoria. It was known and understood at all times that an opportunity might arise for him to further his career outside the department and I wish him well in that regard when the appointment does become public. I am pleased to announce that Mr John McClelland, a regional director, will be fulfilling those responsibilities.
PERSONAL EXPLANATION

The Hon. D. R. WHITE (Minister for Health) (By leave)—Mr President, I wish to make a personal explanation. Last Wednesday, in the debate on the motion relating to community health centres, I advised the House that Health Department Victoria had not been contacted by the Ombudsman relating to a complaint lodged by Mr Birrell.

This view was based on advice then available to me from the department. Following the debate, I made further inquiries and I am now in a position to indicate that the Ombudsman’s correspondence had been received during the week prior to the debate.

SESSIONAL ORDERS

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

That so much of the Sessional Orders as requires that no new business be taken after 10.00 p.m. and that General Business shall take precedence of Government Business on Wednesday be suspended until the end of May and that until the end of May, unless otherwise ordered by the House, new business may be taken at any hour and Government Business shall take precedence of all other business.

Before the motion is proceeded with, I should like to make some explanatory comments. I have had discussions with the Leader of the Opposition and with the Leader of the National Party regarding this point. I want to give them an assurance following those discussions that tomorrow, which is General Business day and is usually taken up with Opposition business, the Opposition will have up to 4.30 p.m. for their business and the Government expects to proceed, after that time, with Government Business.

I give that assurance because that was an agreement reached between the Leaders. I also indicate to members of the House that we have a significant program ahead of us. After this week, there will be one week off and then a final week. I have spoken with the other Leaders and I intend to speak to them again tomorrow night before dinner because it may be necessary to suggest that the House sit for one or two days next week to get through the load of business that it has.

I am not announcing that that course will be taken, but I have said to the Leaders that the matter will be discussed.

I suggest to honourable members that it may be reasonable to do that rather than, as was originally intended, return for another week after the May school holidays. This is not an announcement but an indication that the Leaders of the three parties will discuss the matter at this time tomorrow evening.

The Hon. A. J. HUNT (South Eastern Province)—At this stage of the sessional period, it is traditional to have such a motion subject to assurances such as those the Leader of the House has given and some further assurances, too.

I understand that the Minister’s assurance that up until 4.30 p.m. tomorrow will be available for General Business means that no Government Business, other than the normal formal business and first readings, will be taken until then.

The Hon. E. H. Walker—Until after or at 4.30 p.m.

The Hon. A. J. HUNT—I take it the Minister has just given me an assurance that it will be at the conclusion of General Business or at 4.30 p.m.

The Hon. E. H. Walker—Yes.

The Hon. A. J. HUNT—The further assurance normally given is that on subsequent Wednesdays, up to 2 hours, as required, will be made available for General Business already on the Notice Paper or agreed to by the Leader of the House. I take it that that assurance is also given in accordance with custom.
The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs) (By leave)—Mr President, I had overlooked that matter. It was my intention to assure the Leaders of both opposition parties that the normal arrangements would prevail. On Wednesdays, other than tomorrow, 2 hours will be made available for Opposition or General Business.

The motion was agreed to.

PETITION
Residential Tenancies Bill

The Hon. W. R. BAXTER (North Eastern Province) presented a petition from certain citizens of Victoria praying that the Legislative Council will pass the Residential Tenancies Bill without delay and without amendment. He stated that the petition was respectfully worded, in order, and bore 11 signatures.

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

SUPREME COURT (RULES OF PROCEDURE) BILL

The Hon. J. H. KENNAN (Attorney-General), by leave, moved for leave to bring in a Bill to ratify, validate and approve certain rules of the Supreme Court, to amend the Supreme Court Act 1958 and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

SOUTHGATE PROJECT BILL

The Hon. J. H. KENNAN (Minister for Planning and Environment), by leave, moved for leave to bring in a Bill relating to certain land in the City of South Melbourne and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

LEGAL AND CONSTITUTIONAL COMMITTEE
Subordinate legislation and Interpretation of Legislation Act 1984

The Hon. HADDON STOREY (East Yarra Province) presented the first and second reports of the Legal and Constitutional Committee on subordinate legislation and the first report on the operation of section 32 of the Interpretation of Legislation Act 1984.

