Thursday, 16 April 1987

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

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.

WATER ACTS (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

DEVELOPMENT AT CAMBERWELL DISTRICT CENTRE

The Hon. A. J. HUNT (South Eastern Province)—My question without notice is directed to the Minister for Planning and Environment. I refer to his continued evasion of direct answers in relation to the National Mutual project at Camberwell; and I now ask him to inform the House directly whether he has or has not made any commitment to National Mutual with respect to the project.

The Hon. J. H. KENNAN (Minister for Planning and Environment)—I congratulate Mr Hunt on taking the advice that I gave him last night at 11 o'clock to raise this matter with me again today. In the meantime, apart from going home, doing my shopping at the market this morning and attending to one or two other matters, I have not been able to make any further progress in my deliberations. However, I give him my assurance that if he raises the matter again this afternoon——

The Hon. A. J. Hunt—Have you made any commitment?

The Hon. J. H. KENNAN—I have made no commitment between 11 o'clock last night and 11.5 this morning. I congratulate Mr Hunt in renewing his initiative——

The Hon. A. J. Hunt—Are the residents wasting their time?

The Hon. J. H. KENNAN—Mr President, Mr Hunt is behaving in a disorderly manner. The matter has been going through the proper process for a long time and that should continue. I do not have the extraordinarily impetuous approach to politics——

The PRESIDENT—Order! The Attorney-General will address himself to the Chair and answer the question.

The Hon. J. H. KENNAN—Mr Hunt, by his questions, is continuing to act with impatience and impetuousness and is being hot-headed in the way that he is going about this matter. He should take a much cooler approach and allow the proper process to reach fruition in the fullness of time.

DIRECTOR-GENERAL OF DEPARTMENT OF CONSERVATION, FORESTS AND LANDS

The Hon. D. M. EVANS (North Eastern Province)—I refer the Minister for Conservation, Forests and Lands to the fact that Professor Tony Eddison resigned as Director-General of Conservation, Forests and Lands last year. Can the Minister indicate
whether there is a satisfactory applicant for that position, and, if so, when the appointment of the Director-General of Conservation, Forests and Lands will be made?

The Hon. J. E. Kirner (Minister for Conservation, Forests and Lands)—A number of satisfactory applications have been received and I shall make an announcement shortly.

INTERSTATE MILK SALES

The Hon. L. A. McArthur (Nunawading Province)—Following the two questions asked in this House yesterday by Mr Knowles, can the Minister for Agriculture and Rural Affairs advise what powers are available to the Government to control interstate trading of milk through the vesting of milk in the Victorian Dairy Industry Authority?

The Hon. E. H. Walker (Minister for Agriculture and Rural Affairs)—I thank Mr McArthur for his question and I am certain that Mr Knowles will be interested in my reply.

Under section 101 of the Dairy Industry Act 1984, the Victorian Dairy Industry Authority has the power to vest milk produced and supplied in Victoria.

Under a similar provision in the Victorian Dairy Industry Authority Act 1977, milk was vested on 20 February 1985. Perhaps I should indicate to Mr Knowles that all milk was vested in the authority and then manufactured milk was divested by that provision.

The authority and the Department of Agriculture and Rural Affairs have on a number of occasions sought to investigate ways and means by which the authority could fully control all market milk produced in Victoria so as to prevent the possibility of any interstate sales.

However, the High Court of Australia, ever since Federation, has continually reinforced the doctrine enshrined in section 92 of the Constitution that "trade and commerce between the States shall be absolutely free". There are a large number of cases which show that States, whether on their own or in concert, are unable legally to restrict the interstate sale of products.

Under section 101 of the Dairy Industry Act the authority has the power to vest "all milk produced and supplied in any area".

The Hon. R. I. Knowles—At the farmgate?

The Hon. E. H. Walker—Our best advice is that we cannot control milk produced and supplied for sale interstate, and I shall explain why in a moment. The 1985 Queensland Barley Board case yet again made it clear that statutory powers could not be used to control the sale of a product destined for interstate trade.

The Queensland Barley Board case appears to indicate that, even if the authority were to vest milk as it left the udder of the cow rather than at the farmgate, it could not control its sale if destined for interstate trade.

In mid-1985 the department again sought advice on this area through one of Australia's leading constitutional lawyers, the Hearn Professor of Law, Colin Howard. His advice was that an attempt by the authority to vest all milk so as to preclude it being sold interstate would be successfully challenged.

With such advice available, the authority is unable to consciously attempt to vest all milk in order to preclude interstate trade, knowing that to be contrary to the legal situation. An attempt at best would be successfully challenged and prevented by a Supreme Court injunction.

Parliamentary Counsel has on previous occasions pointed out that Victorian legislation which may involve interstate trade should be drafted so as to make it clear that the legislation does not attempt to encourage any unconstitutional activities.
For example, in the Marketing of Primary Products Act the following section is included. This is a different Act, but it applies in similar circumstances. It makes it quite clear that vesting powers apply only to produce for sale within the State. It reads:

17 (3) Nothing in this section and no proclamation under this section shall affect such portion of any commodity as is the subject of trade commerce or intercourse between the States or as is required by the producers thereof for the purposes of such trade commerce or intercourse or as is intended by the producers thereof to be used for such trade commerce or intercourse.

The issue is an interesting one; it has been debated previously and I responded twice in the House yesterday. I have done, as Mr Knowles would expect, some homework on the matter, and I now offer the advice I have just given. I shall give Mr Knowles a copy of that response.

To do what Mr Knowles suggests has been regarded by the Government's best advisers as being unconstitutional.

MIDLAND MILK PTY LTD

The Hon. R. S. de FEGELY (Ballarat Province)—I refer the Minister for Agriculture and Rural Affairs to the queries I raised on 7 April in which he acknowledged the substance of certain allegations against Midland Milk Pty Ltd that that firm was buying milk at less than the legal price and recycling out-of-date milk.

Is it also a fact that the firm has not fully paid its sales tax obligations on flavoured milk and, as a result, has been caught cheating to the tune of approximately $100,000?

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—I cannot give an unequivocal answer because I am not in possession of the facts requested by the honourable member. He is aware of the answer I gave, in a general sense, to this question on a previous occasion.

I shall follow up the matter in the next day or so and give the honourable member a response.

CHARTER OF SPECIAL TRAIN

The Hon. W. R. BAXTER (North Eastern Province)—Did the Minister for Conservation, Forests and Lands travel to Echuca on 22 March by special train? Can the Minister indicate the approximate number of other passengers on that train, whether those passengers made any contribution to the fare, and who paid for the charter of the train?

The Hon. J. E. KIRNER (Minister for Conservation, Forests and Lands)—I did not travel by train to Echuca. Some 200 persons did travel by train to Echuca and spent a good day at the Dharnya Centre. That, of course, is in Mr Baxter's province.

The Dharnya Centre in the Barmah Forest is useful in enabling people to understand the culture of the Yorta Yorta tribe who run the cultural centre there. It also provides accommodation for school groups and other groups.

The Minister for Sport and Recreation agreed to fund a train ride to enable disadvantaged groups to see the area as he realised how useful it could be—especially to Aboriginal people who live in suburban communities—for them to have an understanding of the whole of the culture of the Barmah Forest.

I should have thought for two reasons that Mr Baxter would have welcomed that initiative; firstly, it will provide a considerable boost to tourism in his area and, secondly, that many of the people who went on the train ride have since written to me stating that they did not know this wonderful place existed and, of course, they would be going back again.

The second reason is that a small percentage of Mr Baxter's constituents, a group to whom he does not often refer in this House, regard this as an important opportunity for
them to show what their role is in the Echuca area and, in particular, to enable people to understand their past culture.

If Mr Baxter feels left out of this great opportunity of visiting a State park in Australia rather than in Kenya or some other place where he feels more comfortable because the taxpayer pays, I assure him that I shall invite him on the next free trip.

**PROGRAMS FOR ABORIGINES**

The Hon. G. A. SGRO (Melbourne North Province)—Will the Minister in charge of Aboriginal affairs inform the House of the initiative he will announce in Mildura next Saturday?

The Hon. J. H. KENNAN (Minister for Planning and Environment)—I thank the honourable member for his question and for his interest in this important matter. Honourable members may be aware of the strong editorial on this related issue in the *Herald* last night which said:

It is hardly surprising that Aboriginals find little pleasure in events recording the 200th anniversary of white settlement. Systematically shot, poisoned and starved, their women raped; accidentally killed off with imported viruses; coldly herded on to white society’s rubbish dumps and then ignored; denied jobs, land, education, rights and status . . . the wonder is that they have survived.

It went on to urge this conclusion, which is related to the matters that I will announce on Saturday:

That is a record of which Australia should be ashamed. It damns us all. And while it should be a duty of government to make major improvements in those areas . . .

—and this is where that applies to us in this place—

. . . these need to be matched by addressing the equally critical area of white attitudes. Perhaps more emphasis needs to be placed within the education system on Aboriginal culture and history, on a different perspective of the events of the past 200 years. We need that understanding, that recognition of the need for justice of all.

My activities at Mildura on Saturday and in Morwell on Friday next week are part of the Government’s program from small beginnings to at least begin to redress the shameful record that the *Herald* editorial so properly referred to.

We have provided funds for the Sunraysia and District Aboriginal Cooperative to purchase a piece of land—it is not traditional land—that the cooperative will use, with funds from the Aboriginal Development Commission, to build a community centre and a cultural centre that will be of significant benefit and support for the Aboriginal community in the area, as well as providing for wider educational purposes in that area.

I shall also open in the mall a shop that the cooperative is renting with the support of the Government and the cooperation of the Mildura City Council for the sale of artefacts.

Likewise, at Morwell on Friday next week I shall hand over to the Aboriginal cooperative a factory to that has been funded by the Government to house Aboriginal building teams and some other economic projects.

These are real examples of the Government’s commitment to removing the injustices and to providing measures of support for local Aboriginal communities around Victoria. I would welcome the support of honourable members opposite for these initiatives rather than the perpetuation of the divisions that have characterised their negative attitudes to these issues in the past.

**MIDLAND MILK PTY LTD**

The Hon. N. B. REID (Bendigo Province)—How will the Minister for Agriculture and Rural Affairs prevent Midland Milk Pty Ltd from border hopping Victorian milk into New South Wales and back into the Victorian market?
The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—I am conscious that the possibility is always present of a farmer endeavouring to do what Mr Reid suggests. I have discussed that possibility with my officers and members of the Liberal Party.

The Government must ensure that, when milk is being produced, packaged and sent interstate, the milk so designed to go to Sydney does go to Sydney. I agree that that is important.

It is true that the Department of Agriculture and Rural Affairs can ascertain what happens in Victoria by monitoring what occurs in the processing and packaging plants, but it is not as easy to control a situation where unscrupulous companies may want to take milk over the border and bring it back again. I shall instruct my officers to examine ways of ensuring how such a system can be controlled.

MEAT INSPECTION SERVICES

The Hon. B. P. DUNN (North Western Province)—The Minister for Agriculture and Rural Affairs will be aware of the severe impact of the 100 per cent cost recovery of meat inspection services, particularly on the pig industry, largely through the unreasonable historic base charge applied to that industry. The Minister is also aware that, because of the Government's policy, a Castlemaine processor, Castle Bacon Pty Ltd, is paying an extra $800 000 this year over and above the present Commonwealth charge. What action is the Minister prepared to take to ease that situation pending the conclusion and consideration of the Delaney report into meat inspection services in Victoria?

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—The honourable member for Bendigo West, Mr David Kennedy, has brought the matter to my attention because the company concerned, Castle Bacon Pty Ltd, is in his electorate. Mr Kennedy has been an active supporter of Castle Bacon Pty Ltd and led a deputation to me which included Mr John Harris, the managing director of that company, and Mr Geoff Lee, the Chief Executive Officer of the Castlemaine Economic Development League. As Mr Dunn has suggested, the unitary system of charges was established in 1976. The basis of the system is that meat inspection fees for a sheep is counted as one unit—a system established by the Liberal Government some years ago—and a meat inspection fee for a pig was five units. It means that with 100 per cent cost recovery the fee per head for slaughter of pigs is $3.40 as compared with the current 87 cents for Commonwealth expert inspection service—a vast difference. Mr Dunn is correct in saying that this has cost the company a lot of money.

Had the National Party not been so obstructionist in the House on the transfer of meat inspection, Mr Harris's company would have been saved literally hundreds of thousands of dollars. Even now Mr Dunn has the opportunity of seeing the stupidity of his ways and changing his position. With agreement to pass a Bill through this sessional period, the Government can correct the situation. All Mr Dunn has to do is to indicate that the National Party is willing to allow the Bill to pass and the problem can be solved. Mr Dunn has the answer in his own hands.

It seems hypocritical in the extreme for Mr Dunn to be concerned now about the plight of Castle Bacon Pty Ltd when the solution to the problem is entirely in his own hands. If Mr Dunn is unwilling to give that undertaking, the Government's options require time to implement. The Government can either readjust the unitary system to make the charges fairer or move to a per inspector basis for charges, as has been suggested by Mr Delaney, but it is not possible to change the present charges without a regulatory impact statement, and that would take three months. I put the matter back in Mr Dunn's court; if he wants to resolve the situation he can indicate that the National Party will pass the Bill and the Government will put the Bill through the House this sessional period.
ELTHAM COPPER BUTTERFLY

The Hon. J. L. DIXON (Boronia Province)—I direct my question to the Minister for Conservation, Forests and Lands. The Eltham copper butterfly has recently been rediscovered and many people are excited about that, especially conservation groups. Could the Minister inform the House what action the Government is taking to protect that butterfly?

The Hon. J. E. KIRNER (Minister for Conservation, Forests and Lands)—It is interesting to note that smiles appear on the faces of some honourable members when these issues of endangered species are addressed.

There is some recognition of the similarity between politicians and the Eltham copper butterfly. It is important to recognise that in the 200 years since white people have been in Victoria we have managed to wipe out one in six of the flora and fauna species. That makes the rediscovery of the Eltham copper butterfly important.

The matter was first brought to my attention by my colleague in another place, the honourable member for Greensborough, who is the local member. She indicated that the butterfly had been discovered in a small area of Eltham where there are proposals for a redevelopment. We had thought that the Eltham copper butterfly was more extensively situated than is now found. It appears now, after work by David Crosby, a consultant entomologist, that it exists only in a particular area.

The problem is that the particular area is earmarked for development as a housing estate. The Government needs to ensure that it does all in its power to protect the butterfly. At this stage, the department is receiving cooperation from the developer, who said he will not do any works on sewerage or drainage until early May, and from the Eltham Shire Council, which is interested in assisting with replanning the area.

The Ministry for Planning and Environment and my department are now working on whether it is possible to replan the development or whether it is possible to have a land exchange. My department is considering the possibilities of discovering other colonies and of getting the Victoria Conservation Trust involved in the preservation of the habitat.

I reiterate that these are important issues that will be addressed by the Government’s proposed flora and fauna guarantee because the whole of our human future is closely interrelated with the preservation of our ecology as it is. Therefore, although the plight of the Eltham copper butterfly may not weigh heavily on the minds of learned members and learned friends, it is an important issue for our national heritage.

INTERSTATE MILK SALES

The Hon. R. I. KNOWLES (Ballarat Province)—Further to his answers to questions earlier today indicating that he cannot control the interstate trade of milk, can the Minister for Agriculture and Rural Affairs advise the House today why the Government gave a 12-cent-a-litre special deal to Midland Milk Pty Ltd, a company previously acknowledged to be engaged in illegal and improper practices, which will allow that company to use that special advantage against other processors trading in Victoria?

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—At the risk of boring the House yet again, I shall explain what occurred. Midland Milk Pty Ltd was involved in a court case in New South Wales which began in 1983 and ended in 1986, and which established once and for all its capacity to sell milk across the borders. The company had the courtesy of contacting me five or six weeks ago indicating that it intended to sell milk in Sydney. I said that that could cause grave difficulties with the orderly arrangements between the States and that the company should contact the Victorian Dairy Industry Authority to explain what it proposed to do. It did so and the authority was aware that, no matter what the Government said to that company, it intended to market milk in Sydney and had the legal right to do so.
The VDIA, to its credit, went through a procedure whereby it told the company that if it proposed to do that it should buy its milk through the Victorian milk pool so that dairy farmers in Victoria would receive the same benefit from the initiative. The authority did not take the initiative to sell milk interstate; Midland Milk Pty Ltd took that initiative. It is to the credit of the authority that, knowing what was to occur, it ensured that there would be some benefit for Victoria.

The price established was the same price charged for UHT, long life milk, which is a product sold interstate. That seemed to be a proper basis of operation. It will allow a significantly larger income for that milk, which is marginal and in addition to what would be sold in Victoria as market milk. It would normally be used for manufactured dairy products. It will therefore provide additional income for Victorian dairy farmers.

The whole intent of this Government and of the authority over the years has been to try to market milk in New South Wales on an orderly basis, and I understand that that appears to be coming good.

The Hon. R. I. Knowles—But you cannot protect other processors.

The Hon. E. H. Walker—Hopefully, we will have the capacity on an authority-to-authority basis to put milk into the Sydney market, and if that occurs we will have accomplished something that the Liberal Party could not do for 27 years when in government.

The Government is assisting dairy farmers with support from the United Dairyfarmers of Victoria to put into effect something the Government has wanted to do for a long time. If we can get an interstate milk pool it will be something we have done in two or three years that the hopeless Opposition, when in government, could not achieve in 27 years.

**EMPLOYMENT OPPORTUNITIES FOR YOUNG PEOPLE IN CARE**

The Hon. M. A. Lyster (Chelsea Province)—I believe the Minister for Community Services would agree that young people in the care of Community Services Victoria would tend, for all sorts of reasons, to fall into the group of people for whom employment opportunities are limited, and I ask what measures are being taken to address that problem.

The Hon. C. J. Hogg (Minister for Community Services)—A joint initiative task force called the employment access program has been established between the Department of Labour and Community Services Victoria, and it is another way of bringing to bear assistance and support for young people who are looking for and needing jobs. The program has been operating for eighteen months and its specific target is young people who are in institutions, wards of the State and young offenders between the ages of 15 and 21 years.

I direct attention to some figures: to date, some 400 young people have been placed in employment, education or training programs. Of those 400, 124 have been placed in the State additional apprenticeship scheme, and so far 66 per cent of them have completed the first year of their apprenticeship.

The Commonwealth Government Department of Employment and Industrial Relations has agreed to set a Statewide target of 3 per cent for such disadvantaged young people within the Commonwealth Employment Program. I agree with Mrs Lyster's remarks that young people who are the clients of Community Services Victoria are often in a spiral of disadvantage, with associated offences. It is extremely important that every opportunity is offered to them to obtain education, training and apprenticeship and eventual employment. I am delighted to indicate that this initiative is beginning to hit the spot.
GOVERNOR'S SPEECH

Address-in-Reply

The Order of the Day for the resumption of the debate on the motion of the Hon. M. A. Lyster (Chelsea Province) for the adoption of an Address-in-Reply to the Governor's Speech was read.

The motion for the adoption of an Address-in-Reply to the Governor's Speech was agreed to, and it was ordered that the Address be presented to His Excellency the Governor by the President and members of the House.

SHOP TRADING BILL

The debate (adjourned from April 7) on the motion of the Hon. D. R. White (Minister for Health) for the second reading of this Bill was resumed.

The Hon. R. S. de FEGELY (Ballarat Province)—The Bill as proposed by the Government is certainly a move to some degree towards better trading hours in Victoria. However, if the people of Victoria are expecting a true deregulation of shop trading hours they will be bitterly disappointed.

The objectives of the Bill are:

(a) To provide a simple and rational regulatory scheme for shops and retail trading;
(b) To provide simple and effective measures for registration and classification of shops;
(c) In the interest of the public and of proprietors of and employees in shops, to regulate the trading hours of certain classes of shops;
(d) In the interest of the economic development of Victoria, to make provision for exemption from regulated trading hours in tourist and holiday areas or at markets or during festivals or events of special importance.

All honourable members in this House would agree that those are indeed worthy objectives; and those of us on this side of the House certainly agree with them.

I point out that the Liberal Party believes in open trading. Businesses should have the right to choose to open or to stay closed, and people should have a choice to shop when it suits them best.

Many changes are taking place in society, particularly in the work force, as more and more women enter it and, as a consequence, the traditional hours make it difficult for many people to spend the time they desire in shopping. I refer particularly to working couples who work during traditional hours. It would be to their benefit if trading hours were extended.

Undoubtedly, there is some demand for additional trading hours in Victoria. I quote from a letter from the State Chamber of Commerce and Industry, which was written to the shadow Minister responsible for small business in another place, Mr Gude, by Mr David Jones in which he made reference to the Shop Trading Bill:

While the State Chamber of Commerce and Industry (Victoria) welcomes this Bill which removes some restrictions on shop trading hours, the chamber is extremely disappointed the Government did not take the opportunity to remove all restrictions on shop trading hours.

It was not possible under the terms of reference set down by the Government for the Regulation Review Unit, which was chaired by Mr Bob Miller, to study the anomalies which exist within the shop trading system.

Opposition members appreciate the efforts of Mr Miller in assisting them to work through the Bill. That was of great help to us. Mr Miller was formerly the honourable member for Prahran and, during his time in Parliament, he made a great contribution to Parliament.
On page 2, the recommendations of the Miller report show that there were three criteria under which the body could have looked at the anomalies. They were:

1. To recommend that nothing be changed thus accepting and defending the status quo.
2. To recommend more controls and tighter regulations to reduce anomalies.
3. To examine each anomaly on its merits, to promote a more coherent and consistent system and to recommend changes to achieve that preferred system.

The Regulation Review Unit chose the third opinion. The only criticism that the Opposition has, other than the fact of the narrowness of the inquiry and that it has not resulted in a broadening of shop trading hours, is that all the recommendations that were put forward by Mr Miller were not taken up by the Government in the Bill.

The most glaring example of that, which has received much publicity in recent times, is the matter of the hardware trade. The Government has been embarrassed by the actions and trading of Mr Frank Penhalluriack and that has caused it some difficulty, particularly in the areas of penalties, prohibitions and restrictions. It is a shame that the Government has not seen fit to extend the hours to the area of the sale of hardware.

Another factor that has concerned the Opposition, and that was not taken up in the Bill, was the number of employees in an "exempt" shop. I shall deal with exempt shops later.

The recommendation of the Miller report was that the number of employees in shops that may be exempted should be 30.

In its wisdom, the Government has opted for only twenty. As honourable members are aware, the Government has not proceeded with any extension of weekend trading hours. The Minister in the other place has stated that a further inquiry will be held on the subject but it appears that the Government has placed this issue in the too-hard basket and is not prepared to tackle it. The Government has indicated some intent and perhaps the issue may be addressed before the end of the year. The Liberal Party will welcome that initiative.

There are many anomalies in shop trading hours: there is a variance of hours; hours differ from centre to centre or even from one side of the road to the other; there are differences between country and city hours; and there are differences in tourist areas. Ararat has ordinary shop trading hours whereas Stawell, a tourist precinct, has an exemption from restriction to ordinary hours and its shops are able to open for however many hours they wish.

I refer to a recent opinion poll by the Morgan company dated 10 March that highlights the differences in trading hours between country and city centres. The figures relating to country areas present a difficulty to me because generally country people are not enthusiastic about an extension of trading hours, particularly over weekends. The poll was conducted Australia-wide.

There was much greater support in New South Wales for all-day Saturday shopping. The support in Victoria was down 2 per cent on that figure but is still a high figure of 66 per cent. A breakdown of the Victorian figures reveals that 72 per cent of Melbourne shoppers favour all-day Saturday trading whereas only 48 per cent of Victorians living outside Melbourne favoured those hours. The different opinions throughout the State cause difficulties for a Government in reaching decisions and, obviously, the Government is still agonising over those differences.

Business people in country towns are afraid that their customers will shop elsewhere if the larger centres trade over extended hours while the smaller centres remain closed. There is a fear that if one's neighbouring trader is open, one's business will be lost to the other trader.

I am not entirely convinced about that and I often consider the situation faced in Ballarat, for instance, which is quite a significant tourist centre, yet is strongly opposed to extended shop trading hours.
There seems to be a conflict there in that the traders want to encourage tourism but many of the owners do not wish to remain open during the weekends and holidays, which would be of great advantage to the tourist trade. Largely the opposition comes from the older established businesses. I can understand that they feel more comfortable remaining with the hours that have been established during past years and none of us really cares for change. If we are not placed in the situation where we are forced into change, we would rather maintain the status quo. That position is understandable but perhaps we cannot enjoy that luxury for ever.

No doubt employers face problems with increased shop trading hours but so, of course, do employees. One of the problems faced in Australia's wages system is penalty rates. The majority of businesses, shopkeepers and employers are not in a position to pay penalty rates and still make a profit. There is no point opening a shop unless some profit is to be made from it. Herein lies a great problem in the country but somehow it must be addressed if the tourist and restaurant trades—all areas that would be required to open outside the "normal" hours—are to be looked after.

The Liberal Party sympathises with employees, despite what many members of the Government would like to tell the public. It realises and understands that if employees are asked to work outside normal working hours, they should be properly reimbursed for their time. The Opposition also understands that many employees do not want to work on weekends or on holidays.

Employment in this country could be assisted in this area by employing people on a part-time basis. Again the problem here lies with the union movement, which insists that part-time employees must be paid penalty rates. That is farcical when one carefully considers the whole matter. Why should a person who works a day and a half at the weekend be allowed to earn almost as much as a person who is employed on a permanent basis during the week? The situation is crazy and must be seriously addressed.

The Bill does not greatly extend the hours that shops are allowed to remain open but it makes certain additions to them. The hours for the sale of red meat have been a bone of contention, especially among the farming community, and, as one who has been involved with farmer organisations over the years, I have been pushing strongly for longer hours for the sale of red meat. A Bill along those lines was introduced during the past twelve months in this House by the Honourable Fred Grimwade.

The Bill extends the trading hours for butchers' shops to 6 p.m. on normal weekdays. An interesting aspect of the proposed legislation is that it gives the closing times rather than the opening times for shops. I wonder why that is so. Nevertheless that is the way the Bill is drafted.

Clause 7 (1) states:

Butcher's shops must be closed, and kept closed at all times—

(a) on ordinary closing days; and

(b) on Saturdays between the hours of 1 p.m. and midnight; and

(c) subject to section 8, on Mondays, Tuesdays, Wednesdays and Thursdays between the hours of 6 p.m. and midnight; and

(d) subject to section 8, on Fridays between the hours of 9 p.m. and midnight.

That allows butchers' shops to remain open until 6 p.m. during the week and until 9 p.m. on Fridays. A further clause allows butchers' shops to remain open later during the week than that specified in clause 7 (1) but then they must close earlier on Fridays.

Clause 6 deals with exempt shops. I mentioned earlier that the Government is not prepared to implement the recommendation in the Miller report on the number of employees that make a shop exempt. Interestingly enough, although the Miller report recommended 30 employees as the limit for shops that could be exempted under the proposed legislation, the Government has reduced that figure to twenty. The difference
between having twenty employees and 30 employees is that only 216 shops out of the 45,000 shops in Victoria will be excluded from exemption. Therefore, it is difficult to understand why the Government is not prepared to accept the recommendation of the Miller report. The Opposition holds the view that 30 employees should be the number included in the proposed legislation and it will move an amendment to that effect during the Committee stage.

I have already referred to butcher shops, but further point out that representations have been made to me by the Meat and Allied Trades Federation of Australia, which is strongly opposed to any extension of red meat trading hours. The small changes proposed are I believe acceptable to the federation although it has not made that public.

In clause 8, a special provision applies to butcher shops, where a municipality can apply to the Minister to allow butchers to open until 9 p.m. on Tuesdays, Wednesdays and Thursdays, but they must then close on Fridays at the normal time.

The Opposition applauds the area of exemptions because it goes some way down the same track that the Opposition has been considering, which is that a municipality may apply to the Minister in order to extend hours if it sees fit. That is a proper role for a municipality and it allows some flexibility and, hopefully, we may find that, in the future, it will lead to more liberal trading hours.

Part 3 of the Bill refers to the registration of shops, which is an area of concern to the Opposition. Under this Part, it will no longer be the role of Parliament to set fees for registration; they will be dealt with simply by regulation. In the past, it has been the custom of Parliament to set these fees; a Bill has normally come through the House each year to amend the Labour and Industry Act to alter the fees and therefore Parliament has had some jurisdiction over the fees set. The Opposition has some concern that this jurisdiction will be removed.

Clauses 10 and 11 concern the registration of shops and, in particular, markets. In our opinion the market site should be registered as a whole and store holders who operate in those market sites should be protected in that way. Under the Bill, the registration of store holders will be required. This will be an imposition, particularly in market sites where, quite often, stalls are taken up by charitable organisations and by community groups, all of whom are endeavouring to raise funds for some particular cause or charity. Under the Bill, it will be necessary for them to register their sites.

The Opposition also expressed some concern about the powers of inspection. Clause 20 refers to the appointment of inspectors and states:

The Minister may appoint an officer of the Public Service employed in an administrative unit for which the Minister has responsibility as an inspector for the purposes of this Act.

The Opposition wonders what prompts the Government to need to appoint somebody from the Public Service. It seems to be moving away from past practice. It more or less presupposes that the present method of inspection is inadequate and therefore the Government considers it necessary to authorise an officer of the Public Service to act in an overseeing role.

Organisations in the industry such as the Chamber of Commerce and the Victorian Employers Federation have expressed some concern and have asked the Minister to explain why this provision is necessary.

The Hon. M. J. Sandon—Someone has to check it out. Who else would do it?

The Hon. R. S. de FEGELY—I thought inspectors were provided under the previous Act.

Under clause 22, if a breach of the Act is found by an inspector—and this is somewhat intriguing—the shop is to be closed within an hour or such longer period as the inspector may direct.
The Opposition wonders why, if such breach is found, it is necessary to take an hour or longer to close a shop. It seems to be a strange provision.

The Opposition is also concerned about clause 24, particularly in relation to offences against the Act. Some of the paragraphs seem to reverse the role of British justice in that the onus of proof of innocence now rests with the defendant. Once again opinions have been expressed by the Chamber of Commerce and the Victorian Employers Federation.

Mr David Jones from the Chamber of Commerce, in his letter of 20 February to Mr Gude, expressed concern about clause 24 (1) (e) which states:

The onus of proof that the requirements of this Act with regard to the registration of shops have been complied with as to any particular shop is on the defendant.

—and with paragraph (f), which states—

The onus of proof that a shop is not within a particular municipal district or locality mentioned in the summons is on the defendant.

The Opposition also sees problems in the future with that provision of the Bill.

Clause 28 deals with transitional exemptions. Concerns have been expressed about this measure and assurances have been requested. The exemptions in existence prior to the proclamation of the Bill will be allowed and existing provisions in the Labour and Industry Act will be carried forward.

Clause 31 limits the penalty period attaching to a person convicted for an offence to five years. This is certainly a welcome change. Those who have committed an offence will be considered to be completely exonerated five years after the conviction and will be free from the stigma of that offence.

Clause 33 changes the hours of trading, under the Liquor Control Act, to allow for trading on Christmas Eve between the hours of 6.30 p.m. and 9 p.m. That is because Christmas Day this year falls on a Saturday.

The schedule to the Bill lists the various businesses and shops affected under the Bill. All other States, in similar legislation, have covered hardware shops and although Mr Miller recommended the inclusion of hardware shops, they have been excluded. The Liberal Party will move for their inclusion when the Bill is in Committee.

In the main, the Opposition is happy to go along with the Bill apart from the few matters I have mentioned, and I shall refer to them in more detail during the Committee stage.

The Hon. R. M. HALLAM (Western Province)—Retail trading hours will always be a complex and emotive issue given that there are so many competing interests and complicating factors. Above all, the ultimate objective must address a number of fundamental issues: firstly, it should provide consumers with reasonable access to the goods they want to purchase; secondly, it must make provision for special factors, such as tourist resorts and holiday resorts; and, thirdly, it must provide for social occasions for activities such as fetes and festivals. At the same time, it must provide a fair and rational set of conditions for retailers and their employees. I am unsure whether we would recognise that objective even if it were achieved.

It is not possible to take right and wrong decisions on an emotive issue such as this. The best one can hope for is that good decisions as distinct from bad decisions are made. In this case, the good decision will be one that faithfully takes into account the various rights, views and interests of those involved.

While the National Party concedes that the issue is complex, it does not believe that is a reason to completely vacate the field—in other words, completely deregulate trading hours—because that would introduce a whole range of unfortunate complications and distortions. No-one would doubt that deregulation would favour the larger centres and operators at the expense of the smaller centres and operators. It would see the demise of a whole section of the retail industry. Total deregulation would produce a dog's life for
those involved in the industry as employers and employees, and I speak from the heart having had approximately 23 years' experience in retail and having lived through an extension of trading hours.

The National Party has carefully considered its response to the Bill; it has consulted widely with each sector of the industry and has come up with a stance which it believes takes into account the best interests of the majority of the people whom the party represents. The National Party recognises that not everyone will agree with that stance, but that is the nature of the subject.

The National Party is pleased to have the opportunity of discussing retail trading hours, and it congratulates the Government on having the fortitude to open up the subject for debate.

The regulation of trading hours currently devolves upon the Labour and Industry Act. The Act has been so frequently amended over the years and has become such a hotchpotch that it is often said within the industry that one does not need to read the Act to understand the trading laws, one needs to have grown up with it.

I appreciate the opportunity offered for simplifying trading laws and coming up with a system that will codify shop regulation, classification and administration. I was delighted when the Government commissioned the Miller report, and I place on record the fact that the National Party is impressed with the report both in terms of its investigation and its recommendations.

Widely diverse views exist on which direction we should head, and I shall mention a view of them. From the trader's point of view, it is obvious that wages represent several times the next greatest expense of operation; therefore, trading hours are the biggest single factor affecting profitability. Because of that, the hours of operation are a big question.

When considering additional hours, a trader must take into account the additional turnover he would expect to win from the additional trading time and he must weigh up the profits from the additional trade against the costs directly incurred during the additional hours.