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

That the reports do lie on the table and be printed.

These reports are important because they are the first reports from the Legal and Constitutional Committee that refer to the operations of the new provisions of subordinate legislation and the Interpretation of Legislation Act. Honourable members will note that earlier today I gave notice of motion to disallow certain statutory rules. The reason for that motion is adequately explained in these reports.

The reports state that some legislation is not understood and that the impact of new legislation fails to comply with statutory provisions. It would be of assistance to all departments and people outside the public sector to read these reports and understand the operation of new legislation.

The motion was agreed to.
PAPERS

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

Dandenong Valley Authority—Report and statement of accounts for the year ended 30 September 1985.

Police Service Board—
Determination Nos 448 and 449.
Determination No. 1 for Police Recruits.
Determination No. 5 for the Retired Police Reserve.


Statutory Rules under the following Acts of Parliament:
Dietitians Act 1981—No. 90.
Optometrists Registration Act 1958—No. 89.
Police Regulation Act 1958—No. 83.
Public Service Act 1974—No. 70; and PSD No. 8.

Town and Country Planning Act 1961—
Cobram—Shire of Cobram Planning Scheme 1979—Amendment No. 18.
Eildon Reservoir Planning Scheme 1959 (Shire of Mansfield)—Amendment No. 28, 1980.
Geelong Regional Planning Scheme—Amendment No. 131, Part A.
Gisborne Shire Planning Scheme—Amendment No. 4, 1983.
Lillydale—Shire of Lillydale Planning Scheme—Amendment No. 212.
Sherbrooke—
Shire of Sherbrooke Planning Scheme 1979 (Rural Areas)—Amendments Nos 26 and 29.
Shire of Sherbrooke Planning Scheme 1979 (Urban Areas)—Amendment No. 32.

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

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

MORTUARY INDUSTRY AND CEMETERIES ADMINISTRATION COMMITTEE

The PRESIDENT announced the receipt from the Assembly of the following resolution with which they desired the concurrence of the Council:

That the resolution of the House of 3 April 1985 appointing the Mortuary Industry and Cemeteries Administration Committee and providing that the committee be required to present its final report to the Parliament no later than 30 November 1986 be amended so far as to require the final report to be presented to the Parliament no later than 30 November 1988.
The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—By leave, I move:
That the resolution be agreed to.
The motion was agreed to.
It was ordered that a message be sent to the Assembly intimating the decision of the House.

GUARDIANSHIP AND ADMINISTRATION BOARD BILL

The Hon. J. H. KENNAN (Attorney-General)—I move:
That this Bill be now read a second time.
The Guardianship and Administration Board Bill is a long overdue reform to a neglected area of the law, which will do much to assist a neglected group in the community.
The Bill is based on the December 1982 report of the Minister's Committee on Rights and Protective Legislation for Intellectually Handicapped Persons—the Cocks committee report.
The committee conducted extensive public consultations in 1981 and 1982 after receiving its reference from the then Liberal Minister of Health, the Honourable Bill Borthwick. The report was widely distributed for public comment in 1983 and 1984.
The Guardianship and Administration Bill forms part of a package of mental health legislation first introduced into Parliament in May 1985, together with the Mental Health Bill and the Intellectually Disabled Persons’ Services Bill. There has thus been almost a year for public comment on the proposals contained in the Bill.
The Cocks committee found that the present:
Victorian civil commitment laws do not promote the goal of providing non-institutional residential options which enable intellectually handicapped persons to live with dignity in the community.
The committee focused on personal guardianship as a way of providing those options, and made very similar recommendations to the earlier report of the consultative council on review of mental health legislation, handed down in December 1981.