The ultimate situation for a trader would be a straight 38-hour week and that would involve no overtime and no penalty rates, to which Mr de Fegely referred, and it would be simple to manage. Of course, that would depend on what the trader's competitors did. That system would be satisfactory only if the competitors opened not only for 38 hours a week but also during the same 38 hours. If that were the case, all could share in the consumer dollar and they could do so at the lowest cost. This would maximise profits and, importantly, that would introduce the lowest retail prices, which is a point that is overlooked in most debates. However, that is not in the real world. Given the trend over the past few years, it is clear that some time in the future open-ended trading hours will be introduced.

At the other extreme, one must consider the situation confronting the consumer who wants to be able to purchase his or her needs exactly when those needs arise. If that is taken to its logical conclusion, we would have open-ended trading hours, that is, 24 hours a day, seven days a week. That is also not in the real world because the relative costs involved with the periods of low sales activity put the trade into the uneconomic basket.

Mr de Fegely referred to public opinion polls and what they suggest in reference to extended trading hours. It stands to reason that members of the public will always favour an extension of trading hours. However, they do so simply because they do not understand the real situation.

If members of the public were asked whether they wanted additional trading hours and it was pointed out to them that additional costs would be involved, I suspect that the results of the opinion polls would be dramatically different. If members of the public knew that trading at 2 a.m. would involve additional costs during traditional trading times, their response would be different.
I shall refer to the situation that applies in some States of the United States of America and Canada. People have said to me that it is tremendous that consumers can go to the supermarket at 2 a.m. and have the entire operation to themselves. From the point of view of convenience, there is room to argue in favour of that. However, I can also inform the House from experience that the margins that apply in retail in America and Canada are dramatically higher than those that apply in Australia.

I have previously cited in this House the situation that arose when the franchise with which I was associated brought to Australia from America the doyen of supermarket operations to tell members of the franchise how to run their operations. He went back to America completely disillusioned, not knowing how Australian retailers survived on their margins. The major component in the difference in margins is directly related to trading hours.

Between the two extremes are some further complications. For instance, those traders who have relatively low wage costs have promoted the call for the extension of trading hours; I refer to the supermarkets with checkout operations at the front door and relatively cheap wage costs.

The only real opportunity that the large supermarkets have of expanding is by winning the trade of the traditional sector in the corner stores.

It is interesting to see the impact which the general trend in trading hours has had upon the labour component within the retail industry. We see now a much lower percentage of trained and career-type staff in the industry. I suspect that we will continue to see a dramatic change in that direction. In my view, one of the worst effects of the trend in trading hours has been to downgrade the careers and conditions within the industry.

As I said, they are the two extremes. On the one hand, there is a component of society that says, "We want the shortest possible trading hours because they are most economic in overall terms", and, on the other hand, another component of society says, "We should have the longest trading hours possible because they are convenient to consumers". We must make a value judgment and arrive at a result which is somewhere between the two extremes.

The first argument that is put forward is to say, "Why not leave the industry alone?" Some people believe the industry should be allowed to sort itself out.

They say, "After all, we now have a potential trading period of 133 hours a week in Victoria; Rafferty's rules do not seem to be operating in the marketplace in any large degree".

However, I make the point that we cannot have that because we cannot afford it. If each trader does his or her own thing, we are not necessarily going to make a decision that is in the best interest of the economy or society. If this is taken to its logical conclusion we will get problems. No trader makes a trading hours decision in a vacuum. Traders are likely to be influenced more than any other factor by what their competitors do.

I shall take a situation where one trader decides to open for an additional 3 hours and wins some additional trading. It may pay the trader handsomely, but the point arises at which the competitor says, "I cannot afford to be seen in this light and I must meet the competition".

We now have two traders competing for the additional trade. It may be that it is not profitable for either of them to do so. Then we have the position as to who will recognise that and cut out the 3 hours' additional trading. The answer is that neither of the traders will do so. That has a domino effect in the industry.

A classic example can be seen by the operations of the firm in which I was involved for a number of years. It went through that experience when late night trading was first introduced. We were given the choice of trading either on Friday night or Saturday
morning. The staff members were awarded a five-day week, which the company did not oppose because it was the logical alternative.

The Hon. W. A. Landeryou—What century was this?

The Hon. R. M. HALLAM—it was not very long ago; I remember it well. The logical alternative was to trade on Friday night instead of Saturday morning because it overcame the need to roster staff and pay overtime. It cut out staff disruption and made the operation easy to manage. The firm operated under that system for three years; it traded until 9 p.m. on Friday instead of opening on Saturday morning. However, there came a point when we could not afford the questions asked of our business. How bad could it get before we decided to reopen on Saturday mornings? It took three years for that to happen. The net effect was that we were then working for five and a half days a week and trading an additional 3 hours for exactly the same gross turnover, but with additional cost. That was the net effect in a small community. I have lived through the experience and I know it to be the real case.

The Miller recommendations, which, in my view are faithfully captured in the Bill, are pragmatic. The Bill specifies the ordinary closing days, for a start, as Sundays and other recognised public holidays.

The second point is that all but exempt shops must close on those ordinary closing days and on Saturday between 1 p.m. and midnight. Then it spells out what is an exempt shop. It does this firstly by description under the schedule, and then by excluding a certain level of employment. That was the point made by Mr de Fegely. I shall come back to that point a little later.

Under clause 8 (2) the Bill provides that a council of any municipality may make application for exemption from the Act for a district or, indeed, for a particular location, say, in the case of a market, or for a particular occasion such as a fete or a festival.

It brings the control of trading hours back to the local level and the National Party supports that as a general concept. I note from the second-reading notes that the Minister for Industry, Technology and Resources gives an undertaking that the Government will be issuing guidelines under which that application by a municipality can be made. In the view of the National Party, if that faithfully captures the views of the traders directly involved, it is an important point.

The National Party has problems with some of the specifics in the Bill. However, it intends to give its general support to the broad principles of the structure and the regulatory framework it lays down. I shall say more about a few specific points during the Committee stage. However, at this stage I refer to a couple of broad principles about which the National Party has continuing concern.

The Miller report recommended that hardware, as a classification of shop, should be included as exempt. I know that problems will arise in any definition which relies on a description. In the retail industry it will be extremely difficult to draw the line anywhere based on a description of goods sold. There will be problems about what constitutes a hardware shop. I concede that. I understand the concerns of those operating hardware shops when they see others encroaching on their traditional trade. I concede the demand of handymen to have access to hardware stores at weekends. However, I want to make it clear that the hardware traders that we represent in this place are absolutely adamant that they do not want an extension to the existing trading hours.

The Hon. M. A. Birrell—What about Portland and Warrnambool?

The Hon. R. M. HALLAM—they do not want an extension to the existing trading hours. Mr Birrell misses the point. I am sorry for those whose businesses are affected by others who qualify as exempt for a variety of reasons and where, as a form of hybrid, they operate under the guise of a service station or a nurseryman or, worse still, those in the customer catchment area of another business which may qualify as a tourist resort.
On balance, the National Party has decided to support the Government's view and it intends to oppose the amendment which it understands the Liberal Party will be moving. For the record, the National Party is not persuaded by the argument that a competitor may be flouting the law. In the view of the National Party that is the worst possible rationale upon which to be promoting a change to the law. The National Party sees that in another light. The National Party believes that to be an abrogation of the responsibility of the law enforcement agency that is involved. The National Party would certainly not support a change in the law simply because someone today is breaking the law.

A further contentious issue in the Bill concerns butcher shops. In the past butchers' shops have been traditionally protected by a clause which prevented the sale of red meat after 6 p.m. That in itself has produced all sorts of anomalies in the retail industry. I can remember being extremely cross on each Friday evening at 6 p.m. when, at the peak of trading, we had to close down the red meat cabinets in the face of customers who wanted to buy the produce.

Consumers could be sold white meat and cooked meat but not red meat. I thought that was crazy at the time, and I still do. This is not a new stance for me because I have campaigned against the restriction on red meat sales for twenty years—long before I became involved in politics. It is a stupid law and it has had a causal effect on the decline in the sale of red meat.

It has been suggested that there will be a decline in the specialist butcher's shop trade if supermarkets are to be allowed to trade for three additional hours, one night a week. I disagree with that proposition. In my experience, the butcher's shop that provides a good service and a top product will survive against any odds. I am certain that will continue to be the case in the future.

Another question that is put is: why should butchers be asked to work from 6 p.m. to 9 p.m. one day a week when they already start work early in the morning? I understand that concern; however, the Bill does not cover an extension in trading hours; it addresses an existing anomaly.

A substantial proportion of the food sold in Victoria is sold during hours that a few years ago would have been regarded as being outside normal trading hours. I believe the traditional butcher is his own worst enemy. If he is not prepared to recognise that potential trade, nothing that can be done by Parliament in changing the law will make him understand.

If there is an inequity in that situation, it falls on the lot of the red meat producer. I wonder how they have been able to put up with that restriction for so long.

I have heard the argument that the expansion of trading hours will lead to the demise of the butcher trade; therefore, further anomalies will creep into our meat marketing system. Some strong statements have been made about concentrating the purchasing power in the hands of a few supermarkets. I disagree with that. I remind the House that the Bill provides for an additional 3 hours' trading a week, so it is not a larger sector of the trading week. If that means a concentration of power in the market system, it is already there. Some people believe there will be a further drop in competition, or that collusion in the marketplace will occur, but I suspect that already exists.

Two significant developments may occur if that position extends further. The first will involve the production of red meat under contract and the second will involve increased sales in the paddock. No producer has anything to fear from those developments.

It has been suggested that an extension of hours will lead to a loss of employment in the butchery trade. I do not accept that proposition. It is clear that supermarkets already employ butchers and I suspect they may employ more butchers than the traditional butchery trade. What are we attempting to protect? Are we talking about protecting a trade, and those in it, or about a specific traditional trader—the family butcher.
The supermarket that I operated for many years purchased prepacked meat from the local butcher who also traded against us from three different locations in the city. We all survived quite well from that practical arrangement. The butcher in that case had the best of both worlds; he had access to a supermarket outlet and could sell his meat through the traditional butcher shop. No butcher who operates a top outlet and is aware of the fundamentals of the trade—good service and top quality produce—will have anything to fear from increased competition.

The Miller report recommended restrictions on the number of employees in businesses that qualified as exempt and suggested the limit should be 30. In other words, businesses that would otherwise qualify as exempt businesses would be ruled out if the employment level was more than 30, but the Government decided that the limit should remain at twenty. The National Party believes the small trader would be better protected by further reducing that number to ten, and it will move an amendment putting the upper limit on employees at ten and not twenty. I shall float a couple of points related to that so that the Minister can respond to them.

The National Party wishes to clarify the category of employees covered by the provision. Clause 6 (2) states:

A shop is not an exempt shop at a particular time if, at any time during the period of seven days immediately before that time, the sum of—

(a) the number of persons employed in the shop ... was 20 or more.

The Hon. W. A. Landeryou—Just as well we put it in plain English!

The Hon. R. M. HALLAM—Yes. One must seriously consider the wording of that provision. The clause does not refer to the equivalent of full-time employment. It does not discriminate between part-time, casual and full-time employment, and there is an important difference. It simply says “20 or more”.

Due to the nature of retail conditions a vast proportion of employees are either part-time or casual. Do honourable members really understand what they are doing when a limit is imposed on the number of employees? How will we test whether there are twenty or more employees at any time in the week preceding the point at which the inspection takes place? Will the inspector enter the shop and count heads? That would not satisfy the clause because he would need to be there for a full week to ascertain whether there were twenty staff on the premises.

The logical course to follow is to refer to clause 18, which covers the power of inspectors. The best way of ascertaining the number of employees is to examine the wage records of the previous week, but the clause does not give inspectors the power to inspect wage records. Clause 18 (1) states:

An inspector may with such assistance as he or she requires enter, inspect and examine at all reasonable times by day or night any shop or market site that he or she considers it is necessary to enter in the administration of this Act.

How will the limit be tested? Are we fair dinkum about this upper limit on employees or is it just put up as a sop to the community? I ask the Minister to respond to that issue.

The Hon. W. A. Landeryou—Have you looked at the retail shops awards with respect to the powers of inspectors?

The Hon. R. M. HALLAM—No. I have not. Clause 8 (8) provides the Governor in Council with the discretion to proclaim four additional trading days a year. The National Party will oppose that subclause. If the Government wants additional trading days, it should legislate for them at the time. That is what has occurred in the past. The National Party has been happy with that arrangement because it has worked well in the industry.

Under the Bill, the Government has the opportunity of declaring four additional days as trading days. It does not specify that those days should be Saturdays; they could be
Sundays. That is the thin end of the wedge. It is inconsistent with the general thrust of the Bill and will not be supported by the National Party.

This is a complex measure. It has enormous implications for an important industry in our community. I indicate that, in general terms, the National Party supports the principles involved.

The Hon. L. A. McARTHUR (Nunawading Province)—I support the Bill and congratulate the authors of the Miller report on the excellent work done by them. The Government has responded to that report by the introduction of the Bill.

The reference in the second-reading speech to consumers having adequate access to goods was a most significant statement and I am pleased that Mr Hallam, because of his experience in the trade, was able to expand on that point. He made a good explanation.

The second balance brought to the debate by Mr Hallam was that shop trading laws and the regulations imposed on the industry are there to preserve and encourage a diverse and competitive industry.

The Bill aims to give consumers access to goods and to develop a diverse competitive industry. It has been said in the House that it is difficult to achieve a full balance. However, the Government is attempting to achieve that and is resisting some of the foolish policies and the interests of entrepreneurs in the industry.

The argument for open slather trading for 24 hours a day, seven days a week, seems to come from two sections of the community: the large supermarket chains represented by the Coles, Woolworths, Safeway and McEwans type of operation, and the other is from the Kennett faction of the Victorian Liberal Party.

The aim of open slather trading is, of course, access. That means access to shopping for 24 hours a day, seven days a week. The cost of that open slather will obviously come under the heading of competitiveness but the true situation is that the cost will be passed on to the ordinary consumer.

As was pointed out by Mr Hallam from his years of experience in the trade, the longer the shopping hours the greater the cost to the retailer. The retail dollar cannot be extended magically. It is a finite dollar. If all retailers are chasing the same dollar for 24 hours a day, seven days a week, the costs must be higher and that cost must be reflected in higher retail prices.

The other cost applicable to the Kennett-Coles, Woolworths and Safeway alliance will be at the cost of employment.

Mr Hallam made a strong point in saying that the change from permanent skilled people in the retail industry to the checkout people in a computerised industry makes an important difference to the industry and to the customers. Given reasonable opportunity by the Government, surely the service and expertise of the people working in small businesses will sustain and hold those businesses together.

The Bill demonstrates the Government's commitment to the industry. The rewrite of the Labour and Industry Act was long overdue and additions have been made to the list of exempt shops. Difficult as it would be to define the purpose of a shop, the definition obtained in the Bill seem to be effective.

I like the fact that local government has some input. I like the fact that people operating in markets must display evidence of their registration. Like most members from outer suburban areas, I frequently receive complaints concerning not all traders but a few operators in markets. The showing of evidence of registration will at least allow the customer to attempt to protect himself. It is not possible to protect everyone, but we can allow people the opportunity of protecting themselves.

The Bill also addresses the red meat trading hours problem, to which I shall return later.
The trading hours debate continues in Victoria, mainly between two groups. Those in favour of open slather usually claim that there are not enough trading hours. Victoria has 133 hours available to traders, as compared with 64 hours in New South Wales; 58 in Western Australia; 54 in Queensland; 57 in Belgium; and Greece, which has 6 million to 7 million tourists a year, has 45 hours of trading and fewer hours for supermarkets. The retail industry has ample scope for trading and I am pleased that at special times, such as the run up to Christmas, it has taken the opportunity of extending its trading hours. In my electorate at certain times of the year, supermarkets open at 7 or 7.30 a.m. and close at 10 p.m. They provide a service within the regulated hours, and those hours are probably reasonably correct to achieve the Government’s two aims of access for shoppers and the provision of a diverse and competitive industry.

As was pointed out by the two speakers who preceded me, one cannot expect more of the consumer’s dollar to go into the retailing industry. The only result of open slather trading would be to divert some of the retail dollar from small businesses, corner shops and the small strip shopping centres to the large self-service complexes that are supported by computerisation of their stock and warehousing and by part-time staff; and the Government’s aims that were undertaken as a result of the Miller report would be thwarted.

One occasionally hears the argument from those few proponents of open slather trading that the small shops could open at the hours they chose if the open slather Kennett-Coles proposal were adopted. That is arrant nonsense on two counts, as was pointed out by Mr Hallam and others. If a competitor opens, you must open and other competitors open; and the major shopping centre managements require small businesses to open.

The shopping centre with which I am familiar required shopkeepers to open on Thursday nights as well as on Friday nights. During the winter, one of the largest retail store managers eventually told the management what to do. One Thursday night, he took $6. The next Thursday night, his takings did not even pay for the light, and yet he was required to stay open. However, it is the policy of those larger centres to require shops to remain open.

The argument that traders can choose whether to remain open has no validity, and Victoria’s 133 hours are sufficient. I invite honourable members to consider who supports open slather. The support is not strong. The Victorian Liberal Party wants trading seven days a week but that proposition does not have much support from other people.

At page 67 of Hansard of 24 March 1987, the honourable member for Hawthorn said:

Business assets will benefit because if a shop is open 24 hours a day, 7 days a week, the percentage of cost against overhead is reduced.

That is the view of the Liberal Party spokesman. If that is correct, Mr Hallam obviously knows nothing about costing in a retail business. In this case I will back Mr Hallam. His statements reflect his twenty years of experience in the retail industry.

The Australian of 27 January 1987, under the heading “Small shops ‘lost $100m in hours trial’” reported:

The preliminary results of the State-wide survey show small businesses lost at least $100 million mainly to larger retailers, during Queensland’s four-week trial of extended hours in December and January.

The trial of extended hours was abandoned by the Queensland Government.

The Retailer of January 1987 reported:

Queensland’s one month trial of deregulated trading hours had been an economic disaster . . .

The Milk Bar of March 1987 said, when dealing with the question of extended trading hours:

The West Australian Government has reverted to the former practice of requiring most shops to close at midday Saturday.
After a trial of extended trading hours during the running of the America’s Cup races, the Western Australian Government decided that those extended hours were not in the interests of consumers or of a diverse trading situation.

The *West Australian* of 11 February 1987 reported:

Mr Tony Barlow, managing director of Tony Barlow Menswear—which operates 47 shops throughout Australia—said the group had been lobbying to have the extended trading abolished. Ninety per cent of retailers supported such abolition, he said.

Where does the support come from? I am not sure that it even comes from inside the Liberal Party. Apparently Mr Ian Smith, the honourable member for Polwarth, is equivocating. He told a Liberal Party meeting that, if 24-hour trading had to be introduced, it would be phased in over ten years.

Another Liberal Party member who represents the seat of Ballarat North, I understand, did not campaign vigorously during the last election campaign on the Kennett-Coles proposal.

**The Hon. M. A. Birrell**—That is not unusual for Tom Evans!

**The Hon. L. A. McArthur**—I thank Mr Birrell. Honourable members will notice that the honourable member for Ballarat North read the mind of his electorate very well, and he seemed to be in no danger.

_The sitting was suspended at 12.59 p.m. until 2.3 p.m._

On the motion of the Hon. L. A. McArthur (Nunawading Province), the debate was adjourned.

It was ordered that the debate be adjourned until later this day. Leave was granted to the Hon. L. A. McArthur to continue his speech on the resumption of the debate.

**RURAL ECONOMICS STUDY**

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

That there be laid before this House a copy of the Victorian Government's response to the Lloyd Rural Economics Study.

The motion was agreed to.

**The Hon. E. H. Walker** (Minister for Agriculture and Rural Affairs) presented the response in compliance with the foregoing order.

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

**MINISTERIAL STATEMENT**

**Rural Economics Study**

**The Hon. E. H. Walker** (Minister for Agriculture and Rural Affairs)—I wish to make a Ministerial statement with regard to the Victorian Government’s response to the Lloyd Rural Economics Study report.

The Rural Economics Study—RES—was established in June 1985 by the Victorian Government with the following terms of reference:

Specific action—including administrative changes—which the Victorian Government can take, in line with its long-term economic strategy, to enhance economic and employment growth in rural areas.

The best means of improving communication of Government concerns and actions aimed at meeting the economic needs of people in rural areas.

The study was commenced by Professor Alan Lloyd of the University of Melbourne in September 1985, and the Government released the subsequent report in August 1986. The report dealt with a wide range of rural economic issues and made recommendations on a large number of specific matters.

In releasing the report, I indicated that it would receive wide circulation, and I actively encouraged broad-based community discussion over the ensuing three-month period. Advertisements seeking comment were placed in the Age, Sun, Weekly Times, and Stock and Land newspapers.

Forty submissions were received. Comments were collated, together with responses by Professor Lloyd, and considered by the Government.

**VICTORIAN GOVERNMENT RESPONSE**

I am today releasing the Government's response to the Lloyd Rural Economics Study report. I am pleased to table this response for the benefit of honourable members.

I am pleased that the Victorian Government is responding positively and directly to the Lloyd Rural Economics Study report. Most of its recommendations relating to the responsibilities of the Victorian Government will be implemented.

Key decisions to implement recommendations relating to the Victorian Government include:

Greater efforts will be made to help farmers improve their financial management skills (Lloyd recommendation No. 5.1).

Annuity schemes, and how they can be encouraged, will be investigated (Lloyd recommendation No. 5.2)

Effective coordination of rural counselling arrangements will be introduced including increased cooperation between State and Federal Government agencies and community groups (Lloyd recommendations Nos. 5.4, 5.5 and 5.6).

The Government has confirmed that its implementation and financing of social justice policies will not impose burdens on municipals rates (Lloyd recommendation No. 9.1).

The Government will suggest to the Local Government Commission that rate increases be phased in where particular ratepayers face substantial increases, particularly from a proposed restructure (Lloyd recommendation No. 9.4)

Many changes are under way to improve the Department of Agriculture and Rural Affairs (Lloyd chapter 10).

The Government is taking action to improve two-way communications with rural Victoria (Lloyd chapter 13).

The Government agrees that because of the poor economic returns primary producers should not be encouraged to grow crops for biomass production—a broad discussion paper on transport fuel policy is also being prepared (Lloyd recommendations Nos. 14.2 and 14.3).

The Government will clarify and publicise its policy on regionalisation of departments and authorities (Lloyd recommendation No. 14.4).

The Government has already announced its decision to introduce legislation for temporary transfers of water entitlements in the new irrigation season (Lloyd recommendation No. 14.5).
The Government will review major regulations affecting product standards and descriptions and other regulations which impinge on agricultural marketing, to eliminate unnecessary regulations, increase flexibility and free up resources (Lloyd recommendations Nos. 14.6 and 14.7).

The Government supports action to increase interstate trade in the dairy industry so milk is produced and sold nationally, competitively and efficiently—meetings of representatives of New South Wales and Victorian dairy farmers, dairy authorities and departments are under way (Lloyd recommendation No. 14.8).

The Government agrees that drought policy, and processes for dealing with droughts, should be publicised widely—appropriate action will be taken on this (Lloyd recommendations Nos. 14.9 and 14.10).

The Government agrees that fertiliser transport regulation should be phased out.

The announced trial in relation to using a lower off-peak farm electricity tariff will be undertaken as soon as possible in cooperation with the Victorian Farmers Federation—VFF.

Proposed reforms to farm rating provisions have been considered in the proposed new Local Government Act which has been released for public comment.

The Lloyd report agreed that the payment of a public authority dividend—PAD—by commercial agencies such as the Grain Elevators Board—GEB—is right and economically sound. However, recommendation No. 7.2 of the report proposed that the PAD payment by the GEB should be shared between the Government and grain growers. The Government has previously indicated that this recommendation will not be accepted, and this remains the Government’s position. It should be recognised that, in the 1986–87 budget, the PAD payment from the GEB was reduced from $4·5 million to $3 million.

The Government has no intention of extending the requirement to pay a dividend to all businesses owned by the Government as recommended in the Lloyd report.

A major area where the Government has decided to depart from the Lloyd report concerns the Rural Finance Commission—RFC—discussed in chapter 6.

The recommendations in this chapter have attracted significant comment. A clear divergence of views emerged between the Victorian Farmers Federation and the Rural Finance Commission—which basically supported the status quo—and a number of financial institutions and rural community organisations, which supported change.

The major recommendation that the commission’s general commercial lending role should be discontinued is not supported.

A further proposal—recommendation No. 6.5—suggested that if general lending is to continue, it should be at full market rates, without subsidy. The Government accepts the principle that the commission’s general lending program should be conducted in a commercial manner but notes that most RFC general lending is at less than full market interest rates. Given the current difficult economic climate facing sections of the rural sector, the Government considers it inappropriate to increase interest rates to the rural sector. Some limited reforms for which there has been widespread support will be made.

The Government supports the creation of a review mechanism relating to decisions about eligibility under the rural adjustment scheme. The Government also supports providing applicants with clear and full reasons for decisions concerning assistance. Submissions will be invited as to the best means of implementing these principles.

As proposed in recommendation No. 6.7 of the Lloyd report, the RFC will continue to have reasonable autonomy to administer all rural assistance programs, while being generally accountable, through the responsible Minister, for its policies and operations.
Clear links will be encouraged between the Department of Agriculture and Rural Affairs, the Victorian Economic Development Corporation, the State Bank and the RFC. This will include closer liaison on general lending purposes and closer links between the RFC and the objectives of the Government's economic strategy.

Apart from the commission's general lending, some specific RFC loan programs—for example for soil conservation, tackling salinity and so forth—are currently financed out of the State Budget. The RFC is provided with funds from the works and services program at concessional interest rates.

It is proposed to examine replacing the concession element in these rates with a similar amount of assistance provided via an explicit budgetary allocation to the RFC. These funds would be used by the RFC to reduce the interest rate on funds lent out in approved programs. The RFC would be required to report to the Government on the allocation of those funds.

NATIONAL ECONOMIC ISSUES

Issues relating to responsibilities of the Australian Government, together with public comments received on those issues, have been referred to the Australian Government for its consideration. The Victorian Government will monitor progress to ensure that these issues are fully considered.

Issues relating to the transport and handling of grain have been referred to the National Royal Commission on Grain Storage, Handling and Transport.

The Victorian Government agrees with the Lloyd report and the Victorian Farmers Federation that lobbying efforts by the Australian Government to free up international agricultural trade should be strongly supported.

AGRICULTURAL ECONOMIC TRENDS

It is important that there be a wide recognition in the community about long-term agricultural economic trends. A summary of the Lloyd material relating to these trends will be widely publicised.

The update of the Victorian Government's long-term economic strategy will include a chapter relating to agriculture and provide a broad policy direction for the future. The central feature will be that Victoria must build on the competitive strengths of all its rural industries, including primary, secondary and service industries.

A more detailed economic statement for Victorian agriculture will be completed for release later this year. It will include specifics relating to each agricultural sector and community involvement will be important in its preparation.

MALLEE WHEAT PROBLEMS AND CHALLENGES

Apart from the long-term future, the Victorian Government is also conscious of the more immediate problems and challenges facing sections of our rural industries because of depressed world prices. These difficulties are particularly pressing for grain growing in the Mallee area.

Last year special crop loans were made available to enable crops to be planted and to enable people to consider their positions carefully over a reasonable period.

The Government is keen to help build a sound future for agriculture in the Mallee. At the same time, those who need to leave farming should be assisted to consider their position and to get a reasonable new start.

Programs to develop agricultural options for grain growers such as developing marketing and production of grain legumes, are important and are being expanded.

As well, the RFC has been asked to ensure that its general lending program remains supportive of the entire grain industry and the Mallee in particular. I have asked the
commission to handle individual cases with care and flexibility. As well as applying the rural adjustment scheme, the RFC may in special circumstances provide a subsidised loan on security, which may include a crop lien.

The Government is continuing to provide support for financial and social counselling for both farmers and non-farm businesses, as well as working to increase farm financial management training programs. I have met with bankers and the RFC to discuss assistance measures for Mallee farmers.

The Australian Government is currently considering proposals, which are supported by the Victorian Government, to increase rehabilitation grants for those farmers leaving agriculture and to increase rural adjustment funding.

Victorian Government departments are also being urged to bring forward activities that could contribute to the benefit of the Mallee area. Assistance has been made available for water rates and State Electricity Commission payments in the Mallee.

Considerable efforts are also being made to reduce costs and charges and to increase investment in grain freight and handling facilities. Ongoing efforts to reduce difficulties in the Mallee will continue to be an important priority.

SOCIAL ISSUES

In addition to rural economic issues, the Lloyd economics study attracted numerous submissions and comments on wider social issues that are particularly relevant to rural Victoria. Many of these social issues were beyond the direct scope of the study. The Victorian Government believes these matters are significant and should be considered further by the Government. The Rural Affairs Office in the Department of Agriculture and Rural Affairs has been asked to examine these matters further and report to the Government.

CONTRIBUTION OF PROFESSOR LLOYD

On behalf of the Victorian Government I particularly wish to thank Professor Lloyd for his diligent, creative and helpful analysis of many rural economics issues. I also wish to thank the reference group and staff who assisted Professor Lloyd.

In addition the Victorian Farmers Federation made a positive, articulate, balanced submission commenting on the Lloyd report. Further discussions with the VFF have also been of value in reaching substantial agreement on how to handle most of the issues raised in the report.

The Lloyd report will be of significance for Governments and rural communities in this State for many years to come. I hope many of the long-term difficulties confronting Victorian agriculture can be reduced by improvements in Government and community understanding that are now under way.

The Hon. R. I. KNOWLES (Ballarat Province)—I move:

That the response and Ministerial statement be taken into consideration on the next day of meeting.

I seek an undertaking from the Minister that he will allow debate on the response and the Ministerial statement to take place prior to the end of the sessional period.

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—I am happy to give that undertaking.

The motion was agreed to.

SHOP TRADING BILL

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

The Hon. L. A. McARTHUR (Nunawading Province)—Before the suspension of the sitting earlier today I was commenting on the changes to the trading hours for red meat.
There is diverse competition in this area and sensitive planning is needed to legislate properly. Mr Hallam referred to this matter earlier. Another element of the debate is that if a butcher’s shop is unable to compete this could have an effect not only on the consumer but also on the producer of livestock.

Honourable members will recall that Fred Grimwade introduced a Bill providing 133 hours of red meat trading a week. Anyone who wishes to know my opinion of that measure can read Hansard. I believe that measure went too far. The red meat share of the market has been eroded by a number of factors, of which perhaps the shorter trading hours for red meat compared with other products may be a minor one. Those factors include dietary habits and food fads of all descriptions.

There have been social changes as well. The Sunday dinner has long since gone and the mobility of people has brought about changes that have reduced the market share of red meat. The marketing of other products, such as chicken, has also been a large factor. Not all of the market share of red meat lost has been due to marketing factors; there are also social factors and dietary habits. The trading hours for red meat are more suitable now but new products need to be developed.

Butchers’ shops will prosper under those trading hours. I am sure they would not prosper under the 133 hours a week proposed under the Bill dealing with trading hours. There is a danger to butchers’ shops, and the honourable member for Murray Valley in another place is certainly aware of those dangers as I found when I read his contribution to the debate in the other House. Butchers’ shops provide a service, and also provide information to the customer. The labelling of the product and some of the practices carried out in the preparation of meat are not up to a high standard, and that matter needs to be remedied. Some of the skills, such as the cutting of meat, are not evident in some supermarkets. But those skills in the handling and presentation of meat have been the domain of 90 per cent of butchers in butchers’ shops and they provide a good service and a good quality product as part of their business.

Butchers’ shops also have another big advantage over supermarkets in the area of cost. I shall refer to the meat survey of 7 March 1987 conducted by the Knox Prices Action Group Inc.

The Hon. Rosemary Varty—You do not really believe that, do you?

The Hon. L. A. McArthur—Yes, I believe it, and Mrs Varty should check it some time. The survey covered the prices of 1 kilogram of the following types of meat: topside roast; rump steak; T-bone; stewing/casserole; corned silverside and minced topside. Under the heading of lamb, it covered leg of lamb; loin chops and forequarter chops, and for pork it covered leg pork and pork chops. It also covered chicken fillets and thin sausages. That made up the package, and the difference in prices this year indicates that the package from Safeway, Boronia, cost $78.87; Safeway, Scoresby, $74.35; and Coles, Kilsyth $76.86. I could read all the figures, but I indicate that butchers’ shops sell their meat more cheaply than supermarkets. At Gilbertsons, Boronia, the same package cost $57.68 and at Clydesdale, Ferntree Gully, it cost $58.17. That list indicates that there is a difference of between $70 and $50 in the cost of the packages of meat.

The Hon. M A Birrell—What is the point?

The Hon. L. A. McArthur—I am making the point that butchers’ shops need reasonable trading hours, and they certainly provide the customer with service.

The Hon. M A Birrell—is compulsory to shop at supermarkets?

The Hon. L. A. McArthur—Farmers are interested in market forces and if the shift of the meat is to supermarkets it will have a deleterious effect. I draw attention to the development of the Charlton feedlot which has the capacity to deal with 12 000 cattle. It takes in 1000 head of stock at one end, and 1000 head of stock go out the other end. My understanding is that that feedlot is owned by a major supermarket chain, and has an
output of 1000 beasts. This is vertical integration, and a further extension of that integration would certainly jeopardise the markets that farmers usually have for fat stock.

Butchers will prosper under the proposed extension of hours, and there should be reasonable access for customers. The proposed legislation balances the Government's two aims of access and diversity. Many of the anomalies and much of the mumbo jumbo of the Act has gone. The Labour and Industry Act has been simplified, and the proposed legislation will allow the retail industry to be more viable, multi-faceted and beneficial to the community.

The Hon. M. A. BIRRELL (East Yarra Province)—There is enormous merit and demonstrable public support for the extension of shop trading hours in Victoria. I rise to speak about a specific aspect of the debate, and that is extending shop trading hours for hardware shops.

The report compiled by the State Government's Regulation Review Unit entitled “Shop Trading Anomalies and Penalties in Victoria” strongly supported the concept of extended trading hours for hardware shops. As Mr de Fegely pointed out earlier, the Liberal Party believes is not unreasonable to allow people to buy produce from hardware stores on Saturday afternoons and Sundays.

The concept behind that is a simple one: if there is a demand for such a service, that service should be provided. The Liberal Party gives full credit to Bob Miller and his team who were involved in the Regulation Review Unit for doing such a thorough study of the proposal, and in reaching the conclusions they did on pages 136 to 139 of the report.

In summary, the conclusion reached by the unit, as set out at page 137, stated:

It is the firm recommendation of the unit that hardware shops should be added to the list of Exempt Shops. There is a compelling case that has been made out for adding hardware shops to that list.

Long standing inequities have faced hardware dealers who must compete with retail nurseries, markets, petrol shops and accessory shops all of which legally sell a variety of hardware lines at weekends.

The report then went on in detail to explain some of the examples where hardware is already available in Victoria and where it is a nonsense to ban just some shops in some areas from selling produce which is uniquely in demand on Saturdays and Sundays.

It is no surprise to anyone that most people do such work as home renovations at weekends and it is not unusual that there is a demand at that time for building supplies and other goods and services that are provided by normal hardware shops.

Mr Miller made the following comment in the report:

Submissions received by the Unit provided other examples of consumers being able to purchase gardening tools, plants and other required items to enable them to work in their gardens at weekends. However, they could not buy appropriate tools or hardware items at weekends to enable them to work on, paint or renovate their homes. It was also pointed out that garden work is not without problems, for one may purchase a spade, cement and garden stakes but not a hammer, nails or paints and stains.

All of those are eminently logical points.

Anyone who has done any renovations on his or her home would know from experience that everything in that statement is true.

Under the Cain Government and also—it must be said—under previous Governments, it has been illegal to purchase hardware items on Saturday afternoons and on Sundays. There is much history on the subject, and all honourable members are aware of the troubles.

I do not shy away from the fact that former Governments did not fix up the problem either, although it has been highlighted by members of the former Liberal Government, because many of the people who are criticising the restrictions at present are Liberals.
The Opposition supports extended trading hours; in this case, for hardware stores. We believe they should be allowed to trade on Saturdays and Sundays and be treated as exempt shops. Therefore, we support the Miller recommendations.

Such a shift in trading hours would be popular in Victoria and, indeed, it is long overdue. Of course, in many cases, it is already legal in Victoria to buy hardware produce at the weekends. I cite as examples the cities of Warrnambool, Portland, Horsham, Mildura, Swan Hill, Echuca, Sale, Bairnsdale, Castlemaine and Geelong. They are just some of the cities where one can go to buy hardware produce at the weekends if one so wishes.

The Hon. R. M. Hallam—For part of the year.

The Hon. M. A. BIRRELL—One can do so for part or all of the year. For example, trading by hardware stores at Portland is unrestricted. However, if one lives in Melbourne, as some three million people do, it is against the law to do so—unless one goes to one of the few exempt areas. This is where the situation becomes all the more bureaucratic and unrealistic.

If I wish to buy a box of nails for my home in Hawthorn, I cannot buy them in Hawthorn or in any of the surrounding suburbs, but I can buy them at St Kilda. I cannot buy them in Caulfield, but I can buy them at the Victoria Market. Alternatively, I can travel a considerable distance to some of the holiday resorts around Melbourne which happen to have unrestricted trading.

As Mr de Fegely says, by interjection, it is a farce. There is no logic in it. My example serves to demonstrate that the law really did not keep pace with the times. History shows a few exemptions were included in the legislation. After a while, the exemptions have proved there is a need for a new rule, and the new rule is to allow people to have a right of access to hardware.

I do not know whether a “social justice” principle exists that covers the right to hardware! It probably does exist; a pamphlet and a task force probably exist as well! However, if such a principle does not exist, I point out that people should have a right of access to those shops.

Almost every place in Australia allows virtually unrestricted access to hardware stores. Of course, there is no great social evil in it.

The Hon. C. J. Kennedy—Where is this?

The Hon. M. A. BIRRELL—I am glad Mr Kennedy has asked that question—he has dragged himself away from his colouring book!

In New South Wales one is allowed to purchase hardware for 24 hours on Saturdays and 24 hours on Sundays. One is allowed to buy hardware in Queensland for 24 hours on Saturdays and 24 hours on Sundays. The same situation exists in Tasmania, the Australian Capital Territory and the Northern Territory.

I concede that there are two States that do not have total trading for hardware, but they still allow more trading than Victoria. South Australia allows 22 hours, whereas Victoria allows only 13 hours of trading for hardware at the weekends. Western Australia allows 35 hours of trading for hardware at the weekends, whereas Victoria allows only 13 hours—which, of course, is restricted to Saturdays.

Therefore, the movement in virtually every other part of Australia is towards greater access to hardware stores. There have been no tidal waves or massive bankruptcies in those States. Small hardware stores still exist, as do large ones, so I have a fundamental faith that the market will sort itself out.

As to the argument that an extension of trading hours for hardware stores will mean that it will be compulsory for those stores to open, I believe that is not correct. Just because one person opens his or her store does not mean that someone else must also open.
However, if those stores are opening and providing a service to the community, that is manifestly in the public interest.

The situation will probably develop where people do not open and operate for 13 or more hours a day because most people will not want to go to a hardware store at midnight on a Saturday, and so on. More often than not, the stores will respond by not opening at unusual times. However, we should be able to say to them, “You have a legal right to open, but you are not legally compelled to do so”.

I have outlined the experience of country Victoria and interstate. Of course, there is also massive access to this type of facility overseas.

In the United States of America and in continental Europe it is quite common for hardware or do-it-yourself stores to be available for massive and free public access.

No restrictions exist where stores must operate only between 9 a.m. and 5 p.m., Monday to Friday, because most people who want access to those facilities do not want them during that time of the day and week.

Therefore, practical experience overseas should also be considered. There has been no uprising to say that this change should not occur; it is just a matter of accepting reality.

The most celebrated person who is involved in this trading hours debate is Mr Frank Penhalluriack, who for years has been campaigning to get the laws changed. From the Opposition’s side of politics, we considered him as one who was legitimately causing community debate and had a great deal of public support. I can understand this being seen—and Mr Miller refers to it in his report—as something of a difficulty for the Cain Government to accept changes in hardware laws because it might be considered in some way as “rewarding” Frank Penhalluriack.

I admire the work that Mr Penhalluriack has done in directing to the attention of the public a stupid anomaly in the law. However, I should hate to think that the Government is not changing the law or addressing that anomaly simply because it does not want to be seen as acknowledging Frank Penhalluriack and those who fought alongside him.

The concept of consumers having the right to choose when they want to shop is surely not foreign to anyone in this Chamber. In practical terms, the idea of hardware stores being the stores that should be open on weekends is eminently sensible.

The Opposition intends to move an amendment to that effect during the Committee stage. Although it may not be passed in this Chamber at this time, the Opposition believes the change will become inevitable over the next few years, which all political parties will embrace and consider to be long overdue.

The Hon. ROSEMARY VARTY (Nunawading Province)—Most of the major points relating to the Bill have been covered by my colleagues, so my remarks will be fairly brief.

The Hon. D. R. White—Excellent!

The Hon. ROSEMARY VARTY—I am pleased that the Minister is delighted about that. As my colleagues said, these changes are long overdue and I, too, congratulate Mr Miller on the detail of his study.

The position of the Liberal Party on the matter has been quite clear. We believe individuals have a right of choice not only on the time of shopping, but also—as Mr Birrell has just enunciated—a choice as to the product they wish to purchase when they want it.

The Government attempted to portray itself as a reformist Government, and yet it becomes fairly reticent about addressing the total issue of deregulation. Although the Bill goes some way towards doing that, it was interesting that a couple of weeks ago the Government wished to peg grocery prices and regulate them in that way.
Mr McArthur also elaborated in quite some detail and at some length about grocery prices. On the one hand, when it suits the Government, it follows the track of deregulation and yet, on the other hand, in another area it suddenly realises that there might be a vote or two for the upcoming by-election in introducing some form of regulation.

Honourable members also heard mentioned the matter of social justice. It seems to me there is a degree of social justice in allowing people in the community to benefit by being able to purchase goods at the times they want to.

The current economic times dictate that families must be careful about the way in which they spend their limited resources, especially with that discretionary income that is used to buy major items. There needs to be the facility for families as a whole to go to shopping centres, without being hassled because of a shortage of time, so that they may look at the range of products they can afford to buy. Providing access to shops on Saturday afternoons is a step in the right direction.

**The Hon. D. R. White**—Your party did not make one substantial reform to shop trading in the Labour and Industry Act in 27 years.

**The Hon. R. J. Long**—Neither have you.

**The Hon. ROSEMARY VARTY**—Other benefits that flow from extended shop trading hours are that there is less congestion at shopping centres.

The Government has made great play of an increase in the tourism industry. It has said that there is a potential for increased economic growth in the State and, yet, without the facilities for tourists to shop, particularly in the central business district, it is nonsense to suggest that Victoria will attract large numbers of tourists.

I take issue with one of the points raised by Mr McArthur concerning the potential for additional jobs. He spoke about that potential in a denigrating way because he said there would be only part-time jobs available. The essence of his argument was that part-time staff did not give the service that full-time employees provide.

I reject that notion totally for a number of reasons, firstly, because the bulk of those part-time jobs are held by young people. Is Mr McArthur suggesting that we should not give young people the opportunity and the experience and also in many cases assistance to improve their education? The reality is that Mr McArthur does not want those part-time employees in the workforce because they do not become members of a union.

**Honourable members interjecting.**

**The Hon. ROSEMARY VARTY**—He really wants to prevent young people from gaining those skills that will assist them later on in their lives.

As I said earlier, a number of problems have not been addressed, such as the penalty rates and the anomalies to which my colleagues have also alluded. Although the Opposition supports the Bill, a number of areas need to be addressed.

**The Hon. B. W. Mier**—Hotels are open on Sundays!

**The Hon. W. A. LANDERYOU** (Doutta Galla Province)—Mr Mier suggested that the fact hotels are open on Sundays is somehow supposed to justify attacking the living standards of approximately 40 000 shopkeepers in this State.

It worries me when I hear that sort of nonsense that just fell from Mrs Varty’s lips in terms of her interpretation of the Bill—or perhaps her IQ is lower than I thought—and when she referred to what Mr McArthur had said. He said, and let any consumer in the State suggest otherwise, that, with the enormous influx of casual and part-time staff in the retail industry, the degree of knowledge on the other side of the counter has fallen off.
That is the position in the entire retail area not only in this country but around the world and that is the point that Mr McArthur was making. Although the proposed legislation has my support, my position ought to be made clear.

I have sat in this Chamber for many years and listened to the various points from around the Chamber, particularly from those representing the forces of capitalism in this State. They have attacked union officials and employees over all sorts of minor indiscretions when compared with those that have been committed under this Act by rich and powerful people.

The Opposition attacks a wharfie because he steals a bauble, but when it comes to the real crooks, such as Penhallurick who thumbed his nose at this Chamber and Parliament and at the authority of this State—and he continues to do so—not one voice of protest is heard from the other side. However, when it comes to Wally Curran having the courage to stand in front of a truck on a picket line, the Opposition wants to castigate him; it wants him hung, drawn and quartered.

So far as the Opposition is concerned, the morality in the application of the law is all one way. It is prepared to turn a blind eye to those who are able to make money by breaking the law but, when one trade unionist stands up for his beliefs, it has a different viewpoint.

It is crystal clear, even in this debate, that the total reason for the Government's attitude is to take great care with any changes or reforms that are to be introduced in this area. The whole attitude of the Liberal Party is, "We do not give a damn about the thousands of men and women who earn their livelihoods in this industry. We do not give a damn about the economic decisions that have to be made by those families whose life savings are invested in those shops, which decisions are based on a mismanaged and hotchpotch of legislation".

I concede that even one of the best Ministers of Labour and Industry was not able to work it out quickly; I had great difficulty with it.

The Liberal Party, after an entire generation of not only ignoring the matter but also applying bandaid measures, had its internal problems at the time although, compared with the problems it has now, they were insignificant.

Mr Long may laugh but the Leader of the Opposition, Mr Kennett, was not laughing this morning. In cities around the world that have 24-hour trading, such as Hong Kong—which is a classic example—the shop assistants have no problem turning up for work as they are not allowed to go home.

The Hon. H. R. Ward interjected.

The Hon. W. A. LANDERYOU—The honourable member should know, as he is there often.

The Hon. H. R. Ward—I know plenty about it; you and Mr McArthur are talking rubbish.

The Hon. W. A. LANDERYOU—Mr Ward is suggesting that Mr McArthur has been talking rubbish.

Honourable members will recall that when a great Premier of this State, Lindsay Thompson, made an announcement that he intended to allow shop trading on the Saturday afternoons leading up to Christmas, it took him almost two weeks to find out that he needed a legislative amendment to do that. That is how seriously he took that question.

The Liberal Party did not care so long as one was at the beck and call of the "gang of five" as they were called in those days. The then Deputy Leader of the Opposition, the honourable member for Berwick in the other place, said that the big five could go to hell and shop trading hours would not be extended. However, within a couple of weeks that is exactly what the Liberal Party tried to do and it took the courage of that great intellect, the
honourable member for Ballarat North, to force the Liberal Party back to reality. The people of the State can see through the humbug.

I have always said that I should be able to buy whatever goods and services I need or desire at any time but, if the effect of my desire is to throw 40,000 families into economic peril, I have to examine my own selfishness. I have to say that, although I might want to consider my needs as a consumer, I have also to consider the needs of those families whose livelihoods are in the retail industry.

Mr Hallam, perhaps the most experienced member of the House in retailing, took the House through some of the grave misconceptions people have on this question. In adopting the Miller report recommendations that the Government has, it has put the State back on an even keel in marketing so that everyone can compete equally.

It is not fair, honest or realistic to suggest that simply because Mr Birrell wants hardware shops to be open on Sundays since that is the only time he has available to attend to home maintenance—and the idea of Mr Birrell wielding a hammer at any time, let alone on a Sunday, would frighten anyone—decisions should be made that are convenient and suitable for Mr Birrell. It is not a luxury society can afford.

It is almost 100 years since the first shop boards were established when Victoria led the way in shop trading reform. My comments may amuse the shadow Minister for Health but the reality is that this Government was elected and took power on its policy on shop trading hours, of which I was proud and which is a policy that the Labor Party cannot sell out on.

I put it clearly to the House and to the Minister and to Cabinet that the Government will not be able to survive if it says one thing to the people of the State and does something else.

I make it clear also that when it came to the question of wage rates and conditions of employees in this industry, it was the Opposition that went to the Industrial Appeals Court to appeal against the proposition that the wage rates and conditions in this industry should be regulated by the wages boards. It is a nonsense to say that these matters should be left simply to the industrial courts when at the same time the Opposition uses every weapon available to appeal, to frustrate and to procrastinate.

All in all, the more I hear from members of the Liberal Party, whether it is under new directions, old directions, or dizzy directions, the more I become aware that the same stupid nonsense continues to fall from their lips. They do not care what they say or do as long as the Liberal Party gets back into government.

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 to 5 were agreed to.

Clause 6

The Hon. R. M. HALLAM (Western Province)—I move:

1. Clause 6, line 23, omit "20" and insert "10".

The Hon. H. R. Ward—Why?

The Hon. R. M. HALLAM—If the limitation on employee levels is put forward under the guise of assistance to a small operation, if that is the rationale, the National Party's view is that the upper limit should be reduced. In the second-reading debate I drew attention to existing anomalies in the Bill. For example, clause 6 (2) states that a shop is not an exempt shop at a particular time if at any time during the period of seven days immediately before that time the sum of the number of persons employed in the shop was twenty or more.
I sought clarification from the Minister. The issue is the number of employees in a particular operation at any given time during the seven days immediately preceding. If a numerical restriction is put on employment, exactly what that expresses should be made very clear because conditions in the retail industry are such that a substantial proportion of employment is either casual or part time and it could well be that a firm employing twenty persons at any given time may have several times that number on the payroll. A shop that employs a total of ten people at any given time may in fact be employing 25 or 30 people. In the National Party’s view that shop is not a small business but a substantial business. If this clause has been drafted to protect small business, I submit that that is not what it is doing under its present construction.

In the second-reading debate I referred also to the powers available to inspectors. If an inspector is able to establish the level of employment only by entering premises and counting heads, the level of employment at the establishment at any given time during the preceding week will not be known. I ask the Minister whether under clause 18 (1) an inspector will have access to pay records because that is the only way to establish the level of employment.

Clause 6 is wide open to abuse because of the difficulty in establishing employment levels and I can cite several examples of where this provision will be abused. The National Party believes there should be an upper limit of ten, which would perhaps equate with something like twenty in the real world, and that is a level of operation the National Party would want to have protected.

Wherever the numerical restriction goes there will be anomalies but I am not persuaded by Mr de Fegely’s argument that, because there are few in the category 20 to 30 the number should be extended. If that is the argument to be used, the figure may as well leap to 40 or 50 or the door be thrown open. If the purpose of the provision is to protect a section of the community Parliament must be realistic in what it is attempting to do.

If the intention is to protect small businesses, we should ensure that all small businesses and not only a selected range are protected.

The Hon. D. R. WHITE (Minister for Health)—The Government will be opposing this amendment, which will have serious implications for existing businesses. The lower level of ten employees would close down many established, legal and legitimate businesses now operating over the weekends, including many businesses in country Victoria.

The amendment reflects the lack of understanding of the present law. The employment size provision is the aggregate of a full-time, part-time and casual employment, plus working proprietors. For example, if a chemist proprietor has two small shops it would be very easy to employ more staff above the suggested National Party ceiling of ten employees.

On numerous occasions the Leader of the Opposition in another place has publicly called for an amalgamation of the Liberal and National parties but the debate at present is the clearest possible evidence of those two parties at work together in coalition. A member of the National Party has proposed an amendment to reduce the number of employees an exempt shop can employ by ten while a member of the Liberal Party, a member of the coalition, has suggested that the number be increased to 30.

They have demonstrated the style of the Government Victoria could have if ever members of the Liberal and National parties were to get back on the Treasury benches.

The Hon. R. S. de FEGELY (Ballarat Province)—The talk of the coalition is absolute and utter nonsense. I have listened with interest to my colleague, Mr Hallam. The Minister clearly spelt out why the number of ten employees is unsatisfactory and I agree wholeheartedly with the reasons he gave. No doubt such a provision would exclude many shops that should be exempted.
I intended giving the example of chemist shops being allowed to trade on weekends because they would be greatly affected. They provide a much needed service to the people during the weekends. Therefore, the Opposition cannot support the amendment.

I again remind the House of the amendment that I shall move suggesting that the number be increased to 30. The amendment is reasonable and the figure would be the most satisfactory. I am not sure why the Government has not followed the Miller report recommendation that the number be 30. I ask the Minister to seriously consider the suggestion by both the Liberal Party and the Miller report.

The Hon. R. M. HALLAM (Western Province)—In his response, the Minister for Health did not deal with one matter that I broached earlier: can he explain how an inspector will establish the level of employment in a particular premises at a particular time, given that clause 18 does not include a provision to examine wage records?

The amendment was negatived.

The Hon. R. S. de FEGELY (Ballarat Province)—I move:

1. Clause 6, line 23, omit “20” and insert “30”.

The amendment was negatived, and the clause was agreed to, as was clause 7.

Clause 8

The Hon. R. M. HALLAM (Western Province)—I move:

2. Clause 8, line 13, after “district” insert “that are more than 32 kilometres from the General Post Office, Melbourne”.

The amendment seeks no more or less than that which formerly applied under section 80A (3) of the Labour and Industry Act. That section refers to the grounds upon which an application can be made to the Minister for exemption as a shop permitted to trade on Saturday.

Section 80 (3) reads:

An application shall be made only in respect of—

(a) an area the whole of which is more than 32 kilometres from the General Post Office Melbourne and which is a holiday resort or part of a holiday resort; and

(b) a period or periods of the year during which the holiday resort usually has a large holiday population.

The National Party believes that restriction should still apply; if it does not, the City of Melbourne may apply to the Minister for authority to be declared a tourist precinct. In that case the Minister can make a declaration that will provide that all traders in that area have unrestricted trading.

The Hon. R. J. Long—What is wrong with that?

The Hon. R. M. HALLAM—The problem is that within the retail industry the domino concept could apply. No area is unique. Earlier I explained that the decision taken on shop trading hours by any individual trader is not taken in a vacuum. Most decisions are influenced by competition more than any other factor.

If the City of Melbourne were declared a tourist precinct and thereby allowed unrestricted trade, extraordinary pressures would be brought to bear on surrounding areas. Little by little that effect would ripple throughout the community.

If the Government is fair dinkum about wanting to retain restrictions on trading hours, this unrestricted clause make nonsense of that intention.

The Hon. R. J. Long—You are saying that it is all right in the country but it is not allowed in the city.

The Hon. R. M. HALLAM—The National Party is saying that if in the case of the City of Melbourne unrestricted trading were allowed, that effect would ripple through to other
communities and eventually the practice would become established in rural Victoria. Those traders simply will not have a real choice.

The Hon. R. S. de FE GEL Y (Ballarat Province)—Although I understand the reason given by Mr Hallam for the amendment, the pre-Christmas trading hours that were established last year were highly successful. For that reason, and to provide the opportunity of that happening again in future, the Opposition is unable to support the amendment.

The amendment was negatived.

The Hon. R. M. HALLAM (Western Province)—I move:

3. Clause 8, page 6, lines 9 to 15, omit sub-clauses (8) and (9).

Subclause (8) states:

The Governor in Council may, by proclamation published in the Government Gazette, exempt shops from any part of the provisions of section 7 specified in the proclamation if the Governor in Council is satisfied that it is expedient to do so by reason of events or circumstances occurring at that time.

That is the catch-all phrase. It opens the door to whatever takes the fancy of the Governor in Council. Then, subclause (9) says:

The Governor in Council may not, under sub-section (8), make proclamations in respect of more than four days in any year.

So at least there is some restriction; but I remarked during my second-reading speech that, in the past, if the Government had sought an extension in trading hours leading up to Christmas or a special occasion, it was necessary for the House to legislate to that effect. In other words, we have all had the chance to debate it at the time; we have been happy with that scheme and it has worked well.

The Government is now seeking to give a brief to the Governor in Council to declare any four days in any one given year as open slather so far as trading is concerned.

The point is well made that it is not even restricted to Saturdays. In fact, four Sundays could be declared without Parliament having the chance to say anything about it. That is a dangerous precedent; it is incompatible and inconsistent with what the Government says it seeks to achieve with the Bill.

Apparently the Government wants some formal regulation within the industry. That is an important principle and yet, in the next breath we are told that this discretionary power will be there to be used at the whim of the Minister. It is a dangerous precedent.

The Hon. R. S. de FE GELY (Ballarat Province)—The comments I made regarding Mr Hallam’s last amendment apply in this case also.

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

Schedule

The Hon. R. S. de FE GELY (Ballarat Province)—I move:

Schedule 1, after “Fruit and vegetable shops” insert “Hardware shops”.

I canvassed the issue earlier. It seems extraordinary that one can go out into the community and into a shop and buy a picture but one cannot buy a hammer or a nail so that one can hang up the picture. It is a crazy situation. The hardware shop should not be excluded. It should be part of the schedule.

The whole basis of our argument is that there should be freedom to choose by the shopkeepers who have the right to open if they wish. Nobody is forcing them to open; nobody is insisting they open but at least one should give them the choice. By giving shopkeepers the option to open, they can make a commercial decision, which should be their right as business people.
In this instance the National Party and the Government, if they vote against the amendment, are saying to the business people of the State, "You cannot open because it would not be economically viable". The Government is making the commercial decision for the people. It is taking away the freedom of choice and not allowing them to make that decision for themselves, and that is something to which we are totally opposed.

The Hon. R. M. HALLAM (Western Province)—The National Party is unable to support the amendment proposed by Mr de Fegely. As I mentioned in my second-reading comments, it is concerned that whatever boundaries are placed on shop trading in terms of description will cause problems irrespective of where they fall. The traditional hardware trade has been usurped to some degree by those hardware traders who sell hardware as a sideline.

The National Party understands all of those problems; I have lived through them but the point is that if we include hardware, what is next, where do we stop?

The Hon. Robert Lawson—Next they will be opening brothels on Sunday!

The Hon. R. M. HALLAM—There should be some restrictions because if these traders are dictated to by the market, they are not making the decision. The reality is that in most cases they are forced to open as a result of the competition.

The Hon. R. J. Long—If they do so, they are stupid!

The Hon. R. M. HALLAM—That may well be so but if hardware is to be included, we weaken the line all that much more and it will lead to the further demise of any regulation whatsoever. The inclusion of hardware is completely contrary to the thrust of the Bill.

The other point that should be clearly made is that in the real world, the people that the National Party represent within the hardware industry are absolutely adamant that they do not want extended trading hours. I have heard all the arguments before—that we would not be requiring shops to open, merely giving them the chance to do so—but that is not the real world.

If one hardware trader opens, his or her competitor has no choice but to meet the competition. That is the way the market works.

It will open a floodgate in terms of description and the National Party is unable to support the amendment.

The Committee divided on Mr de Fegely's amendment (the Hon. G. A. Sgro in the chair).

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Majority against the amendment 8

AYES

Mr Birrell
Mr Chamberlain
Mr de Fegely
Mr Guest
Mr Knowles
Mr Long
Mr Miles
Mr Reid
Mr Storey
Mrs Tehan
Mrs Varty
Mr Ward

NOES

Mr Arnold
Mr Baxter
Mrs Coxedge
Mrs Dixon
Mr Dunn
Mr Evans
Mr Hallam
Mr Henshaw
Mrs Hogg
Mr Kennan
Mrs Lyster
Mr McArthur
Mrs McLean
The schedule was agreed to.

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

The Hon. D. R. WHITE (Minister for Health)—I move:
That this Bill be now read a third time.

I thank members of the opposition parties for their assistance in enabling this measure to be passed.

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

HOUSING (AMENDMENT) BILL

The Hon. J. H. KENNAN (Attorney-General)—I move:
That this Bill be now read a second time.

The Housing Act 1983 came into operation on 1 January 1984. The Act had the effect of abolishing the Housing Commission and the Home Finance Trust, both of which had been left to carry on business with very little Government supervision.

To replace this system with its semi-autonomous, semi-accountable statutory authorities the Housing Act 1983 entrusted the administration of public housing to the fully accountable and responsible Ministry of Housing.

For the purposes of owning property and entering into legal relationships the Act established a body corporate under the name “Director of Housing”. The director is the body that exercises all of the powers under the Act and enters into all of the Ministry contracts.

The suitability and sufficiency of the various provisions of the Housing Act 1983 have been under scrutiny during the three years of its operation. With such sweeping reforms as those contained in the Act it could not have been realistically expected that the legislation would be perfect. A number of deficiencies in the Act have been detected and this Bill has been introduced to remedy the situation.

The deficiencies range in significance from the most unimportant, that is the misspelling of a word, to the more important, that is the omission of the significant power for the director to undertake limited insurance business. All of the deficiencies adversely affect the operations of the Ministry and they require rectification.

This Bill addresses four main areas of concern: first, the Bill introduces provisions enabling the Director of Housing to insure houses which have either been sold to terms purchasers or are mortgaged to the director. This limited insurance activity was engaged in by the former Housing Commission and there is a need and a desire for the activity to continue at least for as long as there are uncompleted terms contracts of sale.
Secondly, the Bill updates and clarifies the standards of habitation provisions of the Housing Act. For a start, the archaic term used throughout part 7 of the Act, "permanent head", is replaced with references to the Director of Housing. The Bill will make clear the grounds on which an appeal to the Magistrates' Court against a declaration of non-compliance can be upheld. In addition to recovering from the owner of a substandard, non-complying house the costs which the director might incur in repairing the property, the director will be entitled to receive interest calculated from the time the money becomes due until the time that it is paid. The Bill will do away with the need for the form of application to the director for a housing standards certificate to be prescribed. It also clarifies the power contained in the Housing Act which authorises entry into houses under housing standards investigation.

Thirdly, the movable units sections of the Act will be tidied up. The Bill will abolish the need for conditions of movable unit hiring contracts to be prescribed by regulations. It will restrict the director's power to evict occupants of a movable unit to those units actually owned by the director. Oddly enough, this restriction was not imposed when the legislation was enacted. Where a hiring agreement has finished, the Bill will enable the director to have reasonable access to any property on which a movable unit is situated so that a director may inspect and/or remove it.

Finally, the Bill will make a number of miscellaneous amendments to the Housing Act including the insertion of provisions to enable the Director of Housing to participate in the secondary mortgage market and to give indemnities provided that the Treasurer's approval is forthcoming. The final clause of the Bill and its schedule will rid the Housing Act 1983 of sexist language and its replacement with gender neutral expressions.

Although the Bill covers a wide range of housekeeping measures, it is an important Bill for it will establish a legislative framework enabling improved efficiency of the public housing administration in Victoria.

I commend the Bill to the House.

On the motion of the Hon. J. G. MILES (Templestowe Province), the debate was adjourned.

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

AGRICULTURAL ACTS (AMENDMENT) BILL

For the Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs), the Hon. J. H. Kennan (Attorney-General)—I move:

That this Bill be now read a second time.

The main purpose of the Bill is to make a number of minor amendments to individual Acts, namely, the Marketing of Primary Products Act 1958, the Tobacco Leaf Industry Stabilization Act 1966, the Wheat Marketing Act 1984, the Swine Compensation Act 1967 and the Broiler Chicken Industry Act 1978.

A number of the proposed amendments concerning the Tobacco Leaf Marketing Board, the Tobacco Quota Committee and the Tobacco Quota Appeals Tribunal are as a result of the Public Bodies Review Committee concerning these bodies tabled in Parliament on 22 October 1986. Amongst other matters, the reports recommended that the Tobacco Quota Committee be abolished and that the responsibility for tobacco quotas be transferred to the Tobacco Leaf Marketing Board. Further, the reports also recommended that the Tobacco Quota Appeals Tribunal be abolished and the functions of the tribunal be referred to the Administrative Appeals Tribunal. By virtue of the operation of section 4P (4) of the Parliamentary Committees Act, both of these bodies will cease to exist on 22 October this year and it is therefore necessary to take legislative action for the changed responsibilities recommended by the Public Bodies Review Committee to be given effect.
THE MARKETING OF PRIMARY PRODUCTS ACT 1958

The opportunity is being taken in the Bill of making amendments to the Marketing of Primary Products Act 1958, to insert new requirements for submitting annual reports, together with updated financial and audit provisions. Marketing boards have been given the standard borrowing powers in order to facilitate their functions.

The Tobacco Leaf Marketing Board has been given objectives for the marketing of tobacco in line with the report of the Public Bodies Review Committee.

THE TOBACCO LEAF INDUSTRY STABILIZATION ACT 1966

The Tobacco Leaf Stabilization Act 1966 has also been amended to take account of the recommendations of the report of the Public Bodies Review Committee into the tobacco industry.

A provision has been included in the Bill for the Tobacco Leaf Marketing Board to report on its administration of the tobacco quota system in its annual report.

THE WHEAT MARKETING ACT 1984

The report of the Public Bodies Review Committee concerning the Victorian Wheat Advisory Committee tabled in Parliament on 7 May 1986 recommended the abolition of the Victorian Wheat Advisory Committee as a statutory body. Again, by operation of the Parliamentary Committees Act, the Victorian Wheat Advisory Committee will cease to exist as a statutory body as from 7 May 1987 and the opportunity has been taken in the Bill of formally repealing those sections of the Wheat Marketing Act 1984 which relate to the Victorian Wheat Advisory Committee.

SWINE COMPENSATION ACT 1967

Discussions have been undertaken over several years and agreement has been reached with representatives of the pig industry and a number of Government agencies concerning surplus moneys held in the Swine Compensation Fund. The Bill proposes to amend the Swine Compensation Act 1967 to authorise the Treasurer, on the recommendation of the Minister for Agriculture and Rural Affairs, to make payments from the fund for projects for the benefit of the pig industry. Sufficient moneys, based on departmental advice, will be retained in the fund at all times to meet any future contingencies in the pig industry. In any case such funds will never be less than $500 000.

The Bill proposes to establish a Swine Industry Projects Advisory Committee. The functions of the advisory committee are to advise the Minister for Agriculture and Rural Affairs on any proposed projects for which payment from the Swine Compensation Fund is sought and on any other matter referred to it by the Minister.

BROILER CHICKEN INDUSTRY ACT 1978

The Broiler Chicken Industry Act 1978 is to be amended to replace a reference to the Arbitration Act 1958 with a reference to the Commercial Arbitration Act 1984. This reference was not changed at the time the Commercial Arbitration Act 1984 was passed. Overall, the amendments contained in the Bill incorporate recommendations of the Public Bodies Review Committee, and include several amendments of a housekeeping nature.

I commend the Bill to the House.

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

It was ordered that the debate be adjourned until the next day of meeting.
POST-SECONDARY EDUCATION (AMENDMENT) BILL

For the Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs), the Hon. J. H. Kennan (Attorney-General)—I move:

That this Bill be now read a second time.

The purpose of the Bill is to make a number of amendments to the Post-Secondary Education Act to establish a single accreditation board for post-secondary education by combining the functions in TAFE of the Technical and Further Education Accreditation Board and in advanced education of the accreditation board.

The amendments are being introduced at the request of the TAFE Board and the Victorian Post-Secondary Education Commission. There are explanatory notes attached to the Bill and I do not propose to examine each of the clauses in detail, but to refer only to the more significant amendments.

A joint working party was established by the Chairman of the TAFE Accreditation Board and the Chairman of the Accreditation Board for Advanced Education to recommend on the composition and functions of a body to be responsible for the State accreditation and registration of courses of study in advanced education and TAFE. The working party sought submissions on the matter by open meeting and public advertisement.

Consultation took place with education institutions, unions, peak bodies and the Industrial Training Commission of Victoria. The working party reached agreement on the issues before it and this is reflected in the Bill.

The Bill provides for the new board to be known as the Victorian Post-Secondary Education Accreditation Board. The Bill provides for the board to consist of twelve persons appointed by the Governor in Council on the recommendation of the Minister. These members will represent the range of interests in the advanced education and TAFE sectors. The Minister is required to consult with the Industrial Training Commission of Victoria. The accreditation board is required to submit an annual report of its operations to the Minister.

This amalgamation marks another step in the evolution of post-secondary education, towards a more integrated and comprehensible set of pathways for students to follow, and, as a consequence, greater efficiency in the use of resources.