GUARDIANSHIP AND ADMINISTRATION BOARD

Guardianship
The Cocks committee recommended the establishment of a guardianship tribunal which will hold open informal hearings to determine whether a person is in need of a personal guardian. In the Bill, the tribunal proposed by the Cocks committee is described as the Guardianship and Administration Board.

Only persons who have a disability, who are unable by reason of the disability to make decisions, and who need a guardian, can have a guardian appointed.

Anyone will be able to apply to the board. The board will be able to make orders for either plenary, or full guardianship, or guardianship limited to decisions about certain matters.

I point out that the vast majority of intellectually disabled people are capable of looking after their own affairs and are not, and are never likely to be, in need of guardianship or estate administration.

As recommended by the committee, the board will be able to tailor make orders to each case ranging from full guardianship and full administration of a person's estate to limited guardianship or partial administration of the estate leaving the person free to control “a small but growing proportion of his estate”, to no administrator at all where a person's
lack of ability to manage his affairs can be remedied through a training program. The board will supervise and advise guardians and administrators.

Administration

The philosophy of the least restrictive alternative is also followed in the provisions in the Bill providing for the appointment of administrators. However, it should be noted that the Government has not accepted the majority view of the Minister's committee that an individual is preferable to a professional administrator. There is no doubt that a guardian of the person requires special qualities.

He or she will often be a family member, living in reasonable proximity to the person concerned, who is able to fulfill the responsibilities of guardianship.

Different qualities are required for an estate administrator. An estate administrator, especially if the estate is of any size, must have a business acumen, and be able to exercise a professional disinterest in the administration of the estate of the represented person. With this in mind, the Government has endorsed the substance of the minority report.

The Bill, therefore, provides that the preferred administrator is to be the Public Trustee. It does not follow from what I have said that other people are necessarily excluded from being appointed as estate administrators. What it means is that, before appointing any other person, the board must be satisfied that the person would act in the best interests of the represented person; that there is no potential conflict of interest; that the person is suitable to act as the administrator; and that there are special reasons why the other person should be appointed in preference to the Public Trustee.

A key feature of the Bill is the requirement that guardianship and administration orders be reassessed by the board periodically. This will ensure that the need for a guardian or estate administrator is re-evaluated on a regular basis and adjustments made as necessary.

There is no doubt that the appointment of a guardian or estate administrator affects the civil liberties of the person concerned. On this basis it is important that I should emphasize that the Bill provides a specific right of appeal to the Administrative Appeals Tribunal against orders of the board.

Two other matters should be mentioned before leaving this aspect of the Bill. The first is that the board will have a capacity, if the need arises, to appoint itself as a plenary guardian or limited guardian for a short period pending the determination of an application for temporary guardianship.

Temporary guardianship would normally be sought only in an emergency, and the Bill envisages that such applications will be dealt with by the board without delay.

The second point is to highlight the fact that the board will have an ability to initiate investigation in circumstances where an application has been made for guardianship and allegations have been made to the board that the person for whom guardianship is being sought is being unlawfully detained against his or her will, or is likely to suffer serious damage to his or her physical, emotional or mental health or well-being.

PUBLIC ADVOCATE

The Cocks committee also recommended the establishment of an Office of Public Advocate. The Public Advocate should, it was proposed, act, among other things, as a guardian of last resort and an advocate for developmentally disabled people. In line with these recommendations, the Public Advocate will have five main functions. These are, firstly, to act as guardian of last resort and intervening where desirable in guardianship proceedings; secondly, to promote family and community responsibility for guardianship; thirdly, to receive and, in appropriate cases, investigate complaints of abuse or exploitation of disabled people; fourthly, to make recommendations to the Minister with respect to the operation of the Act; and, finally, to act as general advocate on behalf of the disabled.
The Public Advocate will be an appointee of the Governor in Council, and consequently will be, and will be seen to be, independent of the bureaucracy.

The creation of the Office of Public Advocate, which is modelled on that of the public guardian in Alberta, represents a recognition by the Government of the importance of preserving the rights of disabled people.