The Bill also maintains the strong lead Victoria established within Australia in the promotion of cross-sectorial initiatives in post-school education.

I commend the Bill to the House.

On the motion of the Hon. H. R. Ward, for the Hon. HADDON STOREY (East Yarra Province), the debate was adjourned.

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

LORD MAYOR'S COMMUNITY AID BILL

The Hon. D. R. WHITE (Minister for Health)—I move:

That this Bill be now read a second time.

The Lord Mayor's Fund is one of the most widely known and respected fundraising organisations in Victoria. Over the years the fund has supported many agencies providing care and relief for the less privileged, the disadvantaged, the disabled and for the sick and older members of our society.

The Lord Mayor's Fund for Metropolitan Hospitals and Charities, to use its full title, was established in 1923 and incorporated by Parliament in 1930. The Lord Mayor's Fund Act was written in the context of the social circumstances prevailing nearly 60 years ago.
It no longer adequately serves the interests and aspirations of the fund, nor does it take account of the needs of the modern day community.

The Bill revises the Lord Mayor's Fund Act. It will lay the foundations for the efficient and effective operation and administration of the fund for the foreseeable future.

Detailed explanatory notes have been printed with the Bill for the assistance of honourable members. Accordingly, I propose to take this opportunity to highlight the main feature of the legislation.

One of the more important is that, under the Bill, the Lord Mayor's Fund will become known as the Lord Mayor's Community Aid Fund. This is not a cosmetic change but reflects the enhanced role of the fund under the proposed legislation.

Unlike the present Act the Bill does not restrict the new fund to supporting only those "institutions and benevolent societies" that come within the ambit of the definition currently found in the Hospitals and Charities Act. Instead, the fund will have the capacity to make money available to any charity in the metropolitan area if it has tax deductible status under section 78 (1) (a) of the Commonwealth Income Tax Assessment Act 1936.

Moreover, the fund, with Ministerial approval, will be able to support similar worthwhile causes outside the metropolitan area in special circumstances.

The second feature to which I invite the attention of the House is the proposed restructuring of the council that administers the fund. The council is the corporate entity that manages the fund and under the present Lord Mayor's Fund Act it can consist of up to 52 members. A number of the organisations entitled to representation on the council no longer exist or are no longer active or appropriate.

The council proposed in the Bill will have a maximum membership of 31, including the Lord Mayor, who will be president ex officio. Members of the new council will be drawn from a wide range of community interests.

However, unlike the present council, which consists of representatives elected by both donors to, and recipients of money from, the fund, the new council will be composed only of donor representatives. This will avoid the inherent conflict of interest when persons elected by recipient bodies participate in the consideration of applications for funds from those bodies.

I should add that the day-to-day administration of the fund will be vested in an executive committee of eight members elected by and responsible to the council.

The third notable feature of the Bill is that it will not provide for the election of contributor representatives to the council.

A contributor is defined in the Lord Mayor's Fund as being, in effect, a person who has contributed either $40 in one contribution to the fund or $2 in the year prior to the election. Election of contributor representatives is an outmoded concept and adds little to the effectiveness of the Lord Mayor's Fund.

However, to ensure that the fund continues to be publicly accountable for the money it raises and disburses, the Bill will require the fund to table in both Houses of Parliament an annual report of its activities and an audited statement of its accounts. The Bill has been sought by the Lord Mayor's Fund. The Government is delighted to have the opportunity of sponsoring the proposed legislation on its behalf.

I commend the Bill to the House.

On the motion of the Hon. H. R. WARD (South Eastern Province), the debate was adjourned.

The Hon. D. R. WHITE (Minister for Health)—I move:

That the debate be adjourned until the next day of meeting.
The Hon. H. R. WARD (South Eastern Province)—On the question of time, Mr President, I am uncertain about the urgency of the Bill. Although the measure is presented in a simple fashion, there may be some problems that will need to be checked by the Opposition. I ask the Minister to indicate whether the Bill is required to be passed in this sessional period.

The Hon. D. R. WHITE (Minister for Health) (By leave)—I am unable to provide the answer and will have to check on it.

The motion was agreed to, and the debate was adjourned until the next day of meeting.

WATER ACTS (AMENDMENT) BILL

The Hon. D. R. WHITE (Minister for Health)—I move:

That this Bill be now read a second time.

Its purpose is firstly to enable irrigators temporarily to transfer water right between holdings in certain irrigation districts and secondly to extend the life of water boards for a further one year.

In regard to the temporary transfer of water rights, it has been the practice to allocate water rights to particular parcels of land within irrigation districts.

The owner pays for this entitlement each year whether or not he uses it. Depending on water availability, owners are entitled to buy extra “sales water” in proportion to the basic water right.

This system was introduced to allocate water between farmers when irrigated agriculture was first established in Victoria. It allowed for fair division of the water, ensured the water commission could recoup some of the costs of developing the channels and dams and also provided for administrative ease.

However, the current system also means that one farmer, who could really do without some of his water entitlement in one year, is prohibited from transferring such water to a farmer next door, who may desperately need extra water to prevent his crop from dying in an unexpectedly hot summer.

In 1984 Acil Australia Pty Ltd prepared a widely circulated report about transferable water entitlements—TWE—for the water portfolio’s irrigation management study. Acil recommended the introduction of TWE, concluding that TWE would provide significant economic gains for the Victorian community. TWE would allow irrigation water to be moved to its most beneficial use. Farmers’ incomes would benefit. Farmers who did not use all their irrigation water would be able to sell or lease the unused portion of water, while farmers in need of an extra amount of water for a particular crop would be able to buy it. The better use of water already available would decrease the pressure for new supplies of water.

Other major studies have also supported transferable water entitlements. The Parliamentary Joint Select Committee on Salinity in 1984 recommended the introduction of TWE, as did the twelfth report of the Public Bodies Review Committee. More recently the Rural Economics Study—the Lloyd report—has proposed immediate introduction of TWE.

An issues paper on TWE was released for public comment on 14 September 1986. Subsequently there was a series of meetings, workshops and discussions with individuals and representative organisations prior to the conclusion of public consultation at the end of November 1986.

The irrigation community examined two main proposals with regard to the introduction of TWE. The first of these proposals is to transfer water on a permanent basis—that is, sell the water entitlement—and the second proposal is temporarily to transfer the water
entitlement—that is, lease the entitlement. Community support for the introduction of some form of transfer was extremely high—92 per cent. Of these favourable responses, two-thirds wanted transfers on a permanent basis, often with strict conditions to avoid undesirable side effects. The other one-third supported transfers on a temporary basis only, at least initially. In other words, they wanted to allow a farmer to lease water rights from another farmer, rather than buy them.

The introduction of TWE on a temporary basis will meet a community need and at the same time provide information on trends and issues that should be further considered in developing a system of permanent TWE.

Part 2 of the Bill provides for the temporary transfer of water right during any one irrigation period or season and at the end of that period the transferred water right reverts back to the holding of the transferor.

Responsibility for payment of rates and charges during the period of the transfer remains with the transferor.

To prevent any adverse effects on salinity or drainage as a result of water transferring from one property to another it is proposed that the Rural Water Commission be empowered to make by-laws prescribing maximum and minimum volumes of water that may be retained or used on holdings.

Limits will also be set on the amount of water that can be transferred out of one irrigation area to another, having regard to the effect of transfers on drainage and salinity.

Existing levels of service to irrigators are to be maintained and it is proposed that transfers be permitted within the parameters of a predetermined level of service agreed to by the commission following consultation with local advisory boards.

It is also proposed that the commission prescribe by-law irrigation districts within which water rights may be temporarily transferred. Initially transfers will be permitted in the Goulburn-Murray, Macalister and Campaspe irrigation districts. I wish to point out that licensed diverters on regulated streams will also be permitted to participate in TWE but no legislative change is required to implement this latter proposal.

In summary, this part of the Bill represents an important initiative in the field of irrigation practice and management. Flexibility of water usage will provide increased economic benefits to the community.

I now turn to Part 3 of the Bill, which amends the Water and Sewerage Authorities (Restructuring) Act 1983.

This Act provided the machinery to implement the recommendations of the Public Bodies Review Committee and streamline institutional arrangements for non-metropolitan water supply and sewerage services. It has provided the means for this Government to build on the work of the committee and achieve organisational reform of the water sector.

However, the Act, as distinct from the reforms it facilitated, was intended only as a transitional measure. The committee also recommended a complete overhaul of existing water legislation. As it was intended that a new water Act be produced to incorporate these new institutional arrangements, the restructuring legislation contained sunset provisions. Section 59 provides that the Act, all the new authorities constituted under its provisions and the Latrobe Valley Water and Sewerage Board, go out of existence on 7 June this year.

The proposed amendment is simply to defer the operation of the sunset provisions for a further twelve months. At that time, the Government intends to have comprehensive replacement legislation in place.

As honourable members will be aware, the program for rewriting Victoria's water legislation is well under way. In September of last year a discussion paper was released for public comment. This paper provided an overview of the issues under review and the
series of issues papers subsequently released have provided detailed information on major proposals. A substantial first round consultation program has been undertaken and now the task is to prepare a Bill which takes into account community concerns. The Government proposes that detailed proposals would be released later this year in the form of draft legislation, for a further round of public scrutiny, before a final comprehensive water Bill is introduced.

This amendment will continue the operation of the 1983 Act while the proposals for review of existing water legislation are refined and thoroughly examined.

I commend the Bill to the House.

On the motion of the Hon. R. J. LONG (Gippsland Province), the debate was adjourned.

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

HEALTH SERVICES (CONCILIATION AND REVIEW) BILL

The debate (adjourned from April 7) on the motion of the Hon. D. R. White (Minister for Health) for the second reading of this Bill was resumed.

The Hon. G. P. CONNARD (Higinbotham Province)—This Bill is a replacement for the Health Services Complaints Bill that was before the House some time ago. It is interesting to note that the draconian steps in that former Bill have been removed from the present measure.

The provisions about anonymous complaints, telephone complaints, powers to search and seize, compulsion to answer questions and the right to legal representation have been removed from the Bill. I am mainly satisfied with the present Bill and the Opposition does not intend to oppose it.

However, I do express some concerns about its present form. I might say that I am drawing from my experience both as a pharmacist and as a Deputy Chairman of the Fairfield Hospital, so I have an interest in this subject.

The Bill could represent a useful and sensible measure. Unfortunately, the future of registration boards will not have been finalised before this measure will become law. The two elements work hand in hand and that is expressed in the provisions in the Bill. Although the Bill could be enacted in its present form, unease and uncertainty will arise in the minds of members of the registration boards and the professional bodies because their future is unclear. That unease and uncertainty would then flow to professionals engaged in the health industry.

I note the relationship between the Health Services Commission and the various registration boards. The division of responsibility is clear where there is a complaint, provided the Health Services Commission decides that the complaint requires conciliation and, if so, who will conciliate. If the conciliation is unsuccessful or not suitable for conciliation, the complaint can be referred to the registration board and the board will keep the Health Services Commission informed. Of course, the Health Services Commissioner can attend meetings of those registration boards.

The fundamental weakness in the proposal is the situation of those registration boards because Health Department Victoria, on 11 April 1986, presented a number of proposals concerning a review of registration boards. That review is a valuable document. However, it seems the proposals have disappeared into thin air over the past twelve months. I have not seen the document and I have seen no evidence of acceptance of the proposals in that review, and that could have been a logical and valuable tool when debating the Bill. I hold the view that the registration boards covering the various professions should be the major bodies for solving appropriate complaints.

I shall comment on the Pharmacy Board of Victoria because I believe it to be one of the more successful boards. Over many years it has accepted a dual responsibility, in the legal
sense, by the delineation of regulations on behalf of the Government and, on behalf of the Pharmaceutical Society of Victoria, has taken on the ethical responsibility of the profession.

The Pharmacy Board of Victoria could be a model for the Minister to consider when reviewing and restructuring professional boards. This is important because of the nervousness among the health professionals that a draconian public department may be overviewing their operations and poking into things that they consider may not be desirable.

Several appeals against decisions of the Pharmacy Board of Victoria have been made, according to the due legal process, to a judge of the Supreme Court who has remarked that the board, being a panel of the appellant's peers, is the only proper body to decide what is discreditable conduct.

The pharmaceutical society believes that if a claimant is dissatisfied with the Pharmacy Board's resolution of a complaint, the appropriate place for that person to take the matter is to the Administrative Appeals Tribunal. For my own part, I would agree with that course of action provided there is appropriate legal mechanisms that can represent both parties to such a dispute.

The Pharmacy Board is empowered to investigate complaints against pharmacists, and the board considers that it is capable of continuing to do that. The evidence that has come to me through the board and Health-CALL is that, in the main, the board has accepted and done those things well.

I stress the importance of getting the various professional boards right. I agree with arguments that have been put to me that some of the boards have not accepted that role and, indeed, in some cases, have been legislatively precluded from that role.

Fundamentally, the Minister must move fairly rapidly to a complete review of registration boards so that the position is cleared up and this proposed legislation can continue. It cannot continue, as drafted, without those registration boards.

Another comment I make along the same lines arises from correspondence that I have received from the Australian Dental Association. I am not quite clear on this, but, as I understand it, the legislation establishing the Dental Board does not seem to give the board that sort of authority; so that the Australian Dental Association, Victorian branch, has for many years maintained a mechanism for receiving and investigating complaints concerning dental services. I was told last year that complaints number about 350. The association maintains that it handles those matters well. However, I point out the necessity to perhaps transfer that function to the Dental Board so that it is a legal Government authority that can competently investigate such matters.

There are weaknesses in the various professional bodies. For instance, the occupational therapists have no competent professional board. The Minister must consider that and must strengthen such boards as the Physiotherapists Board, and he must give muscle to the Victorian Nursing Council. That action would enable those bodies to accept that role as an obligation. The judgment of one's peers is generally more productive. Most professionals are not only willing to improve but are desirous of raising their professional standards.

A second component of my concern is that the majority of complaints come out of the Government's service providers—the hospitals, the psychiatric institutions and the nursing homes—although complaints are received from other areas.

Letters from the Union of Australian Women clearly state that complaints to Health Department Victoria and Community Services Victoria have not always proved successful. If it is necessary to complain about those authorities, it is necessary to provide an independent tribunal. However, I suggest that the basic weakness is in the departments themselves.

If Health Department Victoria had been competent, it would have developed proper protocols for the institutions, as has been the practice in many hospitals. Drawing on my
experience at the Fairfield Hospital, I take pride in the fact that that institution has
developed an excellent protocol for complaints procedures. Complaints can cover a whole
spectrum of matters. An elderly patient may look at her breakfast and say, "That is a load
of muck", when it is not. That is in fact a complaint that I have noted. The reason that it
was, in the patient's mind, a load of muck was that a very large plateful of food was being
given to an elderly person; it was grossly too much. By halving the amount of food on the
plate, it was possible to make the meal acceptable to the patient.

Complaints can range from a simple thing like that to accusations of professional
negligence at the top end of the service, and institutions must develop their own protocols
to address those matters. It is difficult because the board of management of such an
institution as representative of community interest should have as part of its duties not
only the management of the institution but also the talk of receiving complaints and
implementing procedures to avoid the necessity for such complaints. The boards of
management should accept this as a duty.

Some institutions have been doing it, and doing it well. The Fairfield Hospital has taken
some time to institute a protocol by which all complaints, of whatever degree of triviality,
are recorded. Action statements must be prepared by the staff and forwarded to the
supervisor of the area concerning which the complaint is made so that the supervisor
knows what has occurred, and must then be forwarded to the directors of the various
divisions of the hospital and to the board itself, so that the matter can be followed up by
the board.

I have here a ten-page document setting out patient complaint reports about the Fairfield
Hospital. The board receives excellent reports about the service but, equally, there are
areas of concern, and procedures are undertaken to solve the problems. The matter is
discussed quarterly at board meetings. Staff can be tempted to hide matters of complaint,
so it is incumbent on the institution to develop its own protocol to manage that situation.

I encourage the Minister and the department to develop such procedures as a general
protocol. I know the Minister holds the Fairfield Hospital in high esteem and he is
welcome to examine the protocols in place at that hospital. We have at that hospital as the
final part of the system a patient advocate whose job is designed to ensure that all of the
reporting procedures have been followed. In the literature that is given to patients on
entering the hospital, the patient advocate is clearly named so that patients can go to that
officer at any time. We attempted to get an independent advocate from outside the walls
of the hospital. I note that the Social Development Committee's report says much the
same thing. However, it is difficult to get personnel of that type, and we had to find within
the hospital someone who would accept that role. Mr Leon Davidson has done the task
well. I recommend to the Minister the development of such protocols within Government
institutions.

I shall deal now with the psychiatric institutions of this State. The Liberal Party believes
boards of management for psychiatric institutions would be a valuable tool, but as the
Minister knows, psychiatric services are run by bureaucrats. On inspecting several
psychiatric services I, as an Australian and a Victorian, like most honourable members,
have been deeply ashamed of conditions in those areas.

Psychiatric patients have little opportunity of making valid complaints about their
treatment. The appointment of boards of management should be the first step and they
can then develop the appropriate protocol.

The second area of concern is nursing homes. The personnel managers and staff of
nursing homes feel threatened by the proposed legislation. Over a period there have been
many examples of patients at nursing homes being ill-treated, ill fed and not adequately
looked after. These people are elderly, frequently on their own and do not have the
resources that normal hospital patients have. It is an area that must be examined carefully.
It is a shame that the excellent standards of the majority of nursing homes are denigrated
by a few.
The Minister for Health could consider the appointment of patient advocates from the municipal area, on a similar basis to that of public hospitals which I have proposed. It would be the advocate’s responsibility to examine the condition of patients within nursing homes. Health Department Victoria has only a handful of inspectorial staff available to inspect nursing homes and examine the condition of patients in those homes. The Minister can solve that problem by appointing a volunteer patient advocate from the community who would report back to the department on the general care and treatment of those patients. The review being undertaken by Mr Sandon on special accommodation is examining that area, which is a good thing. No Government funding is involved in special accommodation houses and it is extremely difficult to police the standards. I applaud many of the recommendations of Mr Sandon’s committee and I ask the Minister to take them on board.

Turning to the Bill, clause 3 sets out the definitions. Under the definition of “health service” is included health education services. I see no validity for that to be included in the Bill; it is a grey area. At the same time, there is a nexus between paragraph (f), community health services and paragraph (h), welfare services necessary to complement any services referred to in paragraphs (a) to (d). The paragraphs are related to the local government area. Under the definition “provider” paragraph (h) states:

Any local government body providing a health service.

The link with municipal government should not occur. I have not heard any complaints about the competency of health surveyors in local councils. The City of Moorabbin makes the point that all municipalities are concerned about paragraph (f) under the definition “provider”, which also takes in paragraph (h). The definition will mean that bodies under the council’s community welfare services as well as health education services would be subject to investigation by the commissioner appointed under the Act.

I take the view that if competent health surveyors working under the umbrella of the local municipality develop the appropriate protocol for carrying out inspections the paragraphs would be redundant. It is part of my continuing interest in reducing the cost of the expanding bureaucracy. Under clause 9 (1) (h) I note that part of the function of the commissioner is to develop programs for the training of health complaint officers and others in the handling of complaints.

The PRESIDENT—Order! The level of conversation is becoming higher and it is extremely difficult to hear Mr Connard.

The Hon. M. J. ARNOLD (Templestowe Province)—On a point of order, Mr President, the level of conversation is deliberately high so that honourable members cannot hear Mr Connard.

The Hon. G. P. CONNARD (Higinbotham Province)—On the same point of order, perhaps Mr Arnold does not have the same intellectual ability to understand what I am talking about.

The Hon. D. R. WHITE (Minister for Health)—On a point of order, Mr President, the honourable member is referring to the clauses of the Bill and it is more appropriate to do that in the Committee stage and not during the second-reading debate.

The Hon. G. P. CONNARD (Higinbotham Province)—On the point of order, I do not intend to develop these matters during the Committee stage and I make these remarks now in the hope that the Minister will take note of them.

The PRESIDENT—Order! Does Mr Connard intend to continue with those remarks?

The Hon. G. P. CONNARD—I am referring to the clauses in the Bill at this stage because I do not wish to raise these matters during the Committee stage.

The PRESIDENT—Order! The honourable member is aware that the Bill will be committed and he will have an opportunity of raising those particular matters at that
time. If Mr Connard intends to proceed through the Bill clause by clause, it is better to do so at the Committee stage.

The Hon. G. P. CONNARD—Thank you for your guidance. An area of considerable concern is the Health Services Review Council. The Government does not indicate appropriate terms of reference for the appointment of persons to that council.

In my view, the nine members are too broadly described. One of the main concerns I have is the anticipated explosion of expenses. The Government has been responsible for a series of committee reviews that have involved considerable expense. A recent example was the women's health services centre involving expenditure of more than $600,000, with aspirations that I fail to understand. Basically, I applaud the initiatives of the Bill. I do not object to the procedure. The Victorian Hospitals Association Ltd wrote on 8 January, stating:

We are concerned that resources will be diverted away from health care delivery to fund the office of the Health Services Commissioner and by public health service providers in administering the complaints system.

When one considers the role of the commissioner, the Health Services Review Council and unlisted public health officers one readily identifies the expanding bureaucracy. If the Minister accepted my view that most of the disciplines could be carried out by other institutions or by professional bodies this vast bureaucracy would not have been needed. The letter also states:

Therefore, it seems incongruous that the Government wishes to create another bureaucracy which will drain resources away from health care delivery, especially when there are structures in place to deal with complaints...

Further, the proposed system fails to recognise that a significant source of complaints about the public health sector is generated by insuffcient resources, for example, waiting lists for elective surgery or misunderstanding by consumers of the function that public hospitals serve in health care.

That is a valid point. It is easy, and the Minister knows it, for a bureaucracy to expand, causing health dollars to be spent in the bureaucracy rather than on health care.

I am pleased that the Minister has seen fit to include a sunset clause so that Parliament will be able to examine the efficacy of the review process in three years to determine whether it is achieving its objectives and, if it is not, disposing of it, and if it is, encouraging it. I commend the Social Development Committee for its deliberations. Although the current Bill has weaknesses it is a vast improvement on the original Bill and, therefore, my party will not oppose it.

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 and 2 were agreed to.

Clause 3

The Hon. K. I. M. WRIGHT (North Western Province)—I am obligated to raise a number of matters at this time. It is a pity that debate in the Committee stage will be restricted. I shall certainly restrict my remarks considerably from what I intended to say. The President told me to restrict my remarks in the second-reading stage and advised me that I would have ample opportunity of discussing these matters during the Committee stage. It is rather unfair that this situation has arisen.

The point I want to raise with the Minister is the definition of “Health service” listed on page 3 of the Bill. It refers to dental services. I notice that medical services are divided into different categories and wonder why dental services are not treated in the same way because, in the schedule, three different dental organisations are mentioned, although perhaps only two of them should be referred to. I therefore wonder why dental services were not categorised.
The Hon. M. A. Birrell (East Yarra Province)—I raise two matters on clause 3. The first matter was brought to my attention by Mr Kirk, Chief Executive Officer of the Box Hill Hospital. A submission from him states:

The inclusion of chief executive officers as providers in their own right, apparently separate from their institutions, is illogical and incorrect. (See Clause 3 (1) “Provider” (g).) A chief executive officer is a member of staff of a provider institution, subject to the direction of the board of management. Section (g) is therefore included in (f) and should be deleted.

I understand this is also the view of the Victorian Hospitals Association. It is a logical view and the Opposition certainly has reservations about that definition of “provider”.

The second matter was brought to my attention in a detailed submission by the Australian Dental Association, Victorian branch, in relation to the definition of “Health services”.

The submission states:

The definition of “Health services” does not differentiate between the categories of dental providers as has been done in the division of medical and paramedical services under categories (a) (c) (i) and (j). Dental services should be categorised under

(i) Those persons covered by the Dental Board of Victoria.
(ii) Those persons covered by the Advanced Dental Technicians Qualifications Board.

The matter has already been raised by Mr Wright and is worthy of comment by the Minister.

The Hon. D. R. White (Minister for Health)—The Government takes note of the matters that have been raised by Mr Wright and Mr Birrell and will give careful consideration to those issues in the operation of the proposed legislation.

The Hon. K. I. M. Wright (North Western Province)—There was considerable interest in the review taking place in relation to the registration board. Will the Minister advise the Committee what stage that review has reached?

The Hon. D. R. White (Minister for Health)—The review has been in progress for approximately six months and discussions have already been held with a number of interested groups. The discussion paper, which will form the basis for further consultation, should be available in a month or so. It will precede any legislative change.

The clause was agreed to, as were clauses 4 to 8.

Clause 9

The Hon. K. I. M. Wright (North Western Province)—Clause 9 (1) (h) refers to the development of programs for the training of health complaints officers and others in the handling of complaints. Is any definition to be provided in regulations or otherwise of what a health complaints officer is or what his duties are?

The Hon. D. R. White (Minister for Health)—Obviously that is a matter that will be dealt with when it comes to the employment of such officers. I am not sure whether it necessarily requires to be set out in any formal legislation or regulation, but I think the criteria that are determined will be made available to honourable members.

The clause was agreed to.

Clause 10

The Hon. J. L. Dixon (Boronia Province)—I move:

1. Clause 10, after line 25 insert:

“( ) With the consent of the board or the approval of the Minister, bring proceedings before a registration board if the Commissioner considers it necessary to do so in the public interest;”

This amendment involves an addition to clause 10 whereby the commissioner would be able to bring proceedings before a registration board if he considers it necessary in the public interest. It could emerge that for personal reasons a complainant was unable to
bring a proceeding before the board, and the commissioner might consider it so serious that he would take proceedings before the board. It may well be that the complainant has died. It may also be that if the commissioner considers the matter to be so serious, it is in the public interest that he bring it before a board.

There is a protection for the board itself in the amendment. I suggest that the consent of the board or approval of the Minister be included to provide protection.

A similar clause has been in operation in New South Wales for some three years and causes no problems whatsoever. It has been extremely useful for the users of health care.

The Hon. M. A. BIRRELL (East Yarra Province)—Despite the persuasive and frequent advances of Mrs Dixon to support the amendment, the Liberal Party is unable to do so. I commend Mr Arnold also on his attempts to get the Liberal Party to support it.

It is a unique occasion that the Government has freed its back bench to move amendments on its own not necessarily with the authority of the Government, but probably without the authority of the Government.

Until Mrs Dixon can get the amendment through caucus we would not try to get it through the Liberal Party room; therefore, we are unable to support her amendment.

The Hon. K. I. M. WRIGHT (North Western Province)—I commend Mrs Dixon on her enthusiasm and on her chairmanship of the Social Development Committee. She has had some success in the two amendments that she is proposing. She is receiving the support of the National Party for one but, unfortunately, the National Party cannot support this amendment, mainly because it feels that there would be too much conflict in the roles of the commissioner, and this view is shared by the Australian Dental Association. I commend that association for its excellent submissions on the Bill to not only the National Party but also other parties.

The amendment was negatived.

The Hon. K. I. M. WRIGHT (North Western Province)—Clause 10 (j) states that the commission may:

Seek information from users about the working of the health complaints system.

This is virtually an assessment of how the system is working. I ask the Minister and the Government why it is only the user who will be asked this question. Why should not the providers also be asked the question? A simple amendment would overcome that problem, and, if accepted, the subclause would read:

Seek information from users and providers about the working of the health complaints system.

I commend that alteration to the Minister.

The Hon. D. R. WHITE (Minister for Health)—The Government does not have a problem with that amendment.

The Hon. K. I. M. WRIGHT (North Western Province)—I move:

Clause 10, line 26, after the word “users” insert the words “and providers”.

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 11 and 12.

Clause 13

The Hon. D. R. WHITE (Minister for Health)—I move:

1. Clause 13, page 9, line 4, omit “three or more members of the Council disagree” and insert “a member of the Council disagrees”.

2. Clause 13, page 9, line 5, omit “they” and insert “the member”.

3. Clause 13, page 9, line 7, omit “their” and insert “his or her”.

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4. Clause 13, page 9, line 8, omit "their" and insert "his or her".

The Hon. K. I. M. WRIGHT (North Western Province)—I commend the Minister for Health for accepting the proposition that it is inequitable to have three or four members of the council opposing the proposition, and I think these are very good amendments.

The amendments were agreed to, and the clause, as amended, was adopted, as were clauses 14 to 16.

Clause 17

The Hon. K. I. M. WRIGHT (North Western Province)—Mr de Jong from the Frankston Hospital has referred to clause 17 (6), which provides:

The Commissioner may choose to keep information given to the Commissioner under sub-section (5) confidential if there are special circumstances and the Commissioner thinks it is in the complainant’s interest to do so.

I inquire of the Minister whether a definition will later be included of what those special circumstances might be.

The Hon. D. R. WHITE (Minister for Health)—I look forward to hearing from the commissioner from time to time in regard to that matter. It has not been the subject of lengthy consideration, but it is one on which I would like to hear further from the commissioner. If it becomes appropriate, and if it is possible, to determine guidelines they will be made available again on request.

The Hon. J. L. DIXON (Boronia Province)—I would imagine that that sort of matter would be considered under private practice.

The Hon. K. I. M. WRIGHT (North Western Province)—What Mr de Jong was saying was that continuing treatment of the patient could be prejudiced if the special circumstances were revealed.

The clause was agreed to.

Clause 18

The Hon. M. A. BIRRELL (East Yarra Province)—Clause 18 concerns legal representation for people who provide services or complain to the commissioner. The Law Institute of Victoria, in its submission to the Minister for Health, a copy of which was provided to the Liberal Party recently, said the following:

This clause has been rewritten, substantially reversing the original draft, and representation is now permitted during investigations. It is noted that representation is not permitted during conciliation unless the Commissioner agrees to it. While the reasons for this have been put forward by Officers of the Ministry in discussion, it is noted that the Registrar of the State Administrative Appeals Tribunal takes the view that lawyers are of substantial assistance in the conciliation processes before the A.A.T. It is submitted that there should be representation as of right, even in the conciliation process, with power reserved to the conciliator to require the parties to appear unrepresented if good reasons can be shown that this would facilitate resolution at the conciliation stage. The Registrar of the A.A.T. has formed the strong view that representation for parties ensures the issues are highlighted at the conciliation stage, which facilitates settlement at that stage.

Those views are put forward in good faith by the Law Institute in an endeavour to uphold people’s individual rights to representation, should they want it, and I would welcome any comments on the matter from the Minister.

The Hon. J. L. DIXON (Boronia Province)—I am not sure whether Mr Birrell listened to my remarks during the second-reading debate or read the report of the Social Development Committee. The very point of conciliation is that the parties get together and discuss the matter. They conciliate by discussion. Once one starts putting the position as of right, where legal representation is involved, one precludes free, honest and open discussion, which is what conciliation is all about.
There is opportunity under this provision to allow legal representation if required, and certainly legal representation is involved in the investigation stage. However, I believe Mr Birrell should really think about what conciliation means.

**The Hon. D. R. WHITE (Minister for Health)**—Quite clearly, the Government looks forward to monitoring closely the work taking place during the conciliation period. In regard to the Administrative Appeals Tribunal and the work that occurs there, obviously Mr Birrell is better informed about what occurs than anyone else in regard to legal representation when matters are brought before the tribunal. I wish that when he chose to use legal representation he had used Mr Storey. His legal representatives would then have received a better hearing.

The clause was agreed to.

**Clause 19**

**The Hon. K. I. M. WRIGHT (North Western Province)**—Clause 19 (4) states that the commissioner may reject a complaint if, when asked, the person who complained to the commissioner does not do certain things. I ask the Minister why the word “must” was not included in that provision. I submit that the word “must” would be more appropriate than the word “may”.

**The Hon. J. L. DIXON (Boronia Province)**—I would imagine that perhaps, once again, it just might be a matter of public interest. The commissioner may be involved in some particular inquiry, and this might link back to some other inquiry in which he is involved. I believe that just gives the provision a small amount of flexibility.

**The Hon. K. I. M. Wright**—It seems to be a double standard, though.

**The Hon. J. L. DIXON**—It gives a small amount of flexibility in the complainant’s interests. This may be more useful in the overall system.

The clause was agreed to.

**Clause 20**

**The Hon. D. R. WHITE (Minister for Health)**—I move:

5. Clause 20, line 39 after “(1)” insert “(b).”.

The amendment was agreed to.

**The Hon. J. L. DIXON (Boronia Province)**—I move:

2. Clause 20, page 13, after line 16, insert:

H( ) recommend that the Commissioner should investigate the matter; or”.

3. Clause 20, page 13, line 35, after “complaint” insert “or recommends that the Commissioner should investigate the matter”.

These are commonsense amendments. Without the ability to actually recommend investigation, the conciliator’s role is really quite flawed. The amendments add in that the conciliator must be able to recommend to the commissioner that an investigation take place. The commissioner passes on no further information; everything else is kept confidential.

The amendments were agreed to.

**The Hon. K. I. M. WRIGHT (North Western Province)**—The clause refers to a conciliator. It is important that the person conciliating should have experience in the law and should be a good communicator.

The clause, as amended, was adopted, as was clause 21.

**Clause 22**

**The Hon. D. R. WHITE (Minister for Health)**—I move:

6. Clause 22, page 16, line 7, omit “person” and insert “provider”.
The amendments were agreed to, and the clause, as amended, was adopted.

Clause 23

The Hon. M. A. BIRRELL (East Yarra Province)—Along with others, I have a concern about clause 23 (1) (b), which provides that the commissioner must stop dealing with an issue raised in a complaint if the commissioner becomes aware that proceedings relating to that specific issue have been initiated before an industrial tribunal.

An unfortunate impact of this provision could be that, if a matter is being dealt with properly by the commissioner and in the public interest, and if that issue then turns into an industrial issue, it can effectively be taken out of the hands of the commissioner, possibly never to return. I do not believe that is the intention of the provision.

It could be used vexatiously to stop the commissioner conducting a proper inquiry. I dare say we have probably had some experience of that in terms of the recent dispute at the Central Gippsland Hospital, where an issue about standards from one health provider, that person being a State registered nurse, turned into an industrial dispute. As I understand it, it did not lead to a health complaint being lodged, but a similar circumstance could lead to a complaint not being fully inquired into by the Government's commissioner because it had been turned into an industrial tribunal matter. I do not believe an industrial tribunal is the appropriate place in which to settle health disputes that are not of an industrial nature.

The Hon. D. R. WHITE (Minister for Health)—In respect to the situation at the Gippsland hospital, the management of that hospital took action, and firstly one and subsequently a number of employees were dismissed. The manner in which it came before the industrial commission was a result of the fact that the employees, or their union, the Royal Australian Nursing Federation, took up the matter and appealed against the dismissal of the employees.

Therefore, it is not as though a circumstance existed there where a course of events which could be described as non-industrial or of a vexatious nature had been initiated before the commission. In other words, the initiative was taken by the Royal Australian Nursing Federation to appeal against the steps that the hospital management and the board took.

It is true to say that there is a possibility that someone might use clause 23 (1) (b) in a vexatious manner. One safeguard is the terms and circumstances in which the industrial commission might be prepared to hear a case—and obviously it would have to take that into account, to the extent that it was relevant under the legislation and to the extent to which it was currently being dealt with by the commissioner.

Under the measure, the Government will obviously monitor very closely the implementation of the Bill to ensure that it is not misused, abused or used vexatiously by any party.

The clause was agreed to, as were clauses 24 to 26.

Clause 27

The Hon. M. A. BIRRELL (East Yarra Province)—I simply wish to place on record the Liberal Party's appreciation for the Government changing its stance in this area of the proposed legislation. A warrant will now have to be issued if the premises of a health provider have to be inspected. This is a vast improvement on the suggestion that was
initially put forward in the draft Bill. It meets the objections of many health providers who thought it was an unwarranted intrusion on their liberty.

The clause was agreed to, as were clauses 28 to 34.

Clause 35

The Hon. M. A. BIRRELL (East Yarra Province)—This clause contains the regulation-making power. The Australian Medical Association welcomes the fact that regulations will now be required to bring into power the code of practice that is intended. I simply seek from the Minister some assurance that there will be a wide discussion of that kind of practice, as well as the normal procedures that apply when a regulation is brought forward.

The Hon. D. R. WHITE (Minister for Health)—Yes.

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

Schedule

The Hon. K. I. M. WRIGHT (North Western Province)—The schedule contains the name of the Dental Technicians Licensing Committee. I am informed, and I believe it has been debated in previous legislation, that this committee does not represent a provider as the provider is the dentist for whom the dental technician works.

Advanced dental technicians are providers in their own right and I put it to the Minister that perhaps the Dental Technicians Licensing Committee should not be in that schedule because it is not a provider.

The schedule was agreed to.

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

The Hon. D. R. WHITE (Minister for Health)—I move:

That this Bill be now read a third time.

In so doing, I thank the members of both the Opposition and the National Party for their support of the measure.

I take this opportunity of thanking the Social Development Committee, which was formerly under the chairmanship of Walter Jona and is now chaired by Judith Dixon. I thank Professor Hanks and Mr John Finemore, who was formerly the Chief Parliamentary Counsel, for their excellent piece of quality legislation and I look forward to working with the commissioner to bring about the implementation of this measure.

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

ADJOURNMENT

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

That the Council, at its rising, adjourn until Tuesday, April 28.

The motion was agreed to.

The House adjourned at 4.53 p.m. until Tuesday, April 28.
QUESTIONS ON NOTICE

THEFT FROM SNOBS CREEK HATCHERY
(Question No. 17)

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

Were approximately 50 000 trout stolen from the Snobs Creek fish hatchery in the latter part of 1985 or early 1986; if so—(i) what percentage of the hatchery's stock did the theft represent; and (ii) is the hatchery manned by Department of Conservation, Forests and Lands staff on a 24-hour basis; if so, can the Minister explain how this theft was able to take place; if not, what are the details of security arrangements?

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

Approximately 50 000 rainbow trout fry (3-5 months old) were stolen from the Snobs Creek fish hatchery during October-November 1986.

(i) The theft represented 14 per cent of all fry held at the hatchery, and 37 per cent of the hatchery stock of rainbow trout fry. The size of the fry was such that they could easily have been transported in one or two plastic domestic rubbish bins.

(ii) There are ten houses situated in the grounds of the Snobs Creek hatchery, nine of which are occupied by Snobs Creek staff and their families. The presence of staff on site on a 24-hour basis has for the most part acted as an effective deterrent to thefts from the hatchery.

All holding units for brood fish are surrounded by security fences. The many outdoor units used for holding smaller fish—all of which were built during the 1950s and were spread over a wide area—have never been surrounded by security fences. However, as part of the current redevelopment of the hatchery, it is the intention of my department that security fences will be built around all new trout and salmon holding units which will be established in a relatively small centralised area.

APPRENTICES AT BENDIGO NORTH RAILWAY WORKSHOPS
(Question No. 19)

The Hon. N. B. REID (Bendigo Province) asked the Attorney-General, for the Minister for Transport:

(a) How many apprentices were employed at the Bendigo North Railway Workshops as at 30 June 1982, 1983, 1984, 1985 and 1986, respectively?

(b) In which trades were those apprentices employed?

(c) How many new apprenticeships will be offered at Bendigo North Railway Workshops 1987?

The Hon. J. H. KENNAN (Attorney-General)—The answer supplied by the Minister for Transport is:

(a) 1982 45
    1983 49
    1984 53
    1985 56
    1986 43

(b) Grade

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<td>Carpenter and Joiner</td>
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<tr>
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<td>2</td>
<td>4</td>
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<td>3</td>
<td>3</td>
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(c) Sixteen new apprentices began their training at Bendigo North Railway Workshops in 1987.
*Fourteen of these come under the State additional apprentice scheme.

SOUTH CHANNEL FORT
(Question No. 54)

The Hon. M. A. BIRRELL (East Yarra Province) asked the Minister for Health, for the
Minister for Industry, Technology and Resources:

(a) On what date and at what cost was the South Channel Fort purchased from the Commonwealth Government
for use by the Victorian Tourism Commission?

(b) What plans does the Government have for using the Fort, and will public input from interested parties be
sought prior to plans being finalized?

(c) When is it proposed that public access be provided to the Fort?

(d) Does the Government intend to coordinate its use of the Fort with the current or proposed use of similar
historic fortifications and sites in Queenscliff and on Point Nepean?

The Hon. D. R. WHITE (Minister for Health)—The answer supplied by the Minister
for Industry, Technology and Resources is:

(a) Settlement of the sale took place on 30 June 1986 and the purchase price was $125 000.

(b) The Government intends the Fort to be open to visitors, who will be charged a nominal fee. All funds
raised will be used for restoration purposes.

A number of organisations have already contacted the Victorian Tourism Commission expressing an interest
in the property. All known interested parties will be contacted before plans are finalised. The preservation of
birdlife will be given a high priority and discussions in this regard will be held with the Department of Conservation,
Forests and Lands.

(c) It is proposed that public access will be provided to the Fort when:

(i) the pier is repaired in order to provide safe access to visitors; and

(ii) lighting and safety requirements relating to the underground areas have been finalised.

It is hoped that these works will be completed by the end of the financial year.

(d) It is the Government's long-term intention to increase and enhance tourism to the southern end of Port
Phillip Bay by utilising Fort Queenscliff, South Channel Fort, and Fort Nepean if and when this property
becomes available. In conjunction with the existing ferry operators it is intended to promote the facilities of these
three properties as part of a triangular heritage tour, focusing on Victoria's military and maritime history. It is
considered that such a tour would have enormous appeal to both local and international tourists alike.
Tuesday, 28 April 1987

The PRESIDENT (the Hon. R. A. Mackenzie) took the chair at 3.2 p.m. and read the prayer.

RETURN OF MEMBER FROM LEAVE OF ABSENCE

The PRESIDENT—Order! I note that Mr Van Buren has returned to the House following his illness. I am sure honourable members are pleased that he is back and hope that his health continues to improve.

BORROWING AND INVESTMENT POWERS 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.

COMMUNITY SERVICES BILL

This Bill was received from the Assembly and, on the motion of the Hon. C. J. HOGG (Minister for Community Services), was read a first time.

QUESTIONS WITHOUT NOTICE

LIVE SHEEP TRADE

The Hon. R. S. de FEGELY (Ballarat Province)—I refer the Minister for Agriculture and Rural Affairs to a program broadcast recently on Channel ABV2, *The Dingo Principle*, which has resulted in the dismissal of two senior Australian diplomats from Iran and to the fears that have been expressed that further retaliation by that country against Australia may be made through trade. What measures is the Minister taking to protect the $300 million live sheep trade between Australia and Iran?

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—Clearly, it is a matter of some import, and clearly it is not a matter for State Parliament. However, I indicate my concern should any such trade be jeopardised. It is an important trade for Victorian farmers. Nevertheless it is clear that the comments made by the Federal Minister for Foreign Affairs about that program are correct: this is a free country and what is broadcast by television stations is not controlled, as it may be in other countries.

One expects and hopes that programs emanating from Channel ABV2 will be responsible. The reality is that we can ill afford to lose a major export trade, and I shall do my best to ensure that it is sustained.

ALL-MILK LEVY

The Hon. B. P. DUNN (North Western Province)—Can the Minister for Agriculture and Rural Affairs advise honourable members whether it is now likely that the New South Wales Government will withdraw its dairy industry from the payment of the all-milk levy? Is the Minister aware of the concern of Victorian dairy farmers over the deteriorating situation; and what will be the effects on this State’s producers if New South Wales refuses to pay the levy?

The PRESIDENT—Order! I rule Mr Dunn’s question out of order; it is hypothetical.
**MILK PRICING**

The Hon. M. J. ARNOLD (Templestowe Province)—My question without notice will interest Mr Dunn and the National Party. Taking into account that it has been the Government's policy to review milk prices every six months and that the last increase occurred in November 1986, it will be of interest to the House that the Minister for Agriculture and Rural Affairs should inform honourable members when the next adjustment of milk prices is to occur and provide details of those changes.

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—The Victorian Dairy Industry Authority is authorised by existing legislation to determine the price of milk, subject to consultation with the Prices Commissioner and to the approval of the Governor in Council—effectively, Cabinet.

The Government has approved the determination of the authority in recent times which will increase the minimum and maximum retail prices of a 1-litre carton of plain white milk by 1 cent. The new prices, effective from 1 May, will be a maximum of 78 cents and a minimum of 76 cents a litre. Honourable members will understand that we altered the pattern at the time of the last determination of the maximum and minimum prices.

For the farm sector, the authority took into account the cost of production data, adjustment arising from the phasing in of efficiency gains by benchmark farms and relative prices paid to farms in other States for market milk. Taking these factors into account the Victorian Dairy Industry Authority Board has determined a farmgate price increase of 0.7 cents a litre or 2.2 per cent. The new farmgate price will be 33.45 cents a litre.

Following the authority's assessment of cost changes, the proposed increases for the other major sectors of the industry and the percentage change from the other maximum prices are: for processing and wholesale distribution, 0.11 cents a litre, an increase of 0.7 per cent; distribution 0.11 cents a litre or 1.1 per cent and retail 0.14 cents a litre or 1.3 per cent.

The authority's administration charge and dairy product assurance margin are unchanged, while the authority's rebates granted to some special products and remote areas have been reduced by 0.6 cents a litre.

The prices take into account all cost increases from 2 July 1986 to 31 December 1986. The wage increase that took place on 1 July 1986 was included in the last milk price increase in November last year.

The proposed increases of 0.7 cents a litre in the farmgate price and 1 cent a litre in the price of a 1-litre carton of plain white milk are both consistent with the Grocery Prices Act 1987.

In conclusion, in this case the Government has agreed to maintain the existing 2 cent margin between maximum and minimum prices. However, I give notice of the Government's intent to possibly widen this margin at some future price determination. This course of action is possible under the provisions of the Dairy Industry (Milk Price) Act 1986.

**SECURITY RISK RESIDENTS AT CALOOLA, SUNBURY**

The Hon. R. I. KNOWLES (Ballarat Province)—I refer the Minister for Community Services to her acknowledgment that security risk residents are being accommodated inadequately at Caloola, Sunbury, and I ask the Minister what immediate alternative arrangements have been made for these residents to protect other residents, staff and the wider community until a longer term solution is agreed upon by the inquiry that the Minister has put in place?

The Hon. C. J. HOGG (Minister for Community Services)—As Mr Knowles and other honourable members well know, several inquiries are occurring at Sunbury at present and
I will not comment on the nature of those inquiries, given the internal and departmental processes which are running and the sub judice nature of one of the inquiries. However, going to the nub of the information Mr Knowles wants, I am able to assure him that it is my belief that the security patients—and there are a small number who can be called security patients—at Sunbury have been placed in more secure accommodation. In addition, psychiatric assessments are being made of those security patients and of several others. I take the point that Mr Knowles makes, that a long-term solution is needed to find the appropriate placement for the small number of people within the institutions for the intellectually disabled, a matter which obviously gives all of us a great deal of concern. I assure Mr Knowles that the security patients are in more secure accommodation.

**LAUNDERING OF DRUG MONEY**

The Hon. K. I. M. WRIGHT (North Western Province)—I refer the Attorney-General to the recent publicity given to allegations that Italian Mafia-style families living near Mildura are laundering drug money through the trotting industry. Either those allegations are based on fact or they are not and are a slur on Mildura and the Italian community in that area. Can the Minister inform the House what action he or his Ministerial colleagues can take to get to the truth of this matter?

The Hon. J. H. KENNAN (Attorney-General)—Mr Wright has written to me about this matter and directed my attention to an article in a newspaper. As Mr Wright says, it is correct that the allegations amount to a substantial slur on the community to which he referred. I assure the House that if any evidence is given to me I shall pass it on to the relevant authorities. In the meantime, I shall forward a copy of the newspaper article to the relevant authorities to see whether there is a basis for these claims. Such allegations and claims occasionally do result in hard evidence, but it is a matter to be treated with the sort of care with which Mr Wright has treated it.

**SAWLOG LICENCES**

The Hon. B. A. MURPHY (Gippsland Province)—I pay tribute to the excellent work the Minister for Conservation, Forests and Lands is doing towards the implementation of a timber strategy for Victoria, an important part of which is the recommendation of a long-term sawlog licence. Can the Minister advise the House of the implications of the long-term sawlog licence including quality specifications and any particular problems in east Gippsland?

The Hon. J. E. KIRNER (Minister for Conservation, Forests and Lands)—I thank Mr Murphy for his question and commend him for his commitment to east Gippsland and his excellent judgment. One of the most important tasks of my department is to make decisions on the issuing of licences for the log resource. That decision is made even more important when, for the first time, the timber industry and particularly sawmillers are being allowed security by being granted long-term licences. As it is an important decision it is necessary that a careful process be adopted in deciding how that resource is to be allocated. I shall outline the process.

The letter of offer is to be forwarded to individual licensees by 15 May 1987. That letter of offer will specify the quantity of timber to be supplied and the minimum quality of the timber. The quality specification will be qualified in terms of what the department is able to move towards supplying as logging arrangements are implemented.

The letter will also state the licence conditions in final draft format. Following the issue of the letters there will be further consultation with each prospective licensee by my senior regional officers and head office staff. Those discussions will take place every May and June so that the final granting of licences can take place by the end of June in time for the next logging season, which begins in July.
One of the important parts of the Timber Industry Strategy was the recommendation that the log resource would be allocated according to best use of the wood. That makes the actual quality specifications in the licence extremely important. To implement the allocation of logs by grade a committee has been examining log grading rules to ensure that logs can be graded to reflect the types of products to be produced. That committee includes representation from regional and head office staff of my department and sawmillers.

In terms of east Gippsland, which Mr Murphy specifically mentioned, it is clearly not possible to make long-term licences available for east Gippsland sawmillers or licensees until the Government has decided on the recommendations of the Land Conservation Council, which one would expect to take place over the next few months.

The Hon. D. M. Evans—Will Parliament have a say in that?

The Hon. J. E. KIRNER—I confidently expect Mr Evans to support the Government's decision on that matter. To enable industry to plan for the 1987–88 logging season in east Gippsland, the department will consider offering licences in east Gippsland on the basis of 90 per cent of this year's allocation so that the sawmillers can be confident of their future. It will also allow an easing in of the sustainable level of timber supplied, which the Government intends to decide for each forest management area and to legislate upon in the spring sessional period.

MILK PRICING

The Hon. N. B. REID (Bendigo Province)—Further to the question asked by Mr Arnold, will the Minister for Agriculture and Rural Affairs ensure that Victorian dairy farmers will, as promised by the Premier, continue to retain at least the current premium price for liquid milk over the next twelve months?

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—There is no intention of moving away from the orderly marketing pattern for market milk in Victoria. As announced today, after Mr Justice Robinson's report, every six months a report will be made to the Victorian Dairy Industry Association following the Prices Commissioner's consultation about the price of milk overall and the proportions within that structure, and that will continue. There is no intention of moving away from that system.

Given what has occurred in recent times about the threat to that system with the interstate milk trade, one has to say that at any time the prospect of maintaining orderly marketing within any one State is always up for debate when there is friction between States, as there is at the moment. A resolution of that situation is in sight, but I am not at liberty to discuss that. I hope there will be some reasonable agreement in due course.

In answer to the original question, the Government has no intention of moving away from the orderly marketing system of price establishment for market milk in Victoria.

DEPARTMENT OF CONSERVATION, FORESTS AND LANDS

The Hon. W. R. BAXTER (North Eastern Province)—I ask the Minister for Conservation, Forests and Lands whether it is a fact that the shortage of funds in her department is such that some officers of the department have been instructed to remain within their offices and not go out to do field work. Is it not an indication of appalling budgetary management by the Minister and her department? Can the Minister indicate which branches of her conglomerate have received this instruction and, if it is a fact, how is the department to service its clients in the far-flung parts of Victoria that I represent if there is no money to provide petrol for their motor vehicles?

The Hon. J. E. KIRNER (Minister for Conservation, Forests and Lands)—It is not a fact that any officers have been instructed to remain in their offices. In fact, the opposite has been the philosophy of my department. The role of my people is not to stay in their
offices but, as Mr Baxter well knows they do, to get out and service the people as they ought to be serviced.

**SURPLUS LAND AT KINGSTON CENTRE**

The Hon. M. J. SANDON (Chelsea Province)—Can the Minister for Health indicate the Government's attitude to the use of surplus land at Kingston Centre?

The Hon. D. R. WHITE (Minister for Health)—It is clear that this is a time when the Government is taking major initiatives in the south-eastern suburbs in the expectation of the opening of beds at the Heatherton Hospital following the transfer from Willsmere Hospital and the imminent opening of services at Clayton.

The Government has been concerned that the Kingston Centre currently occupies a site of 129 acres which was made available for its use under a Crown grant on 16 March 1926. The Crown grant specified that the land in question was to be used as a site for a benevolent asylum and offices and conveniences connected therewith, and for no other purpose whatsoever.

Contrary to the conditions specified by the Crown grant, in October 1969 an agreement was made between the then board of management of the Kingston Centre and a commercial market gardener to allow part of the Kingston site to be used for growing vegetable produce, mixed vegetables and rhubarb.

There have been no policies from the Liberal Party in 27 years for the benefit of the south-eastern suburbs—we have rhubarb. Approximately 40 acres is now used for this purpose at an annual rental of about $5200. This rental has been estimated to be less than one-third of the market rate of commercial rental that would apply to such land.

Where are the Liberal Party's policies for the south-eastern suburbs and where are its programs? What does it have to offer the people? It has nothing but rhubarb! To confirm its rhubarb policies, a Notice of Motion, General Business, appears on the Notice Paper from Mr Lawson—who represents the area—stating:

That this House calls upon the Government to reconsider its policy of selling so-called surplus land and to consult public opinion and future needs . . .

The Hon. A. J. HUNT (South Eastern Province)—On a point of order, Mr President, I direct attention to your own recent ruling on the contents of answers to questions without notice.

The PRESIDENT—Order! The Minister is tending to debate the question now, and I suggest that he should arrive quickly at the crux of his answer.

The Hon. D. R. WHITE (Minister for Health)—The Government has identified the 40 acres concerned, together with another 30 acres at the Kingston site, as surplus to the requirements of the Kingston Centre and will examine the appropriateness of its current use. The Government certainly does not condone the policy held for 27 years or the current policy as espoused by Mr Lawson that, instead of offering services to the aged, all the Liberal Party has to offer is rhubarb.

**COMMUNITY SERVICES VICTORIA FIELD WORKERS**

The Hon. JEAN McLEAN (Boronia Province)—Given the increased responsibility taken on by Community Services Victoria in areas of child protection, can the Minister for Community Services inform the House what she is doing to recruit field workers into her department?

The Hon. C. J. HOGG (Minister for Community Services)—Obviously increased responsibilities have been taken on by Community Services Victoria. I have pointed out to the House on a number of occasions—and also have had pointed out to me—that there are some deficiencies in the recruitment of field staff.
It should be noted that the field work staff in the protection area are somewhat more difficult to recruit because of the very special qualifications that are required. Nonetheless, it is true that overall a shortage of general field workers is being experienced within Community Services Victoria.

With that in mind, the following initiatives have been put in place. Job information seminars have been conducted for new graduates and other personnel contemplating a career in public welfare practice. We have inserted block advertisements in city, country and interstate press and targeted distribution of career brochures and other publicity material. We have developed employment information and referral systems with universities, colleges of advanced education and professional associations.

Most importantly, we have personally tried to follow up individual job applications and inquiries within 24 hours of the initial contact with the department. In addition, we have tried to develop a career range which enables workers to stay in direct field practice and thereby consolidate their skills and enhance service quality. Several honourable members in this House from time to time have spoken about making certain that there is a career path for field workers that will satisfy their requirements and those of the department to stay in the field.

I am pleased, therefore, to be able to inform the House that, at the end of January 1987, Community Services Victoria reported fourteen vacancies in the general field service area compared with 54 vacancies in November 1986, when the department began its recruitment program. That means a success rate of approximately 74 per cent. A comprehensive two-week induction program for new graduates was held, and this will be repeated regularly throughout 1987.

Finally, a case has been prepared for Public Service Board clearance to introduce a senior field worker category in the department's staffing structure. Advancement to this senior field position will be based on criteria demonstrating the applicant's excellence in field practice.

If I am given the opportunity, I shall be delighted to report to the House at regular intervals about the improvements to direct practice and field service in my department.

TERMINATION OF EMPLOYMENT OF CHANNEL HSV7 STAFF

The Hon. J. V. C. GUEST (Monash Province)—I ask the Leader of the House—and I would not mind a Ministerial statement in answer—whether, in light of the enormous implications for unemployment in Melbourne generally and specifically in the Port Melbourne, South Melbourne, St Kilda and Prahran areas—which were formerly in the Minister's province and are now in mine—flowing from the sacking of the 78 Channel HSV7 staff and the proposals for television networking generally, the Government will address this matter in its forthcoming economic strategy document. Will the Government use its influence on the Federal Labor Government to save Melbourne from this devastating blow both to employment and to the city's cultural identity?

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—I am not sure why the question has been addressed to me. It is interesting to have a question of this type from Mr Guest who is one of the great supporters in this House of private enterprise and one of the great supporters of the free market. If he had worded his question differently he may have indicated some concern for the fact that there has been a major change in ownership of Channel HSV7 and, consequently, with the transfer of the major programming to be based in Sydney, there has been a sacking of 78 people. I believe that is what he was trying to say.

I regret the fact that that occurred; it is a shame that a major television station in Victoria has been taken over and that its major programming function has been moved to another city. Whether that is something that the Government can address in its economic strategy document is a matter for its proper authors, being the Treasurer and the Premier.
I am happy to take up the matter with them but I can assure the honourable member that I do not believe there will be a chapter addressing this issue in the Mark-2 economic strategy document to be released this week.

PERSONAL EXPLANATION

The Hon. ROBERT LAWSON (Higinbotham Province)—During question time, Mr Sandon asked a question of the Minister for Health about the land at Kingston Centre. Somehow the answer was lost but the Minister did take the opportunity of attacking me because I have a motion on the Notice Paper regarding the disposal of public lands.

Among other things, the Minister stated that I represented Kingston Centre. It may come as a surprise to Mr Mier and Mr Kennedy that they represent Kingston Centre and that I do not and, as a matter of fact, I have never represented that area.

Naturally I am concerned that public land is being disposed of without any proper accounting, but the Minister at the end of his answer actually said that the Government is looking at the matter. I hope it does, and if it needs any assistance in its deliberation, I shall be happy to assist.

CHIROPRACTORS AND OSTEOPATHS (AMENDMENT) BILL

The Hon. D. R. WHITE (Minister for Health), by leave, moved for leave to bring in a Bill to amend the Chiropractors and Osteopaths Act 1978 and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

LEGAL AND CONSTITUTIONAL COMMITTEE

Human Rights

The Hon. HADDON STOREY (East Yarra Province) presented a report from the Legal and Constitutional Committee on the desirability or otherwise of legislation defining and protecting human rights, together with appendices, extracts from the proceedings of the committee, a minority report and minutes of evidence.

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

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

The report is the product of a long and detailed inquiry by the Legal and Constitutional Committee. It is a remarkable achievement of the committee which is made up of disparate members from different parties who have been able to come up with a report that was agreed to by almost although not all the members of the committee. It makes an important contribution to the question of human rights in Victoria.

On behalf of the committee I thank the director of research, Mr Greg Craven, and the various research officers who worked with him and the committee over a period of months to produce this report. I also thank the witnesses and the people who made submissions to the committee, which submissions helped the committee in its consideration of this question.

I commend the chairman of the subcommittee, Mr Lou Hill, the honourable member for Warrandyte in another place, who brought the report to the committee for its consideration. The report should be read by honourable members of this House and by the public generally. It is for this reason that I move this motion.

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

Police Service Board—
- Determinations Nos 470 and 471.
- Determination No. 4 for Police Recruits.

Statutory Rules under the following Acts of Parliament:
- Dentists Act 1972—No. 77.
- Drugs, Poisons and Controlled Substances Act 1981—No. 82.
- Firearms Act 1958—No. 78.
- Post-Secondary Education Act 1978—No. 76.
- Racing Act 1958—Nos 79 and 80.
- Stamps Act 1958—No. 81.

Proclamations of His Excellency the Governor in Council fixing operative dates in respect of the following Acts:
- Guardianship and Administration Board Act 1986—Part 1, sections 5 and 6, remaining sections of Part 3, sections 75 to 82 and Schedules 1 and 3—1 April 1987 (Gazette No. G12, 25 March 1987); section 58—1 April 1987 (Gazette No. G13, 1 April 1987).
- Local Government Acts (Miscellaneous Amendments) Act 1986—sections 5 to 8, 10 to 13, 15 to 17, 37 and 38—13 April 1987; sections 3, 4, 9 and 14—1 May 1987; sections 36 and 40—1 October 1987 (Gazette No. G13, 1 April 1987).
- Lotteries Gaming and Betting (Amendment) Act 1986—sections 5 (6), 5 (7) and 8—1 April 1987 (Gazette No. G12, 25 March 1987).
- Road Safety Act 1986—sections 60, 61 and item 9 of Schedule 3—1 April 1987 (Gazette No. G13, 1 April 1987).

SESSIONAL ORDERS

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

That so much of the Sessional Orders as requires that no new business be taken after 10 p.m. and that General Business shall take precedence of Government Business on Wednesdays 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 General Business.

It is traditional to move a motion such as this at this time of the sessional period. However, I offer the House the assurance that I normally do at this time that there will be provision made for General Business or Opposition business on Wednesday. I am hopeful that we can deal with that business prior to dinnertime tomorrow in order to proceed with the heavy workload we have. However, the normal understanding is for 2 hours and 2 hours is agreed to.

There are 31 Bills which we hope to proceed with before the end of the sessional period and, with reasonable cooperation, I am hopeful we can manage to do that this week, although that may not be possible.

The Government assures the House that it does not intend to change the 12 o'clock rule as it intends to keep reasonable hours.

The Hon. HADDON STOREY (East Yarra Province)—This is a motion that is usually moved by the Leader of the Government at this stage of the sessional period and, in the
light of his assurances that at least 2 hours will be made available tomorrow for Opposition business, we do not oppose the motion.

The motion was agreed to.

HUMAN TISSUE (AMENDMENT) BILL

The debate (adjourned from March 24) on the motion of the Hon. D. R. White (Minister for Health) for the second reading of this Bill was resumed.

The Hon. K. I. M. WRIGHT (North Western Province)—The principal Act was debated in 1982. It related to the transplant of human tissue, regenerative and non-regenerative. My colleague, Mr Birrell, the spokesman for the Opposition on health matters, made his contribution to the debate on this Bill on an earlier occasion and I support most of his remarks. There is broad support for the measure and the National Party has no basic objection to it.

The principal Act dealt with post-mortems and the definition of death. During the second-reading debate on that Bill it was stated that most persons who die of cancer, heart attacks and so on are not considered as transplant donors except for tissue such as corneal lenses. Eye tissue can be stored for up to 48 hours, unlike other organs, which need to be used immediately.

This Bill refers to all human tissue but the main call for it has come from ophthalmologists, who estimate that 600 people receive corneal grafts annually in Victoria in both private hospitals and public hospitals; 150 corneal grafts are carried out annually at the Royal Victorian Eye and Ear Hospital and more are carried out at private hospitals. Unfortunately, 400 people are on the waiting list for this operation. This number is increasing daily, as is the number of people waiting for elective surgery. The cornea is like a watch-glass; it covers the central part of the eyeball through which the coloured part of the eye, the iris, and the pupil can be seen. Any change in the shape of the cornea or opacity due to a scar can cause profound loss of vision and it is at this stage that corneal grafts are required.

The Bill has three main objectives. Firstly, it enables authorised persons other than medical practitioners to remove tissue from dead bodies. Secondly, it enables all medical practitioners to certify death for the purposes of the Act if a life support system is not being used—previously five years’ experience was required. Thirdly, it enables the taking of blood samples from children requiring blood transfusions where the consent of a parent or guardian cannot be obtained. The second and third objectives are reasonable and have attracted little comment or criticism. However, the objective that authorised persons other than medical practitioners be able to remove tissue from dead bodies has stirred up a hornet’s nest.

The Minister for Health has called this a “small” Bill; it may be small in printed form but it has proved to be big in principle. I followed my usual practice of sending copies of the Bill and second-reading notes to professional organisations, including the Australian Medical Association, the Victorian Hospitals Association Ltd, several eye specialists and three base hospitals in the province I represent. I received replies expressing strong opposition to any non-medical personnel performing tasks usually carried out by medical practitioners. The removal of corneas may take only 20 minutes but there is strong opposition to non-qualified people performing these tasks.

A highly respected ophthalmological surgeon in Mildura, Dr Brian Rodan, advised that he was against the proposition and suggested that resident medical officers should be trained to do this job. I received letters and telephone calls from the Mildura Base Hospital and from the Victorian Hospitals Association Ltd.

In a letter dated 19 March, Mr Sid Duckett, the Chief Executive Officer of the Mildura Base Hospital stated that, strangely enough, the Medical Director of the Victorian Eye and
Ear Hospital was unaware of the proposed amendment to the Act. He advised that, from discussions with ophthalmologists, the Medical Director of the Mildura Base Hospital and the Medical Director of the Victorian Eye and Ear Hospital it appeared that the proposed amendment was superfluous. The officer commented that the responsibility for the availability of corneas for transplantation should remain with the ophthalmologists who will use them. He said also that if a small group cannot make a system work he could not perceive how any enlarged group would be able to provide a better service.

Mr Allan Hughes, the Executive Director of the Victorian Hospitals Association Ltd, in a letter dated 20 March, made four main points and prefaced the points by saying that transplantation surgeons are concerned about the viability of organs in the face of insufficient experienced personnel to carry out organ retrievals as proposed in the Bill. The association stated, firstly, that it did not believe removal of tissue from dead bodies for transplantation purposes should be delegated to non-medical personnel; secondly, that the level of training and expertise required is not available to other health professionals; thirdly, that it would not be appropriate for non-medical staff to undertake a function for which doctors receive specific and comprehensive training; and, fourthly, that the industrial implications of other health professionals, for example, scientists, seeking a change either to their classification or conditions of employment should not be overlooked. The fourth point has been raised with me on several occasions by other people. The association considered that a further amendment should be made to clause 3(j), and I shall refer to this matter in the Committee stage of the Bill.

The Bendigo and Northern District Base Hospital, which is in the province I represent, replied to my correspondence on 7 April 1987 and stated that the hospital's director of nursing, Miss Jean Edgar, believed experienced personnel will be required to improve the rate of corneal transplant retrieval and, hence, the success of the program. Miss Edgar believes the success of the transplant would be dependent on how carefully the tissue was removed or retrieved and this would require a degree of skill.

The hospital stated that it considered there would not be many registered nurses who would be interested in undertaking such a job and it might be difficult for those people to keep up their skills in country areas where few requests are made for retrieval of corneal tissue. The hospital further informed me that it might be more appropriate to train technicians or perhaps mortuary attendants who have assisted in post-mortem examinations and who have a degree of skill in that area to undertake these tissue removals. The hospital stated that the best way to carry out the procedure would be to have a specially trained team to travel to various areas to perform the procedure.

The hospital qualified those comments by saying that the operation would be very expensive and that possibly would prohibit such action. I should like the Minister to comment on that in due course.

The Australian Medical Association, through its executive director, Mr Hastings, stated on 18 March that it had had some discussions with the Minister's advisers and had carefully reviewed the Bill. The association said also:

On balance, we do not find anything objectionable in it, but will certainly remain interested while the matter is under debate in case of any unforeseen changes developing. We will also carefully monitor the implementation of the Bill after it is enacted...

I have received numerous telephone calls from specialist surgeons who have not been able to obtain sufficient corneas; for example, Dr R. A. McDonald from the College of Ophthalmology, Dr Bearham from the Royal Victorian Eye and Ear Hospital and Dr Ian Robertson from the corneal membrane eye bank. They and many others are, in the main, supportive of the Bill.

The view of those closely involved in corneal transplants was that not enough had been done. Up to 200 corneas are available per annum but that is not sufficient. St Vincent's Hospital is close to the Royal Victorian Eye and Ear Hospital and is linked with it by an underground tunnel, which is unused at present.
I have been informed that up to 90 per cent of the relatives who have been requested to provide corneal grafts to the next of kin have agreed. That is favourable; however, the operation must be carried out within 2 hours of death and, at the outside, within 4 hours.