The office will serve the disabled community generally, including persons suffering from mental illness who are the subject of the provisions of the Mental Health Bill and those who are disabled and affected by the Intellectually Disabled Persons' Services Bill.

I believe the establishment of the Office of Public Advocate represents a watershed in the protection of the interests of disabled people in our community.

**MEDICAL TREATMENT FOR THE INTELLECTUALLY DISABLED**

At present the legality of carrying out any medical procedure on an intellectually disabled person is unclear. The Bill prohibits major medical procedures being carried out on a represented person without the consent of both the guardian and the board. Other decisions involving a represented person's health will be able to be authorized by the guardian alone, provided it is in the represented person's best interest.

The Bill provides clear and open procedures for decisions involving the health care of intellectually disabled people, which should be of great comfort to doctors and other health professionals.

At present, people involved in the health care of intellectually disabled people operate in a very shadowy legal area and, I believe, the changes made will be welcomed.

The Bill has met with the overwhelming acceptance of people involved in the care of the intellectually disabled, and representative groups of intellectually disabled people themselves.

Certain difficulties with the provisions as originally introduced have been recognized. A number of amendments were made in another place to meet the concern expressed over the powers of the board in relation to major medical procedures and in relation to giving of notice for hearings of the board on such matters.

The Bill introduced today strikes an appropriate balance, taking account both of interests of the community in ensuring that major medical procedures occur only after careful consideration, and the right of a disabled person to have access to all the medical procedures which may be sought by a person of full capacity.

**CONSULTATION**

There has been extensive consultation on the contents of this Bill, as well as the other Bills in the package.

The Bill was first introduced in another place in May 1985. The Minister for Health at the time then called for submissions. Between July and October 1985, a representative working party met frequently to consider the submissions, which were numerous. The amendments made to this and the other Bills as reintroduced last November adopted many of the recommendations of that working party. Since reintroduction there has continued to be detailed consultation. In the case of this Bill, a number of further amendments were made in another place and the Bill as introduced represents, I believe, a result which has wide support.

I am proud to be introducing this kind of enlightened legislation, which represents a sensitive, practical and cost-effective means of resolving disputes and providing better service in this area.

On the motion of the Hon. B. A. CHAMBERLAIN (Western Province), the debate was adjourned.
It was ordered that the debate be adjourned until later this day.

**Cognate Debate on Bills**

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

That this House authorizes and requires the Honourable the President to permit the second-reading debate on the Guardianship and Administration Board Bill, the Intellectually Disabled Persons' Services Bill and the Mental Health Bill to be taken concurrently upon the Order of the Day for the resumption of debate on any one of them being read.

The motion was agreed to.

**MINES (Amendment) BILL**

The Hon. D. R. WHITE (Minister for Health)—I move:

That this Bill be now read a second time.

After extensive public consultation, the Government introduced a Mines (Amendment) Bill in 1983 to ensure that all prospectors, medium and large-scale mining companies can coexist and that environmental safeguards and planning requirements are adhered to. That Bill was passed and the Mines (Amendment) Act 1983 has now been operative for almost two years.

Although the over-all objectives envisaged at the time of the 1983 amendments are being met, some administrative and machinery problems are being encountered. These problems are causing delays in the approval of mining titles and adding to the cost of administration within the Department of Industry, Technology and Resources. The State economic strategy commits the Government to streamlining legislation affecting economic development, and so it is necessary to make a number of urgent machinery changes to the Mines Act.

The streamlining of legislation in the resources area is continuing. The final report of Professor Crommelin’s study containing recommendations for the proposed review of resources law for the State of Victoria has been submitted to the Government. The Department of Industry, Technology and Resources is currently studying the recommendations of the report to assist in the major review of the Mines Act which is intended to take place within two years.

In addition to the streamlining of the Act, the State economic strategy provides for the removal of unnecessary impediments to new commercial projects which will provide significant long-term employment and economic benefits to the State.