One of the reasons for the shortage of corneas could be that the legal responsibility for the operation rests with the hospital at which the removal of the cornea takes place. The hospital gets nothing out of the operation which it usually performs as a favour for the Royal Victorian Eye and Ear Hospital or another hospital. If anything goes wrong with the operation, the hospital carries the responsibility. The seriousness of this situation can be readily understood when one considers that the maximum fine that can be imposed is $10,000 or six months' imprisonment for improper practice in work carried out under the umbrella of the proposed legislation. Understandably, some of the hospitals are not enthusiastic.

Because of the very important principle involved in the measure, the lack of agreement between certain sections of the medical profession and the Victorian Hospitals Association Ltd and the lack of prior notice that the Bill was to be debated, I felt compelled to move the adjournment of the debate. That action has been most useful in the light of recent events and I am glad that Mr Birrell agrees with me.

The Hon. M. A. Birrell—The debate was not meant to come on when it did.

The Hon. K. I. M. Wright—That might have been the case. While the debate was adjourned I was reminded of the outstanding work of the Lions Clubs throughout Australia. There are more than 1 million members throughout the world, and the members in Australia embarked on a project to establish eye banks to provide eye surgeons with eye tissue for performing corneal grafts or transplants. The Victorian Lions Clubs raised $250,000 for this project. The clubs in the province I represent contributed most generously to the project.

During the adjournment of the debate, the National Party held further discussions with the Australian Medical Association, hospitals and medical practitioners. I suggested a compromise that might counter a number of the arguments against the general nature of the Bill, that the removal of human tissue be restricted to ocular tissue.

This suggestion was reasonably well received by those with whom the National Party communicated. I also discussed the matter with my colleague, the shadow Minister for Health, Mr Birrell, who suggested that perhaps skin tissue could well be included in the principle being established. The suggestion was commonsense and, hence, I have drafted an amendment to be presented during the Committee stage.

I have received a further communication from Mr Allan Hughes, Executive Director of the Victorian Hospitals Association Ltd. In a letter dated 6 April 1987, Mr Hughes informed me that if the measure limits the power for tissue removal to corneas and does not extend to other organs, such as the heart and kidney, it is appropriate. He suggested that perhaps this limitation should be made clear in the Bill.

On balance, the National Party supports the proposed legislation but during the Committee stage it will move the amendment that I foreshadowed.

The Hon. G. P. Connard (Higinbotham Province)—As the time for debates this week has been restricted, I shall make my remarks brief. Generally, I am concerned with the Bill because it reduces the general standards of care to our community. It is a retrograde step to have other than medical practitioners removing human tissue. That concerns me because anyone who is a professional in the medical and allied medical disciplines is zealously trying to raise medical standards. The Bill seems to be lowering those standards because the principle behind the removal of human tissue, particularly ocular tissue, is to implant it into another live body.

In this procedure the best standards and best and most appropriate skills should be applied. Neither the Bill nor the Minister's second-reading speech indicates that the
practitioners, apart from the doctors, will have the necessary skills to perform that operation and, therefore, the implantation procedure is the second area of concern surrounding the operation. Although the Bill is concerned about the extraction of medical tissue, it hardly addresses the real issue, that the ocular and other sections of the body that are to be removed will be used for implantation in human bodies.

I should have thought that procedure would have required the utmost skill and the best and highest medical standards. Consequently, I express my grave concern about the Bill, based upon those points. I should have preferred the Minister to indicate that the standards of medical practitioners would be raised. I should have thought we would have been zealous in raising our medical standards in any procedure associated with the medical treatment of humans.

According to the general principles of the Bill, clause 3 (d) does not do that. Therefore, although I will not be voting against the Bill, I express my professional concerns about the Bill in general and I regret that it has been necessary to bring this matter forward.

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)—I should like to provide the following response to matters raised by honourable members during the course of the second-reading debate. In regard to the question of who is to perform procedures under the Human Tissue (Amendment) Bill, in respect of the removal of corneas, registered nurses and, perhaps, mortuary technicians who have undertaken specialist training in human tissue removal will perform this procedure.

The training of these persons will be conducted by the Royal Victorian Eye and Ear Hospital in conjunction with the College of Ophthalmologists where the tissue in question is corneal.

I also foreshadow an amendment that will ensure that Parliament is kept fully informed of the type of prescribed person or class of person who is given this power because that will be the subject of separate regulation.

In reference to the question of what tissues are to be taken, at present the proposal is limited to corneal transplants. With developments in medical science other peripheral tissues such as skin may be the subject of these provisions but at present this is hypothetical. An amendment has been foreshadowed in the Committee stage by Mr Wright in that area.

In reference to where procedures are to be carried out, they will be carried out in hospitals and at the mortuary at the Coroners Court.

In terms of under whose supervision the procedures will be carried out, the persons authorised will operate according to the technical standards required by the College of Ophthalmologists and the Royal Victorian Eye and Ear Hospital. These bodies will be responsible for the maintenance of technical standards. For other purposes, these persons will be subject to usual supervision in their employ in organisation and professional bodies; for example, the Victorian Nursing Council.

In respect of other provisions in the principal Act, it contains a number of provisions to safeguard the interests of the deceased person and his or her next of kin and these would apply to medical practitioners currently subject to the Act and any new class of persons authorised under the proposed amendment.

These safeguards go a considerable way towards guaranteeing high standards of professional conduct by authorised persons.
The clause was agreed to.

Clause 3

The Hon. D. R. WHITE (Minister for Health)—As foreshadowed in my remarks on clause 2, I move:

Clause 3, lines 36 to 41, omit all words and expressions on these lines and insert—

‘(b) for a prescribed person or class of persons to remove a prescribed type or types of tissue from the body of a deceased person in accordance with section 26.’; and’.

The spirit of the amendment in using the words “prescribed person” means that before any person can have the authority to remove tissue or before any types of tissue are removed, the matter has to be the subject of regulation; and to be the subject of regulation, it has to, in turn, be the subject of a regulatory impact statement which means that it must go to the relevant all-party Parliamentary committee, meeting the requirements and interests of other members of the House who want assurance that people with proper professional training would be the ones given this responsibility, as I have indicated in the notes on clause 2.

The Hon. K. I. M. WRIGHT (North Western Province)—I am still a little unhappy with that explanation. When the process that the Minister speaks of takes place, we tend to lose track of it. Involved people such as I am find that the action occurs without one realising that it has occurred. A way out of this problem would be to have a composite of the amendments moved by the Minister and foreshadowed by me so that in the Minister’s amendment, instead of “a prescribed type or types of tissue” one would insert, “skin or ocular tissue or both”, which preserves the intent of my proposed amendment.

It would clearly specify the type of operations to be made and at the same time preserve the intent of the Minister.

The Hon. D. R. WHITE (Minister for Health)—The Government accepts the combined amendment, resulting from the amendments of Mr Wright and me.

The Hon. M. A. BIRRELL (East Yarra Province)—Briefly, I thank the Government for accepting this piece of consensus—that both of the amendments proposed will be melded into one. The new amendment will, therefore, read:

(b) for a prescribed person or class of persons to remove skin or ocular tissue or both from the body of a deceased person in accordance with section 26.’; and

Therefore, the two amendments are formed into one. This merely removes the words “a prescribed type or types of tissue”. This meets the concerns of honourable members and limits the Bill to an area that was fully intended to be limited anyway.

The Hon. G. P. CONNARD (Higinbotham Province)—I endorse the combined amendment but I shall be interested to read the regulations, when they come up, which prescribe the training of people concerned because that is one of the critical issues. I reiterate that it would have been better if the doctors themselves had accepted those procedures; but I shall be interested to see the regulations when they are prepared.

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

That the amendment be amended by the deletion of the words “a prescribed type or types of tissue”, with a view to inserting the words “skin or ocular tissue or both”.

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

The Bill was reported to the House with an amendment, and the amendment was adopted.

The Hon. D. R. WHITE (Minister for Health)—I move:

That this Bill be now read a third time.
In so doing, I thank honourable members for their support of the measure and in the provisions being implemented. The Government looks forward to any comment that honourable members might have on the regulations being prepared.

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

BORROWING AND INVESTMENT POWERS BILL

The Hon. D. R. WHITE (Minister for Health)—I move:

That this Bill be now read a second time.

Honourable members would be aware of recent developments to facilitate development of financial markets both in Australia and overseas. This has resulted in a much increased internationalisation of financial markets, particularly since the floating of the Australian dollar, which has had a major impact on the volatility of currency and interest rates. These changes have brought both new opportunities and challenges for the State’s authorities and superannuation funds.

To take advantage of these opportunities and deal better with the challenges, it is proposed that new borrowing and investment powers be established for authorities and superannuation funds in one piece of legislation. The Bill is currently restricted to five major authorities being the Gas and Fuel Corporation of Victoria, the Melbourne and Metropolitan Board of Works, the State Electricity Commission of Victoria, the Victorian Economic Development Corporation and the Victorian Public Authorities Finance Agency. This limited coverage is due to the large number of consequential amendments to be detailed in the proposed legislation. The authorities included in the Bill are those for which amendment is most urgent. The existing borrowing and investment powers of the authorities excluded from the Bill are not as restrictive for their purposes. It is not expected that undue problems will be encountered by authorities not included in the Bill. It is proposed to include the remaining authorities in a later Bill either in the spring sessional period in 1987 or the autumn sessional period in 1988.

The objective of the proposed legislation is to provide the opportunity for the superannuation funds to invest in a greater diversity of assets so as to earn a higher return and to give authorities access to lower cost sources of finance. It will also enable the authorities to manage their debt portfolios so as to minimise the cost of existing debt. As the Bill provides for broader powers, prudential guidelines for both the borrowing operations of the authorities and the investment activities of the superannuation funds will be established to ensure that there is no increase in risk to the Government and the people of Victoria.

Innovation in financial markets has introduced new concepts and terms which were not contemplated when the enabling legislation for most of the authorities and superannuation funds was passed. Therefore, one of the tasks of the Bill is to clarify financial terminology in the borrowing, investment and financial management powers of authorities. Because it is anticipated that the pace of innovation will continue, the Bill provides for some flexibility for the Treasurer or Governor in Council to approve new forms of borrowing and investment as they are developed.

In terms of borrowing powers, there are separate powers for short and long-term financial accommodation in and outside Australia as well as a separate provision for leasing arrangements. In addition, provision is made for the use of other financial arrangements with the Treasurer’s approval. In recent years the market has developed a plethora of products to deal with the problem of volatility in the financial market. These include swaps, options and futures contracts and it is expected that many more will be developed in the future. These allow authorities to lessen, manage or protect themselves against adverse movements in interest rates and foreign exchange.
Although the Bill provides for these powers to be consistent across authorities with similar needs, it also has the flexibility to give more restricted powers to authorities without these requirements.

The Bill provides for three types of guarantees. Certain borrowings are to be automatically guaranteed by the Government of Victoria on terms as set out in the Bill. A further provision provides for the Treasurer’s discretion in extending this guarantee. A third guarantee provision is included which enables the Treasurer to execute a guarantee on such terms and conditions as he determines so as to meet any special conditions demanded by particular circumstances.

The Bill addresses the investment function of authorities and, in particular, superannuation funds. Authorities may invest in any manner approved by the Governor in Council on the recommendation of the Treasurer. This approval will be accompanied by management procedures and prudential guidelines which reflect the organisation’s requirements, liability structure and investment strategy. It is proposed that the investment powers of superannuation funds be widened to include limited exposure to equities and overseas investment provided appropriate controls are in place. Additional provision is made for authorities to trade in their investments.

It has been unclear in previous legislation whether trading has been permitted, yet it is a part of the investment management process. Some investment opportunities require the capacity for superannuation funds to participate in projects jointly with the private sector. In order to clarify for legislative purposes the nature of this type of investment, provision is made to underwrite or sub-underwrite shares and enter into joint ventures.

In making consequential amendments to the powers of those authorities and superannuation funds to which the Bill applies, transitional provisions have ensured that existing arrangements remain in place and have the same force in law as they had when they were enacted.

The Bill that honourable members now have before them provides authorities and superannuation funds access to new investment and borrowing powers. The structure adopted gives sufficient flexibility for these powers to keep pace with financial innovation.

I commend the Bill to the House.

COMMUNITY SERVICES BILL

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

That this Bill be now read a second time.

The Bill, which amends the Community Welfare Services Act 1970, is a reduced version of the Community Services Bill 1986 which was introduced in Parliament in the spring sessional period in 1986 but lapsed when Parliament was prorogued at the end of the year. Major sections of the 1986 Bill have been transferred to the proposed Children and Young Persons Bill which is to be introduced later this year.

Those parts of the 1986 Bill and of the Community Welfare Services Act 1970 which are concerned with the statutory responsibilities of Community Services Victoria and with the proceedings of the Children’s Court have been transferred to the Children and Young Persons Bill.

It is intended that the Community Services Act will provide the legislative base for the department’s broad responsibilities in relation to the provision of generalist services for
children and young people, families, older people and people with disabilities, and for the department's relationships with the non-Government sector.

The Bill represents a partial step towards the preparation of a comprehensive Community Services Act which will be further developed by Community Services Victoria during the oncoming year, with a view to introduction in autumn 1988.

Together with the proposed Children and Young Persons Bill, the two Bills represent a major part of the Government's legislative response to the recommendations of the Child Welfare Practice and Legislative Review—the Carney report—and demonstrate the Government's concern for the well-being of Victoria's children and families.

OBJECTIVES OF THE LEGISLATION

The general thrust of the Carney report was to increase the rights of families and children and the accountability of service providers. These goals are acknowledged in the Bill in the section which outlines the objectives of the department and the principles which should govern the provision and future development of community services under the Act. These include: the redress of social and economic inequities; priority in service provision to those in greatest need; the promotion of choice and maximum participation by people in decisions which affect their lives; and the protection of the rights of individuals in their relationship with services and service providers.

CHILD-CARE AGREEMENTS

The Bill provides for the introduction of child-care agreements to provide support for parents who seek assistance in caring for their children for a short time. The Bill will provide for written child-care agreements, for a limited period, which may be renegotiated for a further limited period.

These time limitations will ensure that children who are the subject of child-care agreements do not "drift" into long-term care, as has happened too frequently in the past. The agreement aims to place parents and agencies on an equal footing so far as possible.

An essential condition of any agreement should be that the agency is required to work with the family towards the early return of the child to the care of the family. The details of child-care agreements will be developed by the department in consultation with service providers.

CONCLUSION

The Bill amends a number of provisions in the Community Welfare Services Act which have become obsolete or outdated. It also changes the name of the Act, and of the department to the name by which it is now known, Community Services Victoria. This change, along with the statement of objectives and principles, reflects the changed philosophy of a department providing broadly based community services rather than the residual social welfare system and department of the past.

The Government recognises the need for a comprehensive and integrated approach to bring together the recommendations of the major reviews which, in the past few years, have examined the provision of community services in Victoria.

The work will continue not only in Community Services Victoria but also in cooperation with other Government departments and the non-Government sector, to review and assess objectives as well as service delivery and the legislative base, in the light of the recommendations of the Carney review and social justice principles.

I commend the Bill to the House.

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

It was ordered that the debate be adjourned until later this day.
The debate (adjourned from April 8) on the motion of the Hon. J. H. Kennan (Attorney-General) for the second reading of this Bill was resumed.

The Hon. B. A. CHAMBERLAIN (Western Province)—The Opposition supports the measure. The Bill makes amendments to the Evidence Act 1958. It is designed to introduce a number of protections for the neighbourhood mediation centres which are now being started on a trial basis. I have a couple of questions for the Attorney-General and I hope he will address himself to them.

The Bill ensures that evidence or admissions given or made at mediation sessions and documents prepared for mediation sessions cannot be admitted in legal proceedings. It further requires that mediators and employees of mediation centres not disclose any information or divulge documents acquired during mediation sessions unless the parties agree that disclosure is needed to preserve property or prevent damage to property or injury to persons or where disclosure is needed to evaluate the performance of each centre during the three-year trial period.

The Bill also exonerates mediators and employees of mediation centres who act in good faith from liability for any action taken during mediation sessions. The Bill contains a sunset provision and these protections are expressed to operate only until December 1990 at which time an evaluation will take place.

The Attorney-General might recall that prior to Christmas during the debate on, I think, amendments to the Crimes Act, I asked him whether it was the intention to use justices of the peace as mediators. The Attorney-General made it very clear that he was not attracted to that idea. I understand that proposals have been made for the development of some TAFE courses to train mediators. Can the Attorney-General give the House any indication of the cost of this project and what type of projects are being embarked upon?

The Opposition supports the concept of a mediation service especially in relation to disputes between neighbours because there are difficult issues involving problems with barking dogs, noisy children, noisy stereos and so on. If neighbours end up in court, problems are exacerbated and real difficulties are caused. This informal process, where someone tries to act as a mediator, but has no power to impose a decision, allows the parties to talk together to try to achieve middle ground. That is something the Opposition supports. The courts, as we know them, are inappropriate for those types of disputes.

The Opposition supports the concept of the pilot project. It looks forward to an indication from the Government on what type of cost is involved and whether the project will be funded solely by the Legal Aid Commission. The Opposition is happy to support the Bill, especially since it contains a sunset clause.

The Hon. W. R. BAXTER (North Eastern Province)—The National Party also supports the Bill and welcomes the initiative of mediation centres for a number of reasons, not the least being that the court system has simply priced itself out of the reach of the average person, especially in respect of minor disputes and disagreements.

It is probably an unfortunate commentary on current day and urban living that there has been an upsurge in the number of minor disputes between neighbours and the like. I certainly shall be happy if the initiative of a mediation service bears fruit to the extent that appears likely.

The Bill provides for amendments to the Evidence Act so that statements made and allegations advanced at mediation conferences cannot be subsequently used as evidence against a person if a court case ensues. I am glad there is a sunset clause in the measure so that Parliament can assess how the service is working in practice. It may not have the ideal intent that is proposed at this stage.
Providing it is a successful experiment, I look forward to the extension of the mediation service to many more areas of Victoria because, as I have already noted, there is an apparent increase in the number of disputes that can be settled in this way.

It is clear that if people get together and talk around a table, a resolution can often be reached very simply. One has only to examine the industrial relations arena to gauge that. One has only to take note of the experience in this place where apparent unbridgeable differences between the parties on certain items of proposed legislation are often resolved at a round-table conference.

Evidence exists that this type of procedure can be very useful and I wish it well. I look forward to reports being made to Parliament from time to time on how the system is operating and, if it is as successful as it is hoped, Parliament will have no hesitation in renewing the measure when the sunset clause applies in two years' time.

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 be now read a third time.

I thank Mr Chamberlain and Mr Baxter for their support and comments. In response to Mr Chamberlain's question, the one answer that is always believed is, "I do not know, but I shall certainly find out". I refer you, Mr Deputy President, to an excellent publication that every politician should read, entitled *Good as Gold* by Joseph Heller. According to the book the Presidential adviser said that the President should always reply to questions by saying "I do not know" and the polls reflected that after doing so the President concerned was the most credible President in the history of the United States of America!

It is doubly true, as I am genuinely ignorant of the answer. However, I shall make inquiries and ascertain whether I can let Mr Chamberlain know the answer by the end of the week.

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

**CRIMES (FAMILY VIOLENCE) BILL**

The debate (adjourned from April 14) on the motion of the Hon. J. H. Kennan (Attorney-General) for the second reading of this Bill was resumed.

The Hon. B. P. DUNN (North Western Province)—For a long time I have been concerned about levels of violence in our community. The Bill attempts to deal with one of the most alarming areas of violence and one of the most difficult problems that is widespread in the community.

In recent years I have been concerned that members of our community have been conditioned, even from an early age, into accepting a high degree of violence. It shocks me when I see some of the films and other material dished up on the television night after night, or in our theatres, that portray violence. It appears that a film cannot be entertaining or exciting unless it has somebody getting shot, maimed or bashed.

Many families apparently, after sitting down at the kitchen tables and eating their dinners together, go into their lounge rooms to spend their evenings watching murders, stabbings and bashings. From the day our children are old enough to sit up and take notice, they see violence being continually perpetrated by adults on television. They begin to believe violence is part of living and that if they are to get their own way they can use guns or other means of force to do so.

Many young people today are not only victims but also users of violence. Members of the Police Force have commented on street violence and the increasing use of all forms of
violence in the community. Every night on television news services we are shown, in what is basically a crime report, the murders and bashings of the day.

The Bill treats the outcome of a number of causes of violence that influence the lives of members of the community. This Bill, like Bills such as the one relating to abuse of children, tackles the end result of a much deeper societal problem.

We will never overcome problems relating to violence by passing a Bill dealing with intervention orders. That is not possible until our community changes the way it views violence and the degree to which it is portrayed as being acceptable community behaviour for young people and for every adult citizen.

I take a hard line on this issue in my family because it is abhorrent to me that families should sit up and watch deaths and all forms of violence portrayed on television. I have raised with the Attorney-General video films that have come into Victoria portraying not only violence but also explicit sexual behaviour, and often a combination of both. The Attorney-General has already taken some steps to improve that situation, particularly in respect of those obtainable by mail order, and I hope he will continue his good work in that direction.

Domestic violence is a difficult area for the Police Force to deal with. There is no doubt that its incidence is increasing. The Police Force can measure that by the number of calls it receives to attend domestic disputes. Statistics demonstrate that the problem is on the increase. Police officers find themselves in an ever increasingly difficult position in deciding how to deal with the victims of domestic violence and with the persons inflicting violence on their spouses.

I have tried to consider the horror that must exist in the mind of a woman who, almost nightly, is subjected to a bashing from her husband. Can honourable members imagine the horror in her mind of the impending violence that she knows will come? No-one could possibly understand that horror unless he or she has been through such an ordeal.

Many people are helpless because they are locked into a family situation, with children to support and with no financial independence. They are forced to put up with having violence inflicted upon them time and again and have little opportunity of gaining protection. Often members of the Police Force will attend the scene of a domestic dispute and will be aware that domestic violence has occurred but they are unable to deal with it because the woman on whom the violence has been inflicted is reluctant to lay charges because she has nowhere to go. In many cases the violence continues and becomes worse until serious physical injury is inflicted on the women concerned.

In his second-reading speech, the Attorney-General said that the law looks backwards. The existing law can deal with the situation only after violence has been inflicted, but in many cases that is too late. The person could be dead, maimed or severely injured by the time that occurs. It is clear that the Police Force needs to have the ability to intervene at an earlier stage if a domestic violence problem arises. That power should be available to protect not only the wife but also the children and other members of the family.

Over the years I have changed my personal view on this issue. Initially I believed women's refuges were places where feminists would gather. Several years ago I did not like women's refuges because I believed they were a haunt for the radical feminists of our community. Perhaps that is the case in some instances, but in general I have moderated my attitude.

There is a need for a place for women to go if they are being subjected to violence or other difficulties in the home. These women must be able to obtain advice and counselling and to receive financial support. If that is not possible, they will remain locked in to a merry-go-round of continual violence, night after night, week after week and, sometimes, year after year.
It is my personal view that there is a strong need for refuges and for the support of women who have been involved in continual violence or have suffered other difficulties in the home. I am concerned not only about the women but also about the children and the family unit.

Some outstanding examples exist—many in the province I represent and, I am sure, in the provinces represented by other honourable members—of women who stayed in a relationship, worked it through and won. That situation may have been where the husband was an alcoholic or where the wife and children had been subjected to violence.

The Hon. Jean McLean—Sometimes they come out dead.

The Hon. B. P. DUNN—Yes, sometimes they do, but others win. I know of instances where women who should have left certain situations have stayed on and worked things through. Those women have achieved what are now stable and satisfactory relationships.

However, that does not apply to all women. Others need support, counselling and advice and, perhaps, also a degree of protection because it is possible that they have been bashed in the past. Action can be taken. The police can be called. The problem is that sometimes it is too late by then because a person can be dead or badly battered.

The Bill is something of an experiment. I think it will probably work, but it will need to be handled with care.

The implication contained in the issue of an intervention order is that it can, in effect, lock a person out of his or her own home. A wife can seek an intervention order because she has been assaulted, threatened with assault or harassed and, as a result, a member of the family—most likely the husband—can be restrained from entering the home and from having contact with his wife or with his children. That is a significant power and will need to be exercised with care and understanding. I have no doubt that it will be and that it will be used only in extreme circumstances.

The Bill allows one safety valve in that a defendant can appeal to the County Court against the making of an intervention order if that defendant believes he or she has been unjustly treated by the terms of the intervention order.

The Bill deals only with the aspect of family violence that results in the making of an intervention order and the way in which that order operates. However, the Minister’s second-reading speech goes further and outlines some other areas of action relating to domestic violence that the Government proposes to take.

Police training was mentioned. The police find themselves in a more complex role today than in the past. Not only are police on the street dealing with traffic offences and with crime, but also they are now required to deal with the more difficult areas of family violence and domestic problems within homes.

The Minister stated that the police have always had the handling of family violence incorporated in their training program and honourable members are aware of the role being played by the Community Policing Squad. My colleague, Mr Wright, and I know of the work being done by the Community Policing Squad in the Bendigo area. Those squads are effective throughout Victoria in dealing with the problems of child abuse and family violence.

The Minister also mentioned the need for police reports to allow the issue of family violence to be measured. He suggested that police will be required to fill in special reports when attending family violence calls. I do not know how comprehensive those special reports would be. I imagine that the police would already be required to fill in reports. However, as the Minister said, the filling in of special reports would lead to further research in the area and would allow for a quantification of the extent of the problem, something that has not been achieved before.
The Minister spoke of a community education program. In fact, his comments really lead to the establishment of four or five different task forces. The Government is big in task forces and it may be overdoing things in the Bill. However, the Minister has stated that the Government will develop a task force to establish and coordinate a community education program.

Instead of dealing with an education program covering the specific area of family violence, the Government should be addressing the problem that I spoke of early in my remarks, that is, the increased levels of violence in the community. Violence in the home, especially that inflicted on wives and children, is increasing and the Government should be addressing that problem.

I was interested to hear the Minister's comment that a change will be made to housing allocations in that victims of family violence will be given a priority listing in the obtaining of a Ministry of Housing residence. In other words, the Ministry's allocation policy will recognise family violence as one of the criteria determining eligibility for priority housing.

Clearly, in a case where there is known violence, an intervention order is in place and there is no further possibility of a couple restoring a satisfactory relationship, some method of providing housing on a priority basis will be necessary. It is sickening to think that the community has reached this stage. Everything possible should be done as a community, either through the police or Community Services Victoria, to provide support and attempt to overcome the problems within a relationship that cause this sad state of affairs, instead of simply breaking apart the relationship.

The first endeavour should be counselling to both parties and to the family to try to overcome the problem. If that failed, no doubt an intervention order would be necessary and the family relocated away from the unsatisfactory relationship.

The Government intends to establish a committee to monitor the implementation of both the legislative and non-legislative measures that it has outlined in the Bill and in the second-reading speech. That committee will have a life of two years. I do not know whether that committee will report annually to Parliament; I hope a report is available to the community or to Parliament. Parliament should have the opportunity of studying the effects of the provisions in the Bill and the collation of any research carried out into the area of family violence.

What the Bill proposes will provide a better insight into the degree of family violence than already exists and it can perhaps provide a further lead on how that violence can be dealt with.

The National Party supports the Bill. Family violence is a grave community problem. Through the use of intervention orders, as proposed by the Bill, the police will be able to intervene perhaps prior to serious injury or death being inflicted on those persons who have so far been locked into these unfortunate relationships.

The Hon. ROSEMARY VARTY (Nunawading Province)—One of the most difficult things that one, as a member of Parliament, has to deal with in one's electorate office—and this is probably particularly so for women members—is the cases of women, with a number of usually very small children, who come into one's office in a highly distressed state showing obvious marks of having been beaten, sometimes very severely, sometimes by the husband or the de facto husband. It is difficult to know how to deal with those situations.

One always feels helpless. One wishes there were some way of providing assistance to those families. Inevitably the children suffer long-term scars and damage resulting from the domestic violence. It is easy to say that we should be able to fix that easily by legislation.

The reality is that the problem is complex and goes to the very basis of our society. It hinges on the fact that power in our society is still retained largely by the males, and that
conditioning of women's acceptance of power tends to continue with each generation. It is steeped in history. In the nineteenth century women were treated as chattels and as their husbands' property; and it was accepted as the rule of thumb that a husband was entitled to beat his wife so long as the rod he used was no thicker than his thumb.

We have come a good way in terms of that overt acceptance of the role of a wife in our society. However, it is the covert power that is still exercised in society that is really our concern, and that is what the Bill attempts to deal with.

If it were possible to remedy the situation easily by intervention orders, clearly that is what honourable members would all like to see. However, problems still arise because, even with intervention orders in place, the mother and the children still have to survive. Usually the male is the breadwinner in that situation; and if he is removed, there is no support for the mother and the little ones. We as a community have not yet been able to overcome the difficulty because there are insufficient Government resources available to allocate to either refuges or other forms of relief for families in that situation.

As my colleagues have said, the Opposition supports the Bill but still regards the real problem as being the balance of power and as persuading the males in society that they share responsibility for the care and nurturing of children and that women are not merely chattels to be used for men's pleasure or to be abused, as one still sees in some sections of society.

It is easy to moralise and to say that that is not the general treatment of women. However, when one talks to groups like the Community Policing Squad, it becomes clear that a large amount of domestic violence goes unreported and that the basis of that domestic violence in many instances is incest. That is another problem that is not addressed in the Bill.

Although the Opposition supports the Bill, the measure still has some way to go to come to grips with the basic social problem that is reflected in its provisions.

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 and 2 were agreed to.

Clause 3

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

Clause 3, page 2, line 8, after “opposite sex as” insert “if the other person were”.

This amendment is designed to change the definition of a de facto spouse so as to bring it into line with the definition contained in another Bill with which the Legislative Council has yet to deal. The current definition is:

“De facto spouse” means a person who is living or has lived with another person of the opposite sex as the spouse of that person although not married to that person.

In my view, the person is not the spouse of the person with whom he or she is living. Those persons are living as if they were spouses. The definition I propose takes up the definition that the Minister has incorporated in another Bill.

The Hon. J. H. KENNAN (Attorney-General)—I accept the amendment.

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 4 to 15.

Clause 16

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

1. Clause 16, line 2, omit “or variation” and insert “variation or extension”.
The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 17 to 19.

Clause 20

The Hon. J. H. KENNAN (Attorney-General)—I move:
1. Clause 20, page 7, line 30, after “order” insert “or any term of an intervention order”.
2. Clause 20, page 7, line 34, after “order” insert “or any term of the order”.
3. Clause 20, page 8, line 1, after “order” insert “or any term of the order”.
4. Clause 20, page 8, line 4, after “order” insert “or any term of the order”.
5. Clause 20, page 8, line 6, after this line insert—
   “(6) Sections 75, 76, 81 and 82 of the Magistrates’ Courts Act 1971 so far as applicable and with any modifications and adaptations as are necessary extend and apply to appeals under this section.”.

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

Clause 21

The Hon. J. H. KENNAN (Attorney-General)—I move:
7. Clause 21, line 34, omit “78”.

The amendment was agreed to, and the clause, as amended, was adopted, as was clause 22.

Clause 23

The Hon. B. A. CHAMBERLAIN (Western Province)—I move:
1. Clause 23, line 12, omit “22” and insert “23”.

This amendment is consequential on proposed new clause 9, which I have circulated. This amendment will test the issue before the Committee.

As I indicated during the debate on the Bill, the intervention orders provided for in the Bill, while important in themselves, do not cover the initial stage of the police attending a domestic argument. Before an intervention order is in place police are required to use common law provisions to justify their intervention in domestic arguments.

Generally, police use provisions regarding breach of the peace and police have a general obligation and right to intervene where there is the likelihood of injury to others or danger to property. Proposed new clause 9 is designed to clarify the rights of police in those situations. The aim, just like the intervention order, is meant to be short term and is to get parties apart. The proposal is that the members of the Police Force may enter premises if they believe a reasonable ground exists that a person has caused physical injury to a family member or damage to property of a family member or created an imminent danger of injury to a family member or to damage the property of a family member in the circumstances set out in section 4 (1).

The second corollary is that no member of the person’s family who could reasonably be expected, in the circumstances, to control the behavior of the person or, keep the parties apart, is present and the third element is that it is necessary to enter the premises immediately for the purpose of preventing injury or damage to the property.

Police in those circumstances will have the right to give directions to the person attacking his wife, for instance, to stop the behaviour alleged to have caused the injury or damage; not to carry out any threatened behaviour or cause injury or damage to property; to leave the premises and keep a specified distance from the premises for a period not exceeding 4 hours.

In other words, it is an attempt to get the parties apart for a cooling-off period before there is an intervention order. The Opposition believes the Bill does not go far enough
and that the proposed amendment clarifies the right of police in those circumstances. I ask the Minister to give careful consideration to these proposals.

The Hon. J. H. KENNAN (Attorney-General)—Mr Chamberlain was good enough to alert me to these amendments some time ago and I have given consideration to them. I appreciate the manner in which they are put and appreciate, especially, the argument that there must be the capacity to intervene at a relevant time which, in some circumstances, does require early intervention. However, it is a codification which, at this stage, the Government does not believe is necessary.

The issue has been discussed and I indicate to the Committee that I have had an enormous quantity of mail regarding the Bill and the mail does not support a codification of police powers in this way.

The Government believes, as it has argued, the existing police powers are sufficient and that once there is an understanding that these domestic disputes are properly a matter for police intervention to be treated in accordance with the ordinary law, and particularly once it is understood that there are special orders available, the existing common law and other statutory powers are enough.

However, the Government will carefully monitor the operation of the Bill. If the Government's belief is wrong and the existing powers are not sufficient or there is some gap in the law that needs codification, clarification or expansion, it will be examined in that light, but the Government wants to see how the Bill operates in practice.

There may well be a need for amendments to the Bill in one part or another and, in any event, after the Bill has been in operation for some time the Government will give consideration to any amendments along these lines, but believes they are premature at this stage.

The Hon. B. P. DUNN (Western Province)—The National Party supports the amendment moved by Mr Chamberlain. As I outlined in my comments during the second-reading debate, police are in a difficult position with domestic disputes or family violence, particularly regarding their ability to intervene.

The provision has wide powers and can exclude a person from his own home for a period, but police need the ability to take action to intervene and to stop violence. Police powers need to be clarified in that regard. Police also need the power to seek some cooling-off period in the dispute.

Many of these things happen under periods of stress or excitement and there needs to be a cooling-off period. These matters may be sorted out at that point without having an intervention order. Society must do all it can to keep families together and an effort should be made to overcome the problem in the first instance, to talk to people and to counsel them.

I know that in many cases these actions will fail and may continue to fail and that police may have no other alternative but to seek an intervention order to restrain a person from continuing violence or harassment of his wife or children. However, every endeavour should be made, in the first instance, to overcome the problem and keep the family together. The provision clarifies the position of police so far as intervention is concerned and gives them the ability to restrain the parties concerned for a period until they can cool down and the matter can be talked out.

The provision will not ruin the Bill. It will provide an additional power and clarification that will be of significant advantage to the Police Force. The remaining provisions can be introduced later on. The National Party believes the measure will assist the Bill and clarify the position of police.

The Hon. B. A. CHAMBERLAIN (Western Province)—I note the comments of the Attorney-General and his reluctance to accept the amendment. In only one submission made to the Liberal Party was this issue raised and that was from a person who was a
practitioner in the area. The Opposition does not wish to jeopardise the Bill in any way as it is an important piece of proposed legislation and for that reason if the Minister is not prepared to accept the amendment I do not propose to press the issue. However, I seek the Minister's assurance that he will continue to monitor the situation and see how the Bill works in practice and, if necessary, introduce a similar amendment later this year.

The Hon. J. H. KENNAN (Attorney-General)—I give Mr Chamberlain that assurance in the terms I expressed earlier.

The amendment was negatived, and the clause was agreed to, as was clause 24.

Clause 25

The Hon. J. H. KENNAN (Attorney-General)—I move:
8. Clause 25, line 33, omit "1958" and insert "1973".

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

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

DRUGS, POISONS AND CONTROLLED SUBSTANCES (AMENDMENT) BILL

The debate (adjourned from March 25) on the motion of the Hon. D. R. White (Minister for Health) for the second reading of this Bill was resumed.

The Hon. M. A. BIRRELL (East Yarra Province)—This important Bill will validate the current procedure whereby Victorian pharmacists may sell hypodermic needles and syringes to intravenous drug abusers. Doubt is currently held as to whether the publicly minded act of pharmacists in providing needles and syringes is a breach of the Victorian law, in that it could be regarded as procuring the commission of an illegal act.

The idea of encouraging pharmacists to sell hypodermic needles and syringes to intravenous drug abusers is a key element of the national campaign against acquired immune deficiency syndrome—AIDS. It is an essential step in stopping the spread of AIDS in Australia, especially to heterosexuals.

The Bill is supported by a wide range of groups and individuals, including Professor David Penington, Chairman of the National AIDS Task Force, the Pharmaceutical Society of Victoria, the Pharmacy Board of Victoria and the Victorian Hospitals Association Ltd. The Bill will also have the support of the Liberal Party.

Acquired immune deficiency syndrome is a new disease which first appeared in the Western World in 1979. The first infection in Australia has now been identified as having occurred in 1980 in a male homosexual in Sydney, although the first case of AIDS was seen at the end of 1983.

The term "AIDS case" refers to a patient who has developed a life-threatening complication, be it either infection or a form of cancer, resulting from damage to the immune system.

The most recent statistics, which cover the period to March 1987, indicate that 442 cases of AIDS have been reported so far in Australia, with a staggering 214 deaths. The death toll from the disease is enormous and, sadly, the projected number of cases of AIDS and the death toll relating to it are just as disturbing. Experts such as Professor Penington have projected the number of cases of AIDS in Australia and Victoria well into the next decade. Their projections are that in 1987 there will be 54 new cases of AIDS in Victoria; 82 new cases in 1988; a further 116 cases in 1989; and a further 157 new cases in 1990. That is an almost exponential growth rate in a disease that is fresh on the horizon of this nation.

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The projected increases in the cases of AIDS in Victoria are equivalent to 16 per cent of all cases in Australia.

One of the most well-known facts of AIDS at this stage is that 90 per cent of all cases occur within the male homosexual group or among bisexual men.

A small group of people who are also prone to AIDS are intravenous drug abusers. The Bill seeks to deal with the problem of AIDS spreading through intravenous drug abuse.

Parliament has previously taken positive initiatives to stop the spread of AIDS through blood transfusions. It must be recorded that the efforts taken in that regard have been highly successful. The two target areas for reform and programs of assistance are now, firstly, the gay male group and, secondly, intravenous drug abusers.

The cumulative total number of cases of AIDS in Australia is expected to reach 5000 by 1991. It is estimated that approximately 50 000 Australians already carry the virus so the number of cases of AIDS will continue to mount over the next decade, even if an effective vaccine were developed—tragically, it is believed that no such vaccine will be developed in the short or medium term and many now believe a cure will never be developed for this virus.

Overseas experience has guided Health Department Victoria in putting forward this proposal, which is now enshrined in the Bill. That overseas experience should be a strong influence on Parliament in determining the destiny of the Bill.

In North America and continental Europe, a significant proportion of cases of AIDS has occurred among intravenous drug abusers. Some 30 per cent of the cases of AIDS on the eastern seaboard of the United States of America and more than 50 per cent of all cases of AIDS in Italy have occurred through intravenous drug abuse, not through the virus being spread among homosexual males. A high proportion of people with AIDS in Spain, Austria and Yugoslavia have also caught AIDS through intravenous drug abuse.

The most important message from that is that, although AIDS may be restricted to the male homosexual community at the moment, and even if the situation continues in which 90 per cent of cases occur from that group, there will be a bridge to the heterosexual community by the spread of AIDS through intravenous drug abuse.

In each of the situations experienced in North America and continental Europe, once the infection has begun to spread within intravenous drug abusers it is thereafter spread rapidly, within just two or three years, to sexual partners of those people and therefore the heterosexual community.

Without the provision that is before Parliament now, there would be no reasonable way of restricting the number of intravenous drug abusers who get AIDS and, therefore, pass it on to heterosexuals. A classic case would be a young female drug addict who swaps needles or syringes with a homosexual who has AIDS, gets the virus herself and passes it on to her sexual partner or partners, thereby acting as a bridge out of one community into another.

If AIDS gathers pace in the general heterosexual community, the incidence of the virus in Australia will increase at an even greater rate than is predicted if this Bill is not passed.

Most of those predictions go without contradiction in that they result from the excellent work of the National AIDS Task Force chaired by Professor Penington.

I place on record the Liberal Party's respect for his dedication and assistance in drawing the AIDS problem to the attention of the community and floating reasonable responses to it. He has won nationwide respect for that work. He certainly supports the proposal which tackles the high risk group of intravenous drug abusers.

We are all on a learning curve when we are introduced to the problems of AIDS. It was not until the Bill came before the House that I became aware, from talking with people in
the field, that more than 90 per cent of drug abusers share their needles and syringes. It is a new fact to me that so many drug abusers will swap dirty needles or used syringes among themselves. Of course that is the problem, because if one person has AIDS and, through swapping the needle or syringe, passes it on to a whole new group of people, whether heterosexual or homosexual, that spread can go on and on. If 90 per cent of Australian drug abusers are sharing needles and syringes, it is clear that AIDS will spread rapidly unless we provide those people with the unfortunate addiction with a way of getting clean needles and syringes. This Bill is dedicated to that single purpose.

The incidence of AIDS among intravenous drug abusers is already high. Of the 3000 addicts who have been surveyed already in Melbourne, fifteen have been found to have the AIDS virus. Fifteen out of 3000 in terms of a disease of such severity is an extraordinarily high figure. It is consistent with overseas experience, and it must be stopped now.

National studies indicate that the availability or otherwise of syringes or needles is not a limiting factor in drug abuse and, therefore we can put aside the natural fear that by providing needles and syringes to intravenous drug abusers—to stop the spread of AIDS—we may inadvertently be helping their addiction. It was a concern that the Liberal Party had; obviously one would not be providing free access to needles and syringes if it were not for the AIDS virus.

Certainly the experts believe that by providing access to syringes and needles through pharmacies one will not be increasing drug addiction, but will be decreasing the unhealthy practice of swapping those items among drug addicts. That is logical when one considers that illegal drugs can cost anything from between a few hundred dollars and $1000, and a drug addict will hardly be hampered by the extra cost of 50 cents or $1.50 for a needle or a syringe. Evidence indicates that the drug addict is not hampered because he or she simply borrows a mate's previously used syringe or needle. In that context, it would be nearly impossible to oppose the proposed legislation. The Liberal Party, in the context of the urgency of the issue, provides its total support.

A concern that has to be addressed is the disposal of used hypodermic syringes and needles. In discussions between the Liberal Party health committee and Professor Penington, Professor Penington freely admitted that it is a problem that there are many of these used implements simply lying around in streets or on the beaches or in public toilets. It has been proved that the AIDS virus can survive in the used needle of a drug addict and be passed on to other people through the use of that needle.

It is obvious, therefore, that it can be passed on to anybody who steps on the needle or inadvertently pricks himself or herself with that needle. Many of the needles used by drug addicts are now carelessly cast aside and they end up littering footpaths and beaches. A child or adult who steps on one has a real chance of contracting the disease.

The Hon. D. M. Evans—How long does the virus stay in the needle?

The Hon. M. A. Birrell—That is an excellent question, and I am not a scientist who can tell you the exact period of time, but it is a long enough period of time to be a worry in the sense that the virus lasts.

The Hon. W. A. Landeryou—I thought the argument was the opposite: that outside the body it does not live long at all.

The Hon. M. A. Birrell—It will stay in the needle and syringe. The point is that if it stays in the implements one does not want people swapping the syringes and needles and throwing them away so that children can pick them up. The National AIDS Task Force is looking at placing bins that are secure in areas of high use so that the needles and syringes can be disposed of properly.
The Government could also consider making it an offence for people to improperly dispose of hypodermic syringes without making sure they cannot be used by someone else. That would be logical, but it is not now the practice.

The organisations that support the proposed legislation include the bodies representing pharmacists throughout Victoria and Australia. After a lot of soul-searching pharmacists agreed to be part of the program of selling these products to drug abusers. Part of the training of a pharmacist is aimed at discouraging drug abuse, and taking action by notifying the authorities if there is a case of a person with a drug problem coming into the chemist's shop.

A classic case is the observance technique, when someone comes into a pharmacy and asks for two needles and two syringes. It does not take much intelligence to realise that that person is not buying those needles because he or she is a diabetic and needs them for a normal program of medication. A diabetic would buy 50 or 100 syringes and needles in bulk and would be a regular customer of that pharmacy. Normally a pharmacist would try to do something to avert that person's addiction or try to help, but certainly not facilitate it. The Bill allows the exact opposite to occur.

It took a lot of soul-searching and legitimate debate within the pharmacy profession on whether it would accept this proposal. Now the lawyers tell us that pharmacists might be breaking the law if they do what the Government and the National AIDS Task Force has asked them to do. The proposed legislation is needed to give pharmacists legal standing which they thought they enjoyed but which is now in doubt.

The Pharmacy Board of Victoria, in a letter dated 7 April 1987, states:

The Board has become aware of the Drugs, Poisons and Controlled Substances (Amendment) Bill at present before Parliament. ...

The Board supports the Bill, but would like to suggest a change to the wording more in harmony with the remainder of the Act and Regulations, e.g. Section 13 (1) (a), by deleting the words "ordinary course of the business of a pharmacist" and inserting the words "lawful practice of his profession as a pharmacist".

The registrar, Mr Alistair Lloyd, went on to state:

It was considered that these words are more general and will permit pharmacists to supply syringes from all areas where they may lawfully practise, rather than restricting the sale to those actually in business.

That view is strongly reflected in a letter dated 3 April from the Pharmaceutical Society of Australia (Victorian Branch) Ltd to Dr P. Wilkinson of Health Department Victoria. The letter states:

This council...

—that is the Council of the Pharmaceutical Society of Australia (Victorian Branch) Ltd—

... has now had an opportunity to discuss the Drugs, Poisons and Controlled Substances (Amendment) Bill and is pleased to support its intent.

However, council was concerned with the working of clause 5 (a), as it believes the words used may be too restrictive. As written the exemption refers only to pharmacists practising in the "ordinary course of the business of a pharmacist". This might be interpreted to make the exemption only to apply to pharmacists in community practice and may not apply to pharmacists employed in UFS dispensaries, hospital pharmacy departments or similar institutions.

Council would like to suggest that the words "the ordinary course of the business of a pharmacist" be replaced with "the lawful practice as a pharmacist".

That view must be read in conjunction with the view expressed by the Victorian Hospitals Association Ltd which addressed the same point but reached a slightly different conclusion.

Mr Allan Hughes, Executive Director of the Victorian Hospitals Association Ltd, in a letter to the Minister dated March 1987, said:

VHA ....... would oppose any arrangement whereby public hospitals would be required to provide cheap supplies of syringes and needles to drug dependent persons. The primary reason for opposition is that such an arrangement would attract to hospitals a larger number of persons with drug related and associated security
I direct those three pieces of correspondence to the Minister's attention because they raise an important point about the Bill; that is, that the professionals involved want to ensure that the Bill is wide enough to cover all pharmacists who may dispense syringes and needles to intravenous drug abusers.

The Victorian Hospitals Association Ltd wants to ensure that the Bill does not imply that needles and syringes should be provided through the pharmacies of public hospitals. I believe it is the Minister's intention that this measure should apply only to pharmacists in the field, that is, pharmacists who work from chemist stores in the suburbs and in the city and not to those who work from pharmacies in public hospitals. I would welcome the Minister later confirming and acting on that point. I believe that would meet the views and suggested reforms that are expressed in the three letters from which I have quoted.

I shall conclude my remarks by again expressing the Opposition's support for this proposal and its belief that the work of Professor David Penington, which is behind this proposal any many others that have been discussed publicly, is worthy of community gratitude and support.

The Opposition certainly hopes the battle against AIDS in the short and medium term is as successful as can be arranged by the close collaboration of all professional and interest groups involved.

The Hon. K. I. M. WRIGHT (North Western Province)—At first glance, the Bill seems to promote the use of drugs of addiction. The Bill removes the risk of prosecution for pharmacists who sell or supply needles and syringes to illicit drug users.

The situation at present is that such pharmacists risk prosecution under section 80 of the principal Act. In other countries where similar restrictions are in force at present, the spread of AIDS has been swift. It has been found that, where clean needles and syringes have been made available, the number of drug users has not increased and the incidence of AIDS has been lessened—and I say this by comparison with other cities in other parts of the world.

There is no need for me to remind honourable members that AIDS is a disaster of world magnitude. The AIDS virus probably came from Africa originally. The African green monkey is the prime suspect for spreading the disease, resulting from the victim either eating the flesh or engaging in sexual contact.

Throughout the world many millions have been infected with the AIDS virus in 91 countries. The number of cases listed for the United States of America is 31,036; France, 1,221; Brazil, 1,012; West Germany, 959; Canada, 873; Haiti, 785; Britain, 686; and Australia, 407. It is interesting also to note that the Soviet Union, East Germany, Poland and Hungary reported only 1 case each by the end of the year, as did Cuba and China, whereas Czechoslovakia listed 6 cases and Rumania listed 2 cases.

In Australia there have been 450 cases of fully developed AIDS, of which 238 have died. Most of these have occurred in New South Wales. The figures are 153 for New South Wales and 27 for Victoria.

More than 10,000 Australians have been estimated to carry antibodies to the disease. Homosexual behaviour is the main transmission category for AIDS. However, intravenous drug abusers are also a high risk group. This is particularly so with the common practice of sharing needles, hence the Bill honourable members are now debating.

The Commonwealth Government has embarked on a national AIDS advertising campaign, and it has gone for shock tactics to persuade the community to seek more information.
Some opinions have been given that the AIDS virus could be dormant for many years. The Great Plague in the Middle Ages was the scourge of that period and it wiped out whole communities. Therefore, unless we take heed, AIDS could develop from a calamity to a catastrophe.

Homosexuality is abhorrent to most, and I say that complete abstinence for those so inclined is the ideal solution. This abstinence is ideally accompanied by a return to absolute morality and family values in our community. A further option is safe sexual practices, and there is much evidence that this is being felt by the community.

It is evident that drug users are a great threat for the spread of AIDS as are homosexuals. Obviously, the virus will reach more women through the use of drugs. Using and reusing needles—with addicts draining back blood after each use—results in the last user in a line of, say, five persons receiving a virtual blood transfusion.

My greatest concern is that mosquitoes could spread AIDS. That could cause a disaster of plague proportions. I have discussed this matter with medical experts, and they are extremely doubtful that mosquitoes could spread the AIDS virus by mixing the blood of victims.

The Hon. W. A. Landeryou—Not only are they doubtful, but they reject it as absolutely ridiculous.

The Hon. K. I. M. WRIGHT—I shall return to that point in a moment. I have spoken with Professor David Penington over the telephone, and I accept the Minister's kind suggestion that the professor would be pleased to make himself available to discuss the AIDS problem with the National Party; in fact, he is coming to Parliament House at 7.15 p.m. today to talk to us.

It is rather unfortunate that such discussion should occur after the debate rather than prior to it, but we have taken note of what the professor has already said. He is certainly a highly respected person and an expert in this field. The National Party looks forward to his address this evening.

Mr Landeryou seems to be most concerned about the matter of the mosquito, and rightly so.

The Hon. W. A. Landeryou—No, only about your understanding of it.

The Hon. K. I. M. WRIGHT—The claim is made that the amount of blood taken by the mosquito is small and that blood is not spread on the mosquito's next or following victim. Apparently some of the mosquito's saliva is transferred when the mosquito sucks the blood of its victims.

Encephalitis—

The Hon. B. P. Dunn—And malaria!

The Hon. K. I. M. WRIGHT—And as Mr Dunn interjected, malaria, but encephalitis in particular, is a mosquito-borne disease that can be found all over Australia, not only in the Murray Valley. I understand that the virus lives in the mosquito and is transferred in the mosquito's saliva. The mosquito, however, does not transmit the blood of its victim on to its next victim but the spread of AIDS by this method must be considered as a possibility.

Dr Ron Lucas of the Fairfield Hospital has informed the National Party that the cost of treatment for each patient who had died from AIDS was $50 000. That research was conducted as a result of a request by the Federal Government.

My colleague, Mr Connard, for whom I have great respect in medical matters and in other matters, is Deputy Chairman of the Fairfield Hospital and no doubt will discuss this matter at more length. I have received correspondence in that regard and I shall leave that matter to Mr Connard.
The Minister for Health has informed the House that 90 per cent of intravenous drug users, who use needles and syringes, have difficulty in obtaining clean equipment. This is the main reason for the proposed legislation.

In the United Kingdom and in Holland free needle exchanges are available and that has been an effective way of encouraging drug users to seek counselling.

The National Party is reluctant to do anything to increase the use of drugs but it appreciates that the thrust of the Bill is to prevent the spread of AIDS through the use of unclean needles and it, therefore, supports the Bill.

The Hon. G. P. CONNARD (Higinbotham Province)—This is probably one of the first Bills, which, although comparatively trivial, concerns the projected AIDS crisis in this country and in Victoria. It is a triviality at this stage because in Victoria not one drug user has yet acquired AIDS through the use of hypodermic needles. The history of AIDS in New South Wales and, more particularly, in New York and San Francisco, indicates that this will be the cause of an explosion in the transfer of AIDS in the heterosexual group as well as the homosexual group. The Bill is a good incentive and I compliment the Minister on introducing it at this stage before this sort of transference of AIDS occurs.

During the course of my training as a pharmacist, the issuing of syringes to known drug addicts was something that I was taught not to do. It is easy to detect drug users because they buy small quantities of needles, whereas diabetics purchase a greater quantity of syringes in boxes of 100 or 200. Pharmacists are trained to note that those who buy these small quantities of syringes are likely to be drug addicts and it is part of their duty not only not to supply the syringes, but also to advise and attempt to direct those people to appropriate medical attention.

Consequently, this issue is extremely important to my profession and for the reasons put by Mr Birrell and Mr Wright and, indeed, the Minister, and after several months of discussion within my professional organisation we have reluctantly accepted the necessity for the Bill.

In the Australian Pharmacist of February/March 1987, the President of the Pharmaceutical Society of Australia, Mr John Bell, states:

While many pharmacists choose, as is their right, not to participate in syringe supply, others are recognising that such participation will contribute to the reduction in the extent to which AIDS will spread to the wider community.

This has been repeated in several of our professional magazines. However, the Pharmaceutical Society of Australia asks the health authorities to find some means of arranging the safe disposal of used needles. Mr Bell goes on in the article to say:

Improving the supply lines is commendable, but if this means that more syringes will be disposed of in laneways, parking lots and school playgrounds, the danger of disease transmission could increase.

I am aware that Health Department Victoria has a subcommittee working on so-called "sharps" and the disposal of those, which mainly include needles, and also other intrusive instruments and how to dispose of them.

I encourage the Minister to ensure that the conclusions of that committee are brought forward rapidly so that there are appropriate mechanisms for attending to this problem.

In my profession there is a contrary view to the use and supply of syringes. I quote from the same magazine a letter to the editor from A. Warman, of Potts Point, New South Wales, who is a pharmacist in that State. Among other things, Mr Warman states:

Firstly, drug addicts not only attempt to manipulate us, but as a personal experience in our pharmacy, we have been abused, threatened, kicked, held up and stealing is continuously going on. Due to these activities, we have lost good staff.
He continues:

Secondly, addicts obtaining syringes and perhaps congregating outside, give a negative image of community pharmacy to the customers and some might choose to frequent other outlets.

Honourable members will understand the effect that has on the profession.

On balance, the profession has decided to opt for the purposes of the Bill. I suggest that the Minister examine some of the procedures that the Minister for Health in New South Wales, Mr Anderson, has suggested. In one of the programs pharmacists are provided with warning cards that clearly outline the correct hygiene procedures for the safe disposal of syringes and also plastic bags. The pharmacists are asked to insert a hygiene card and five syringes and needles into the bag to form a kit at a Government-approved, nominal professional fee of $2.40 to cover the wholesale cost of the syringes.

Indeed, pharmacists are encouraging drug users to bring the used needles back to the pharmacy so that the danger to which Mr Wright referred can be overcome.

In visiting certain sections of New South Wales, particularly in Darlinghurst Road, Sydney—an area which has the highest abuse of drugs—I have seen needles lying on the ground in the laneways. The Government must address the question of the disposal of syringes and needles.

Both Mr Birrell and Mr Wright referred to AIDS. As Mr Wright very kindly said, I am Deputy Chairman of Fairfield Hospital and I am given access to information on AIDS that is not available generally. The House should clearly understand what is meant by AIDS. There are three different categories.

According to the Centers for Disease Control in Atlanta, Georgia, United States of America, category “A” is characterised by the presence of a reliably diagnosed disease, at least moderately indicative of any underlying cellular immune deficiency in a person with no known underlying cause of cellular immune deficiency nor any other cause of reduced resistance reported to be associated with that disease. When talking about the statistics on AIDS, category “A” is what one is talking about. As I shall indicate, a person suffering category “A” AIDS has a short life span.

Category “B” is generally called an AIDS-related condition and is defined as cases with clinical evidence of active infection or defective cell-mediated immunity and a confirmed positive test for antibody to the AIDS virus. This is generally the stage where, through testing, AIDS is detected. It is possible and indeed probable that from that stage the disease will accelerate to category “A”. Category “C” is referred to as being HIV antibody positive only, where none of the signs or symptoms of category “B” is present nor evidence of deficient cell-mediated immunity but where there has been a confirmed positive test result for antibody to human immuno-deficient virus—HIV—or isolation of HIV itself. These are the three different sectors of the disease. It is possible, and indeed probable, that the disease may graduate from category “C” to category “B” to category “A”.

The effect of AIDS on the State should be addressed. At this stage Victoria has had 73 known cases of AIDS. I shall quote figures produced by the Fairfield Hospital as at 31 March 1987. They are contemporary figures. Of the known number of AIDS victims, Fairfield Hospital treats the majority of patients in this State and 73 patients were attended to at the category “A” stage. All 73 were males and 39 deaths have occurred since detection.

The general age group statistics are: 20 to 29 years, 25 per cent of AIDS sufferers; 30 to 39 years, 41 per cent; 40 to 49 years, 25 per cent; 50 to 59 years, 7 per cent; and 3 per cent were in the age bracket of 60 years and more.

In those groupings 71 out of 73 cases were either homosexual or bisexual men. At this stage no intravenous drug users have been treated for AIDS at Fairfield Hospital. There has been 1 homosexual/bisexual drug user and 1 person with haemophilia. So, the bulk of the cases in Victoria involve homosexual or bisexual males. This by no means deprecates the importance of the proposed legislation because it is an endeavour not to have any intravenous drug users suffering AIDS.
The economic effect of AIDS on the country, if the projections are accurate, will be major. For instance, in Victoria, for those 73 category “A” cases, there have been 2907 bed days and, for the total of the three categories of AIDS, there have been 3950 bed days. That is an indication of what the cost of AIDS will be. The cost to the country as at the end of 1986 State by State is clearly defined in the Australian statistics. New South Wales is the unfortunate leader with 263 cases at the end of 1986; Victoria was second at that stage with 57 cases; Western Australia had 20 cases; Queensland had 27; the Australian Capital Territory had 2; South Australia had 4; Tasmania had 1; and the Northern Territory had 2.

These figures are indicative of the future. Victoria will have the second largest number of AIDS cases in the country. Fairfield Hospital has produced projected figures on future proportions.

The PRESIDENT—Order! The honourable member is providing the House with an enlightening number of statistics but I remind him that the Bill is small and deals with the sale of hypodermic needles. I ask him to relate his remarks to the Bill rather than to introduce into the debate a whole range of other matters.

The Hon. G. P. CONNARD—I respect your guidance, Mr President, although it seems to me a little sad because I am attempting to use this opportunity to educate the community and the House on some of the realities of AIDS. I shall make one further comment because that is part of the projected campaign against AIDS. The in-patient figures as of today amount to $40,650 per patient; for out-patients the cost is $2403 per patient.

Future projections demonstrate increased costs, particularly with the introduction of the prime drug to treat AIDS, azidothymidine, or AZT, which was outlined in a letter from the hospital to the Minister for Health. It is expected that the drug will continue to be used and by the end of 1987 this treatment will have cost more than $500,000. This is just the cost of one drug, one tool that will extend the lives of patients with a little more comfort by about three months.

AIDS has been diagnosed since 1983. It takes considerable time to develop the disease through the stages and it is only now coming to our attention. Because of the numbers of AIDS cases in Victoria and in Australia it will have major effects on the health budgets of Governments. I am certain that the Minister for Health is aware of this but I shall take your advice, Mr President, and not provide further data. I should like the opportunity of debating the AIDS issues in Parliament. I regret that when the Federal Minister for Health asked all Parliaments to form AIDS committees to distribute information within their Parliaments so that everyone can be properly informed, the Victorian Minister for Health did not do so.

I shall continue to encourage the Minister to make the appropriate experts available to members of Parliament—perhaps in the form of a seminar in this place or outside Parliament House—to inform us totally and properly of the significance of this disease. Last year Dr Curran of the Centers for Disease Control in Atlanta, Georgia, gave a lecture in which he indicated that in the early 1990s his country will spend $5 billion a year on the treatment of people with AIDS-related diseases.

The measure is headed in the right direction and I am sure further proposed legislation dealing with the control of AIDS will be introduced. I ask all honourable members to read a paper produced last week by the Minister for Health, especially the section on infectious diseases. The paper is an important piece of literature and I recommend it to all honourable members. I support my colleagues, Mr Wright and Mr Birrell, in commending 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)—I thank the Opposition and the National Party for their support of the measure, which is controversial but very important, and which will assist in reducing the incidence of acquired immune deficiency syndrome. I thank them for the support they have given to Professor Penington because to a large extent the proposed legislation is a tribute to the work of Professor Penington and his national committee.

On the matters raised by Mr Birrell, I shall propose amendments to clause 3 that deal with the matters raised by him. It is proposed that the measure will relate to the practice of pharmacists in private practice rather than pharmacists in public hospitals.

The clause was agreed to.

Clause 3

The Hon. D. R. WHITE (Minister for Health)—I move:

1. Clause 3, page 2, line 5, omit “ordinary”.
2. Clause 3, page 2, line 6, omit “business” and insert “lawful practice”.
3. Clause 3, page 2, lines 7 and 8, omit “Governor in Council, by notice published in the Government Gazette, authorises” and insert “regulations authorise”.
4. Clause 3, page 2, line 11, omit “that authority” and insert “the regulations”.

The Hon. M. A. BIRRELL (East Yarra Province)—I support the amendments and in doing so thank the Minister for Health for ensuring that the suggested changes are incorporated in the proposed legislation.

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

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

GAS AND FUEL CORPORATION (AMENDMENT) BILL

The debate (adjourned from March 24) on the motion of the Hon. D. R. White (Minister for Health) for the second reading of this Bill was resumed.

The Hon. ROSEMARY VARTY (Nunawading Province)—The Opposition will not oppose this measure. However, it wishes to make a number of important points on which it seeks clarification from the Minister. The Gas and Fuel Corporation is a major statutory authority responsible for the efficient and effective supply of gas to Victorians. The Opposition will support the repeal of the Gas Act 1969, the Gas Franchises Act 1970 and the Liquified Petroleum Gas Subsidy Act 1980.

It supports the general updating of the terms and conditions of the supply of gas incorporated in the Bill.

However, the Opposition has a number of concerns; firstly, enshrining in a statute the monopoly position of the Gas and Fuel Corporation; and, secondly, the manner in which some provisions may impact on individuals and businesses. I shall deal briefly with each of the Acts to be repealed.

The first is the Gas Act 1969, which dates back many years to when a number of private companies were manufacturing and distributing gas. The Act contains many out-of-date features because the Gas and Fuel Corporation has now been developed as the sole reticulator of our large natural gas resources from Bass Strait through the operation of Esso-BHP. Some of the provisions of the Gas Act, which is being repealed, are incorporated in the Bill today.

The second Act to be repealed is the Gas Franchises Act 1970. After consultation, the Government has agreed to deregulate the bulk liquified petroleum gas market in the interests of consumers and the industry. The Opposition wholeheartedly supports this step which allows free competition in the marketplace to be the determinant of the prices.
Interestingly, in a letter to heatane gas distributors dated 13 March 1987, the LP Gas Department of the corporation details prices of cylinder gas and points out that those prices should remain constant until April 1988 in spite of reductions in the wholesale price of LPG. The last paragraph of the letter is interesting because it shows that some statutory authorities recognise the existence of a market mechanism.

It states:

The proposed pricing policy described in this letter pre-supposes that our position in the market will not be undermined by our competitors and we would be pleased to be informed whenever there is an indication that this may be occurring in order that we can consider whether remedial action is required.

That is an admission coming from a statutory corporation! They are the terms and conditions of supply incorporated in the Bill. The Minister claimed in his second-reading speech that the new provision would be simpler and more effective. The Opposition certainly hopes that that will be so.

One of the things that is occurring in this Bill is the abolition of the role of gas examiner. That position has now become redundant under the present supply conditions and the Gas and Fuel Corporation is the sole provider of gas.

However, in the view of the Opposition, that should not be interpreted as meaning that the expertise of the gas examiner is redundant. There is still a need to ensure the accuracy of metering equipment and there may well still be a need for that expertise in the event of gas being supplied to some areas of Victoria by bodies other than the Gas and Fuel Corporation; for instance, in remote areas such as the alpine areas.

One of the concerns of the Opposition relates to the changed role of consumer affairs. In his second-reading speech, the Minister set out those details by saying:

I mentioned earlier certain new roles for the Ministry of Consumer Affairs. Included among these will be the role of arbitrator when the corporation and a domestic consumer cannot resolve a problem relating to metering or billing, or both.

He went on further to say:

In particular, the Government has retained the concept of an independently organised meter test. This is to be a test organised under the supervision of the Ministry of Consumer Affairs.

He also went on to say that another role for the Ministry of Consumer Affairs will be to approve the procedures adopted to change the prescribed life of particular makes and models of meters in service, before they are brought in for checking and retesting. The Opposition has grave concerns about those sorts of provisions.

Are we to see the Ministry of Consumer Affairs become a watchdog in a highly technical and specialised area—that of meter testing? The Opposition does not agree that that Ministry should be the organiser of meter testing. If it is to become such, are we then to see the same provisions introduced to cover electricity meters and water meters?

The Gas and Fuel Corporation should be responsible for ensuring the accuracy of its own equipment as it has done in the past. It is in the corporation's own best interests to ensure that its equipment is not faulty. The Ministry of Consumer Affairs really does not have a role in determining the life of meters. That is a technical task that would be much better carried out by the Gas and Fuel Corporation itself.

The public is seeing a far too greatly expanded role for the Ministry of Consumer Affairs. It should not become the body to dictate to the corporation on the carrying out of its consumer related activities.

There is a role for the Ministry of Consumer Affairs to be an arbiter and that is appropriate for the Ministry, but we do not want to see a duplication of services—in other words, people with experience in reticulation of gas in both the Ministry of Consumer Affairs and the Gas and Fuel Corporation—because that leads to increased costs.
It may be, of course, that some difficult customer account or consumer complaint is better handled by the Ministry of Consumer Affairs but the new provisions should not become an excuse for that Ministry to empire build; and the Opposition has a real concern that that may happen.

However, if the Ministry of Consumer Affairs can handle complaints efficiently and quickly and provide better service to consumers, perhaps the new conditions or new provisions are justified, but we have serious doubts about whether that is, in fact, so.

I now move to some of the other points in the Bill that are worth mentioning. The first relates to new provisions for the non-payment of accounts. These provisions are acceptable to the Opposition because they will bring the principal Act into line with the State Electric,ity Commission Act. They have been operating for some time anyway and in these times of economic stress on families—largely because of the action of this Government through huge increases in Government taxes and charges and high interest rates—families need to be assisted rather than having their gas supplies disconnected without there being some form of consultation to enable an "Easy Way Plan" to be put into operation or other possibilities investigated.