The Bill that is now before the House deals with the machinery aspects of the Act and will also remove major obstacles that are within the current requirements of the Mines Act with respect to major commercial projects. These measures do not change the balance struck between the various parties involved in the Victorian mining industry by the 1983 Act.

The main purposes of the Bill are to: amend nineteen ambiguities, omissions and other technical errors, including consultation with land managers; prior consent to claim owners; consistency between Crown land and private land; eductor dredge licences; provide for planning permits to be obtained after the issue of a mining or development lease; exclude the necessity of mining warden hearing prior to the granting of a lease at a depth greater than 120 metres; remove an anomaly in the legislation regarding mining at a depth greater than 120 metres; and repeal the Gelliondale Land (Mineral Lease) Act 1950.

I shall now turn to some specific amendments in the Bill and explain their intention.

Among the more significant machinery amendments is the requirement of consultation with land managers. Consultation with all land managers is currently required by section
361A of the Act before an exploration licence is issued. Exploration licences are issued over large areas and frequently consultation is necessary with all land managers within the licence area. It is proposed that the exploration licence holder be required to consult only with the principal land manager in respect of any given land prior to commencing activity. A definition of "Principal Land Manager" is to be inserted into the Act and this should remove the existing vagueness in the current legislation.

Prior consent to claim owners: section 21A (26) is to be replaced because of its ambiguity and the current procedure is inconsistent with the principles established for the obtaining of a claim for more than 1 hectare where a claim does not already exist. The current requirements are difficult to justify and are presently causing concern. It is often necessary for a claim to be repegged with the possibility of a loss of area for the intending applicant. The proposed amendment clarifies the situation for intending applicants.

Consistency between Crown and private land: when the Mines (Amendment) Act 1983 was passed a number of procedural matters were introduced which apply to Crown land titles and Crown land applications. The procedures did not apply to private land. As a matter of principle the same procedures should apply to both Crown land and private land. The Bill amends this anomaly and allows the same procedures to apply to priority, abandonments, withdrawals and refusals for both Crown land and private land.

Eductor dredge licences: the current position for operators of eductor dredges is that a valid licence does not entitle them to prospect for minerals in a river or stream on exempted or excepted land. The proposed amendments will entitle licensed eductor dredge operators to prospect for minerals using prescribed equipment in a river or stream even though that river or stream is on exempted or excepted land so long as that river or stream falls within a specified prescribed zone. Such an amendment will enable eductor dredging to take place without the necessity of resorting to repetitive subordinate legislative mechanisms.

At present mining development leases cannot be issued in advance of planning approvals. This means that large projects of major economic importance to the State would be at risk as security of tenure over the area could not be assured until after planning approvals have been granted. The proposed amendments will allow for the issue of a lease prior to planning approvals, but this would be restricted to projects of major economic importance, and will require joint approval of the Minister for Industry, Technology and Resources and the Minister for Planning and Environment. It should be noted by honourable members that under the proposed special procedures, no operational work may commence until all the relevant approvals have been obtained.

Before a lease is granted for mining operations at a depth greater than 30 metres or 120 metres, where consent of the owner has not been obtained, the Act requires the mining warden to conduct a hearing to ensure that work on the lease will not cause appreciable damage to the land. This may result in a large number of hearings before the mining warden and delays to the project. It is proposed that the amendment should exclude operations under a lease at depths greater than 120 metres as these will have only minimal impact at the surface.

There is a conflict existing between sections 302 (1) and 306 (4) concerning the question of compensation for private landowners. It is considered necessary that this conflict be rectified and, to this end, the proposed amendments will remove the ambiguity.

The Gelliondale Land (Mineral Lease) Act will be repealed by the Bill. This obsolete legislation was passed for a particular purpose 36 years ago and has never been implemented. The 1983 amendments to the Mines Act have since superseded the provisions of the Gelliondale Act.

Victoria has often been described as the "Cinderella State" for mining. Its closely settled nature and the extensive gold exploitation of the past have led many companies to focus their attention in more remote and less explored regions.