I mentioned earlier our grave concerns about the monopoly situation being enshrined in the proposed legislation—that exclusive right to supply and transmit gas. The current provision in section 23 (a) of the Act states:

(whenever the Corporation thinks proper and whenever so required in any particular case by the Minister) to inquire into and report to the Governor in Council from time to time as to the steps which in its opinion should be taken to secure the ultimate co-ordination or unification of gas fuel and allied undertakings in Victoria.

That is a good deal different from the provision now being seen. It is hard to understand why, when the Government is deregulating the liquified petroleum gas area, total regulations are being placed in another area. That would appear to be a paradox. If conditions should change, if conditions of reticulation change, if product types change or if there were a national supply system, why should there be legislation protecting the Gas and Fuel Corporation from competition? This elimination of competition is opposed by the Opposition. Such monopoly could lead to complacency and to cost increases without accountability.

Proposed section 68 provides an out to the provisions in proposed section 67 and the Opposition is concerned to know why proposed section 67 is included in the Bill.

I shall now refer to the definition of "gas" as it appears in the Bill, which definition appears to be cumbersome. If some gases are to be excluded, why are they not specified in the Bill?

The Opposition expresses grave concern about the emergency provisions and powers of the Minister that are contained in proposed sections 90 and 92. Although the Opposition agrees with the proposition that the Minister should have power to ensure gas supply in an emergency situation, it disagrees with the proposition that those powers should extend to the normal supply situation where, in the view of the Minister, supply of gas is likely to become less than sufficient for the reasonable requirements of the community.

The Opposition believes those proposed sections allow the possibility for Ministerial control to extend further than control over the Gas and Fuel Corporation. Proposed section 90 (2) (a) makes it clear that the Minister has power to control, direct, restrict or prohibit the production, supply, distribution, sale, use or consumption of gas. In the case of natural gas, that applies from the time it is taken from Bass Strait to the time it reaches the consumer.

The proposed section also empowers the Minister to direct a person who extracts, produces, transmits or distributes gas to comply with any terms and conditions relating to the extraction, production and supply of gas. What does that mean?
I shall give an example, which may not be a hypothetical situation when one considers the current industrial climate. The Plumbers and Gasfitters Employees Union of Australia may make demands that producers are not prepared to meet and a strike occurs. Would the Minister order producers to meet the union's demands or would the Minister take positive action against the union?

It is of concern to the Opposition that a Government could force producers to give in to the demands of a militant union. The Opposition wants to know how such a situation would be handled in view of the present problems with the Plumbers and Gasfitters Employees Union on a large number of sites throughout Victoria.

Proposed section 102 deals with the saving of contracts. The Opposition is concerned that although the rights accruing to Esso-BHP prior to 22 December 1970 are protected, the rights accruing since that date to the commencement of the proposed legislation may not be covered, and the Opposition seeks an assurance that those rights will be protected. The Minister in the other place undertook to consider whether proposed section 102 provides the necessary safeguards, and I ask the Minister for Health in this place to provide an answer.

The final matter I wish to raise relates to the reporting provisions set out in the Bill. The Minister has indicated that the Gas and Fuel Corporation will be required to supply a detailed annual report to him setting out the execution of new duties and responsibilities. The Opposition seeks assurances that any report will be made public and not be kept secret as suggested in proposed section 101.

The Opposition supports the Bill.

The sitting was suspended at 6.26 p.m. until 8.3 p.m.

The Hon. R. M. HALLAM (Western Province)—On behalf of Mr Wright I advise that the National Party offers no opposition to the passage of the proposed legislation.

The motion was agreed to.

The Bill was read a second time.

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

That this Bill be now read a third time.

I take this opportunity of responding to some of the matters raised by Mrs Varty. It is true that under proposed section 68 (1) of the proposed legislation, the Governor in Council may authorise a person other than the corporation to transmit and supply gas in a specified area or for a specified purpose. That ought to be taken into consideration.

I also believe the matters relating to the arrangements with BHP Petroleum Proprietary Ltd are satisfactorily spelt out in proposed section 102, which states:

The coming into operation of this Part and the repeal of section 7 of the Gas and Fuel Franchises Act 1970 do not vary any rights of Esso Exploration and Production Australia Inc. and BHP Petroleum Proprietary Limited accruing under the terms and conditions of Agreements entered into jointly by Esso Exploration and Production Australia Inc. and Hematite Petroleum Proprietary Limited with the Corporation and the Colonial Gas Association Limited respectively before the commencement of the Gas Franchises Act 1970.

I also believe it is necessary to undertake those proposals set out under proposed section 101 in respect of the annual report. Proposed section 101 states:

By 30 September in each year, the Corporation must, if the Minister directs, give the Minister a report on the measures taken in the previous financial year to monitor its compliance with this Act and the regulations in relation to the supply of gas.

I also believe it is worth saying that in appeals by domestic consumers the Director of Consumer Affairs has not indicated with proposed section 84 a capacity to become an alternative expert in contesting these matters. He will be requiring advice from other bodies and will be largely dependent on the corporation for advice. I thank honourable
members for their remarks and thank the Opposition and the National Party for their support.

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

**CO-OPERATION (AMENDMENT) BILL**

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)—The Opposition does not oppose the measure. The aims of the Bill are to update the provisions of the Co-operation Act which deal with credit societies and to reflect changing conditions.

It also allows the registrar, who administers the Act, to divulge information and produce documents in any criminal proceedings or to the Minister or to the Commissioner of Corporate Affairs. It gives the registrar the same power of investigation over foreign societies—credit societies formed in other States—as it does with Victorian societies.

The Bill allows existing cooperatives to merge. There is a curious provision that allows a merger only where it creates a new body, whereas this measure will allow two existing cooperatives to merge. The Bill clarifies doubts about the application of the Co-operation Act 1981 to cooperatives registered under earlier Acts.

The Opposition does not oppose the measure. A couple of issues have been raised with the Opposition by the Victorian Credit Co-operative Association Ltd. These are on two levels and both are quite significant. Under clause 13 the Minister has proposed to change the procedure by which a foreign society can be registered under the Act and the explanatory memorandum of the Bill with respect to clause 13 states:

The new procedure requires a foreign society to apply to be registered before it starts to carry on business in Victoria, gives the registrar the power to determine how an application for registration can be made and gives the registrar the power to impose conditions on the registration of a foreign society.

I believe that issue has been taken up with the Attorney-General by the Australian Federation of Credit Unions Ltd. The federation is concerned that the Bill is proposing a treatment of a foreign—"foreign" meaning outside Victoria—credit society that is not in keeping with the practice in other States. The Bill does not provide for what Mr David Lafranchi, the deputy registrar, in a speech to the Australian Association of Teachers Credit Unions called for—uniform State provisions and reciprocity. Concern has been expressed by the national body of cooperatives that this unilateral action in the State of Victoria will be a considerable hindrance to resolving national problems and will render more difficult the achievement of our resolved policy to achieve uniformity.

The Attorney-General should address that issue because, given the nature of financial institutions in Australia and their Australia-wide coverage, it makes sense, as has been done in the corporate affairs area, to have a uniform set of rules. It would be unfortunate if at this stage Victoria were to establish a system that is different from those proposed in the other States.

Another important issue relates to the proposals contained in clause 5. That clause will amend the principal Act by giving the reserve board the power to require subsidiaries of credit societies, associations and federations of credit societies and their subsidiaries to give reports to the reserve board.

The Victorian Credit Co-operative Association Ltd feels strongly about this issue because it believes, as an association, it should not be subject to that scrutiny. It points out that the reserve board was set up to ensure the viability of individual credit unions and that it has full power in that area. However, clause 5 gives the power to require an association or federation of credit unions formed under section 22 (16) of the Co-operation Act to give reports to the reserve board. The association believes that provision is not only unnecessary but also intrusive because of the nature of that body.
The purpose of the reserve board is to ensure the viability of individual credit unions, as I stated earlier. I ask the Attorney-General, firstly, to address himself to the question of uniformity of registration of foreign cooperative associations in Victoria and in other States and, secondly, whether the association covering credit cooperatives and bodies such as that should be subject to the requirement by the reserve board to give reports to it rather than to limit the power of the reserve board to ensure the financial viability of individual credit unions.

The Hon. W. R. BAXTER (North Eastern Province)—The National Party supports the Bill.

Representations similar to those referred to by the Leader of the Opposition have been made to me and I look forward to the Attorney-General’s response to Mr Chamberlain’s questions.

Many of the provisions of the Bill are useful, especially those that facilitate the merger of credit cooperatives. In times of financial deregulation and all that that might involve, and the increasing competitive pressures that places upon financial institutions, it is important that their management is the best available. It is difficult to attract top management to some of the smaller cooperative societies, firstly, because they are not in a position to offer the remuneration that would attract suitable staff and, secondly, because often people are not willing to make themselves available to what they perceive to be small organisations.

The trend towards the merging of credit cooperatives which has occurred over the past decade and which has accelerated in recent years is a desirable development. The changes the Bill will make to facilitate the merging of organisations rather than the establishment of new entities are to be welcomed.

It is important that there is some overview of the activities of credit cooperatives.

There have been examples in the past of cooperatives going to the wall through poor management and through trying to do the best for their members without paying due regard to sound business practice and management. The reserve board obviously has a role to play in ensuring that those unfortunate incidents are minimised. As I indicated at the outset of my remarks, the National Party supports the Bill.

The Hon. R. J. LONG (Gippsland Province)—This Bill has a hidden meaning that I wholeheartedly support. It is apparent to me that clause 3 is meant to legalise the appointment of the administrator of the Latrobe Country Credit Co-operative Ltd. It was unfortunate that the interpretation placed upon the 1981 amendments involved the repeal of the 1958 Act. The Latrobe Country Credit Co-operative Ltd was incorporated prior to 1981, and I support that amendment.

Honourable members would be aware that the Latrobe Country Credit Co-operative Ltd is in the hands of an administrator who was appointed on 21 November 1986—more than five months ago. The only reason given for the appointment of that administrator was in answer to a question on notice from Mr Ward recorded in Hansard of 24 March 1987. Mr Ward asked:

Why was it necessary to appoint an administrator?

The Attorney-General replied:

It was found to be necessary to appoint an administrator to the cooperative following an inspection conducted by the Credit Societies Reserve Board in October 1986 which revealed deficiencies in the operation of the cooperative.

That is all that has been said to date. My concern is that it is about time the public was told the reason for the appointment of that administrator.

On 24 March I referred in this House to rumours that were circulating in the Latrobe Valley community about this credit society. The rumours were, firstly, that the administrator was being paid more than $100 an hour for his work. I understand he has
numerous employees who are receiving rates of pay in excess of $60 an hour. If one bears in mind that the funds of the society must be used to pay the administrator, and that has been going on for five months, it is clear that that is becoming a serious financial burden on the society.

The second matter I raised was the suggestion that the cooperative was being used for income tax evasion.

That is interesting because clause 14, for the first time, authorises the Registrar of Co-operative Societies—and, I presume, the administrator—to divulge tax evasion information to the Deputy Commissioner of Taxation. However, I do not know whether that provision has retrospective operation.

A third matter of concern is that accounts opened with that cooperative are paid low rates of interest although the moneys from those accounts were being loaned out at high rates of interest.

I also mention that large sums of money were used for travel purposes and that former officers of the credit cooperative were dismissed because they knew too much.

The fascinating part about that last statement is that within the past two or three weeks the secretary of the society has either resigned or has been dismissed—I do not know which. These rumours have been printed in the local newspapers and, as a result, I have received a number of anonymous telephone calls from people who, as is obvious to me, know what they are talking about.

The first telephone caller informed me that the administrator was also acting as the liquidator of a proprietary company which was a substantial debtor of the cooperative. That immediately raises a conflict of interest. How can the administrator of this cooperative act as the liquidator of a company that is indebted to the cooperative? How can the administrator put himself in a position where he may have to take legal action against himself as liquidator of the proprietary company? The Attorney-General should take urgent action to investigate that position.

The second call came from a person who obviously knew a lot about the former chairman of the cooperative, Mr Bill Rutherford. I have obtained a list of the directors of the cooperative and, according to that list, as at 24 July 1986 the directors were: Mr Peter Rowe, 9 Vary Street, Morwell, SEC supervisor; Mr Henry Winters, 181 Lloyd Street, Moe, SEC charge engineer; Mr John Ellingham, 6 Nuntin Court, Morwell, SEC technical assistant; Mr Michael Zarb, 3 Kathleen Street, Morwell, clerk; Mr Peter Roberts, Main Street, Yinnar, school teacher; Mr Franz Ongar, 91 Thorpdale Road, Trafalgar, ethnic counsellor, and Mr William Rutherford, Bradford Road, Traralgon, solicitor.

The registrar informed me that Mr Verhoeven replaced Mr Rutherford as a director on 19 August 1986. One must bear in mind that the Credit Co-operatives Reserve Board, according to the Attorney-General's answer to Mr Ward, carried out an inspection in October 1986. My anonymous telephone caller informed me that Mr Rutherford and his wife had borrowed money from the society over a long period for the purpose of building flats in Morwell. That caller wanted to know whether Mr Rutherford received any special benefits because of his position as chairman of directors.

Another caller claimed to be closely associated with the trade union movement. Honourable members may recall that some years ago, following a prolonged SEC strike, a sum of almost $750,000 was donated to the trade union movement to set up a strike fund—or, as it was more correctly called, a distress fund—to help unionists who were out of work.

The caller stressed that the success of this type of fund depended on the honesty of the trade union official or officials appointed to administer the fund. He strongly suggested that some improper use of the balance of that money was being made in collaboration with the Latrobe Country Credit Co-operative Ltd.
I make it perfectly clear that I have no direct knowledge of these rumours. However, the telephone callers appeared to be well-informed. Section 110 of the Co-operation Act obliges this credit society to hold its annual general meeting before 31 July 1987 at which the profit and loss accounts and the balance sheet will be presented.

The administrator is also required to present a report. However, honourable members know that no answer will be given in that report as to why the administrator was appointed in the first place. It is extremely important that these rumours be put to rest.

I call on the Attorney-General to make an urgent statement to the House explaining why it was necessary to appoint an administrator. As I have previously said in the House, if the Attorney-General does not act quickly he will need to appoint a judicial inquiry. I appeal to him again tonight to inform the public and, in particular, the shareholders of this society because, after all, they are entitled to know the reason for the appointment of the administrator.

I support 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 be now read a third time.

In so doing, I thank the honourable members opposite for their support. Mr Chamberlain raised various matters that are outlined in a letter of today’s date which he has been kind enough to give me and which has already been sent to my office.

I can do no more than say that I shall consider that matter while the Bill is between here and another place and, as with the matter he raised with me about another Bill today, I shall endeavour to give him a satisfactory answer before this sessional period has concluded.

Mr Long raised a number of questions which he has raised with me before. I cannot add to what I have said before. However, I shall examine Hansard and receive advice from the Corporate Affairs Office on the matters that he has raised tonight to ascertain whether there is anything I can usefully, and in the public interest, add to what I have said before on this matter. I shall do that by the end of this week or before the end of this sessional period.

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

CHATTEL SECURITIES BILL

For the Hon. J. E. KIRNER (Minister for Conservation, Forests and Lands), the Hon. C. J. Hogg (Minister for Community Services)—I move:

That this Bill be now read a second time.

As honourable members will be aware, the Chattel Securities Act 1981 as amended by the Chattel Securities (Amendment) Act 1983 came into operation in March 1984.

The Chattel Securities Act 1981 provides that someone who buys goods that are subject to a security interest, but who does so innocently and without notice of the interest, obtains clear title to the goods. In the case of a motor vehicle, a person is deemed to have notice of a security interest if the interest is registered on the vehicle securities register established under the Act.

When the Act came into operation it attracted some criticism on technical legal grounds, and a committee chaired by Mr R. T. Viney was formed to consider how the legislation might be improved. The committee reported in April 1985. It did not recommend any substantial change in the policy of the Chattel Securities Act, but it recommended ways of finetuning the Act to simplify it and overcome some practical problems.
The Bill will implement the committee's recommendations. The principal recommendations were few, but they required extensive consequential amendments to the Act. The extent of these amendments has made it preferable to make the changes by a re-enactment of the legislation. The main changes effected by this Bill may be summarised as follows:

The Bill uses the simple term "security interest" in place of the three types of security interests, involving mortgagees, lessors, and owners under hire purchase agreements, which are treated separately throughout the Chattel Securities Act 1981.

The Bill provides that an interest created under section 5 of the present Act is a legal interest where the parties to an agreement agree that it should be so.

The Act does not deal with the question of which of two interests on the vehicle securities register has priority. The Bill provides that the interest first placed on the register has priority.

The Bill will preserve the position that a purchaser may extinguish a security interest, even if only part of the purchase price has been paid; but it will provide that the holder of a security interest has all the rights of the seller in respect of any unpaid amount of the purchase price.

The Bill provides that, where a purchase agreement has extinguished a prior security interest, the rescission of the agreement operates to reinstate the relevant security interest.

The Bill will treat a financier in the same way as a dealer who, under the Act, except where Part III applies, does not benefit from the provisions which extinguish a prior unregistered interest where the purchaser is innocent.

The Bill abolishes the cumbersome provisions in the present Act which require a motor car trader to obtain and hold, for examination by the public, a dealer certificate. Instead it provides that a purchaser of a motor vehicle from a licensed motor car trader obtains title to the goods free from any security interest reserved over those goods, whether or not the security interest is registered on the vehicle securities register.

In order to protect the interests of the financier whose security interest may be extinguished by this provision, the Bill amends the Motor Car Traders Act 1986 so as to require the licensed motor car trader to search the register and to ensure that any registered security interest or security interest of which he has knowledge is discharged. If the trader fails in this obligation the financier has a right of action against the trader or, if the trader is bankrupt, against the Motor Car Traders Guarantee Fund.

The motor car trader's interest can be protected by obtaining a search certificate from the vehicle securities register when acquiring the vehicle.

The Bill makes a number of minor technical changes as recommended by the committee which reviewed the Act.

I commend the Bill to the House.

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

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

AGRICULTURAL ACTS (AMENDMENT) BILL

The debate (adjourned from April 16) on the motion of the Hon. E. H. Walker (Minister for Agriculture and Rural Affairs) for the second reading of this Bill was resumed.

The Hon. R. I. KNOWLES (Ballarat Province)—The Opposition supports the Bill, which has been produced following an examination by the Public Bodies Review
Committee of seventeen statutory bodies. The Bill generally follows the committee's recommendations, with two exceptions to which I shall refer briefly later.

The Bill amends the Marketing of Primary Products Act, the Tobacco Leaf Industry Stabilization Act, the Wheat Marketing Act, the Swine Compensation Act and the Broiler Chicken Industry Act.

The proposed legislation makes provisions regarding the annual reports from the various bodies and incorporates the recommendations of the Auditor-General concerning the preparation of those reports.

In substance the Bill abolishes the Tobacco Quota Committee and the Tobacco Quota Appeals Tribunal, the function of the latter tribunal now to come within the ambit of the Administrative Appeals Tribunal. Generally, the Opposition has been advised that the tobacco industry supports those changes, although concern has been expressed regarding clause 14, which relates to the proposed new section 21A which is to be inserted in the Tobacco Leaf Industry Stabilization Act.

The concern expressed by the industry is that, if the generally broad wording of that amendment were to be literally applied, the representatives of the growers would be unable to participate effectively in the decision-making process of that board.

The matter was raised in another place and the Government undertook to examine that concern; and I know that the Minister has undertaken to examine all of those concerns. The Opposition would like him, in his response, to clarify how that provision is to be applied, as I am sure all honourable members would share the view that grower representatives ought to be able to participate in the discussion of general issues affecting the industry, while being obliged to declare a pecuniary interest if it specifically related to their own position.

The committee recommended that there be established a limit on the amount of quota that farmers could hold and that a tender pool be established to which growers could relinquish part of their quota. It is interesting that the Government has not pursued either of those recommendations.

I am not suggesting that the Opposition is criticising the Government for not accepting those recommendations, but it is interesting to contrast the Government's approach to the tobacco industry on that issue, given its approach to the egg industry where the Government did place a limitation on the quotas that a particular poultry farmer could hold. I direct attention to the Government's inconsistent approach on that issue.

The Bill also abolishes the statutory role for the Victorian Wheat Advisory Committee. The Minister for Agriculture and Rural Affairs and the Government have agreed that the committee will be constituted as an advisory body and the Opposition acknowledges that it has an important role to play in identifying the most suitable and appropriate varieties of wheat and in providing advice on developing new and more appropriate varieties, but the Bill follows the recommendations supported by all parties in the examination undertaken by the Public Bodies Review Committee.

The third significant change proposed by the Bill relates to amendments to the Swine Compensation Act. I am advised that the Swine Compensation Fund has increased significantly over recent years. The fund is entirely funded by producer contributions and with the advances in veterinary science over recent years many of the problems associated with diseases in the swine industry have been circulated to farmers, therefore negating the requirement for compensation payments.

The fund currently stands at approximately $1.4 million, and the Bill proposes that $900,000 of that amount should be used as a one-off grant to be allocated to research which will benefit the swine industry.
I reiterate that the Opposition supports this particular measure, but seeks clarification from the Government on how the proposed pecuniary interests section, as it relates to the tobacco industry, will be applied.

The Hon. B. P. DUNN (North Western Province)—The Bill deals with a number of specific areas relating to agriculture. My colleague, Mr Evans, a member of the Public Bodies Review Committee, is experienced in the tobacco industry and I do not intend to touch on that aspect of the report. I commend both Mr Evans and Mr Steggall, the honourable member for Swan Hill, who represented the National Party on that committee and I know that they have played a significant part in the deliberations of the committee, on which the report is based.

I want to make some comment about a number of recommendations of the Public Bodies Review Committee and the proposed legislation that has followed that report and, in particular, to speak about the Victorian Wheat Advisory Committee. I am concerned that the committee will be abolished. The committee originated as a result of marketing difficulties that arose in the depression of the 1930s. In 1935 an Act of Parliament established the committee. In 1938 a further Act of Parliament established the Victorian Wheat Advisory Committee as a permanent body. The Bill will take away the statutory requirement to maintain the existence of that committee. It will then depend on the goodwill of the Minister for Agriculture and Rural Affairs or future Ministers whether an advisory committee of the kind now proposed will continue to exist. The Minister has said that a committee will continue. I have a draft of the proposed structure of the new committee and many of its functions will continue in an advisory capacity as has occurred in the past.

I represent the largest wheat growing area of the State and I know that the committee has been of considerable benefit to the industry. Many grain producers have served on the committee over many years and have taken their job seriously and the committee has provided significant advice to farmers.

Mr President, I know of your interest in the rural industry and your knowledge of the Mallee. The committee recommended varieties of wheat to be sown in certain zones throughout Victoria, and that was of great benefit to the farming community. The Public Bodies Review Committee indicated that farmers themselves should allow market forces to determine what variety they chose. In other words, farmers had to make their own decision on what wheat varieties they would plant. That is difficult to do. Farmers do not have the technical training to do that and rely on the advice of officers of the Department of Agriculture and Rural Affairs, which usually is accurate. Growers also rely on their own experience of growing the crop themselves. Farmers cannot decide, on the basis of someone's advice, if a variety is effective for their farms.

The Victorian Wheat Advisory Committee was able to provide the best options for choosing the variety that farmers would grow on their property. It indicated which varieties would provide the best quality, which would grow more effectively, which would provide the best returns for that particular district and so on. Farmers were then able to choose which would best suit them out of a group of, perhaps, five varieties. That is the sort of thing that the committee has done since the mid-1930s.

The committee's work in this area has been one of the factors that have assisted the industry to develop a strong quality base. The problems in the industry today have nothing to do with the quality of wheat or the efficiency of wheat farmers, but are external problems off the farm. They relate to the prices farmers receive from overseas markets and the internal cost of producing the crops, problems that I have outlined in some detail to the Minister on many occasions.

The Victorian Wheat Advisory Committee has advised the Minister on the registration of new varieties of wheat and the release of new varieties into the State industry. The committee has also advised the Minister annually of the varieties recommended for various wheat growing regions throughout Victoria.
Normally one assumes that Governments abolish statutory bodies of this kind because of the cost involved, because it is a bureaucratic nightmare and cannot be justified. The fact is that the committee operated as a lean and efficient organisation. It has no specific staff of its own but had back-up staff from the Department of Agriculture and Rural Affairs. The report indicated that a mini bureaucracy was established to assist the committee.

I doubt that. The committee apparently met for a number of days a year, possibly even a couple of days of the year, to consider the recommendations and to gain the advice it needed to make decisions on recommendations to the Minister. It was not a large cost to the industry and it was not a cost to the Government, yet it was serving an effective purpose. It appears to me in this case that we have ruled out a statutory authority for the sake of ruling out an authority. I do not understand any major reason why that had to be done.

What will be left in its place? As I said before, we will be left with an advisory committee established on the basis of the goodwill of the Minister. That is probably the best way it could be done. I know the Minister is prepared to continue the existence of that committee and I commend him for that.

The National Party does not intend to oppose that clause. My colleague, the honourable member for Swan Hill in another place, who is also a wheat grower and a member of that committee, investigated the issue thoroughly and found that it would not be a disadvantage to the wheat advisory group if it were changed from being set up under statute to being a body operating in an advisory capacity to the Minister. He supported the recommendation and he has considerable experience in the industry. The National Party does not intend to oppose the clause but I wanted to raise those concerns.

There are other aspects in which the committee had a role. One was in regard to permit sales, which are becoming increasingly prevalent. Permit sales are sales from the property direct to the flour mills or stock feed companies. They avoid the cost of going through the board. Permit sales are done through permits from the board but they do not incur the board’s costs. The committee oversaw the permit system. I think that is more correctly the role of the Australian Wheat Board. Page 21 of the report of the Public Bodies Review Committee on the Victorian Wheat Advisory Committee states:

The committee recommends that the Australian Wheat Board be delegated the responsibility to develop, in consultation with the Victorian Department of Agriculture and Rural Affairs and other interested bodies, guidelines for permit wheat sales in Victoria.

That is one role that will be shifted away from the statutory authority, which was formerly the Victorian Wheat Advisory Committee. The committee also had the role of dealing with variations in payments to growers for delivery at certain times. In other words, from time to time growers are offered a premium if they store grain on their properties and deliver it after the harvest peak has passed. The committee had the role of assessing that process and deciding what additional payments and premiums should exist. I understand that it may be better left in the hands of the Grain Elevators Board to determine in the future and that that is what is proposed in the Bill.

Growers have considered the recommendations of the advisory committee and the report of the Public Bodies Review Committee, which outline the level of acceptance by growers of the wheat varieties that are recommended in particular areas. It is interesting to note that the acceptance of the recommendations of the advisory committee is close to 100 per cent. In fact, in silo group “A”, which I think is in the northern Mallee, 98·8 per cent of producers in 1983 adhered to the recommendations for their zone. In silo group “B”, the figure was 93 per cent and in silo group “C” it was 74·9 per cent. In most cases the level of acceptance was more than 90 per cent of farmers, meaning that 90 per cent of farmers adhered to the varieties that were laid down by the advisory committee.

The Victorian Wheat Advisory Committee was a body that growers would take notice of, listen to and take advice from. The advice was usually publicised as a recommendation
to the growers of the State. It is vital that that process continue. It is vital that the Department of Agriculture and Rural Affairs, together with the new advisory committee, does a number of things to assist in keeping growers up to date on new varieties and changing varieties.

This is a completely new era in grain farming. Our fathers and farmers of years ago grew particular varieties for ten or fifteen years. They would lock themselves into a particular variety and would not think of anything else. Today there are varieties that appear to develop problems after only a short time. There are semi-dwarf, high-yield, bearded varieties of wheat and there is a constant need to keep ahead of diseases and to develop and test new varieties. There is a constant need for the department to recognise problems and advise the growers accordingly.

In the last season there was the example of the Millewa variety of wheat becoming susceptible to rust, which reduced many farmers' crops by 70 to 80 per cent. In most cases it reduced the crop by 50 per cent of the yield. The Department of Agriculture and Rural Affairs knew a year in advance that there was a problem with that variety. The department made it clear to growers in the State; some listened and some did not. Some could change and others could not. The problem highlights the fact that experts are needed. Victoria needs a department and a wheat advisory committee that can keep farmers to the forefront and warn them in advance of any impending dangers so far as diseases are concerned.

To summarise, I reiterate that there is nothing wrong with the committee. It has not cost the industry any considerable amounts and it has not cost the Government anything. Its advice has an acceptance level of nearly 100 per cent among growers in Victoria. All that is happening is that it is being changed from being a body operating under statute to an advisory committee under the Minister's control. I trust that in the interests of the industry the Minister will treat it in that way and recognise its importance.

I commend the grower representatives who have served the people well over the years, especially Jim Muske, who has been involved for many years in the development of the Victorian Crops Research Institute at Horsham.

The committee advised on research programs that are undertaken at that institute. This has been of considerable assistance to the industry.

One other aspect of the Bill I shall mention relates to the pig industry. What is proposed in regard to the use of funds that have been collected under the Swine Compensation Act is sound. The pig industry in Victoria is dynamic. It is efficient and is successful at all levels of management of farming and marketing. It also needs ongoing research. The pig industry will now gain some benefit from funds that have been sitting idle as part of consolidated revenue and it will be able to undertake research.

With those comments on two aspects of the Bill, I indicate that the National Party supports it on the basis that its representatives on the Public Bodies Review Committee studied it thoroughly and agreed with the proposals. My colleague, Mr Evans, who is highly experienced in the tobacco and other industries will also comment on aspects of the Bill.

The Hon. D. M. EVANS (North Eastern Province)—Following the glowing reports of my expertise on the tobacco industry, I am almost fearful of saying anything at all in case I say the wrong thing. I do represent all of the tobacco growers of Victoria at this time. Perhaps it may be of interest to the House if I sketch briefly the recent history of the tobacco industry, the reasons for the Tobacco Leaf Industry Stabilization Act and the various proposals that the Public Bodies Review Committee put forward in its report, most of which are embodied in the proposed legislation.

The industry is a very old one in Australia; tobacco was a common crop throughout many areas of Victoria in the 1920s, 1930s through to the 1940s and from then on. It was a cash crop and one from which good farmers received good returns every third or fourth year. At one time there was a problem with blue mould, which was a major fungus disease
that took a very heavy toll. However, many problems of that kind have been overcome by the introduction of new sprays and better agricultural methods.

In the early 1960s the Australian tobacco industry faced the position of substantial oversupply of tobacco leaf. Tobacco was also being grown in areas that buyers regarded as less than suitable for the production of high quality tobacco leaf for the Australian market.

The two factors of overproduction and a value judgment by the buyers as to which leaf was of acceptable quality for inclusion in their tobacco products marketed in Australia led to a difficult position on tobacco floors in the early 1960s, and to say that feelings ran high is an understatement. The position became so difficult that the industry approached the then Minister for Primary Industry, the late John McEwen, later Sir John McEwen, in Canberra, to see whether a tobacco industry stabilisation plan could be introduced. Mr McEwen in his wisdom said that for the tobacco industry to go forward it should come up with a plan, and if it did that it would have his full support and encouragement. That led to the Commonwealth Tobacco Marketing Act of 1965.

That was followed by the Victorian Tobacco Leaf Industry Stabilization Act of 1966, which was complementary to the Commonwealth legislation and which had the effect of making the tobacco industry a controlled industry with regard to supply and quota. It had the stabilising effect of putting pressure on local producers of tobacco products, the cigarette manufacturers, to take an agreed percentage of Australian leaf for the local market. The mechanism used to persuade the tobacco companies to accept the leaf quota and a particular percentage of Australian tobacco was the use of tariffs, and those tobacco companies that met the requirement of the Tobacco Leaf Industry Stabilization Act received a reduction in the tariff on imported leaf into Australia.

The current situation is that Australian tobacco producers produce 57 per cent of the total leaf used in Australia. Under the Tobacco Leaf Industry Stabilization Act, in order to meet the requirements and receive refunds or exemptions from import duties, the manufacturers must use at least 50 per cent of Australian leaf, but a further voluntary 7 per cent is used by the tobacco companies.

There are three tobacco-growing States in Australia: Victoria produces 37 per cent of the total Australian leaf used in this country, Queensland produces just under 60 per cent, and the balance is produced in New South Wales. There are some 250 quota holders currently in Victoria, and they are all in my province, generally in the valleys of northeastern Victoria—King Valley, the Ovens, Buckland, Buffalo and Kiewa valleys—and some of the smaller valleys adjacent to those areas. The most suitable country and climate in which to grow tobacco is in the higher river valleys that have the right microclimate for tobacco to be produced.

The Public Bodies Review Committee, in its reference of seventeen agricultural marketing bodies, examined three bodies: the Tobacco Leaf Marketing Board, the Tobacco Quota Committee and the Tobacco Quota Appeals Tribunal. As a result of the recommendation of the Public Bodies Review Committee the present Bill is before the House to put into effect most of its recommendations. I believe the report of the committee was generally accepted within the industry.

As a member of the committee and as a member of the drafting subcommittee for the report, I can say that it was a low-key inquiry. Not a great deal of evidence was given to the committee, and it was handled at a very leisurely pace. The industry had every opportunity to have input, and it did so.

The Bill carries out the recommendations in general of the Public Bodies Review Committee and, in particular, it deals with the borrowing powers of the various boards. This became an issue so far as tobacco was concerned where that is a requirement from time to time for substantial borrowings, and clause 6 of the Bill expands the range of institutions from which a marketing board can borrow money from the ordinary banks,
The tobacco industry welcomes the provisions of clause 6.

The Public Bodies Review Committee noted that the objectives of the Tobacco Leaf Marketing Board were not spelt out in any legislation, and clause 7 amends that lack in the original Act. The important issues that are dealt with include, the fact that the Public Bodies Review Committee recommended the continuation of the Tobacco Leaf Marketing Board as an integral part of tobacco leaf stabilisation in Australia.

The stabilisation plan is a five-year one and it is currently being reviewed by the Industries Assistance Commission, which has a brief from the Commonwealth Government to make a report and recommendation on whether stabilisation should continue. I believe the industry is confident that, because of the history of stabilisation and the excellent effect it has had on the industry, the Tobacco Leaf Stabilization Act will continue for a further five years.

I indicated that 37 per cent of the total Australian production is grown in Victoria and that the crop is worth between $26 million and $27 million a year, as it will be this year. Some honourable members may be aware of the loss through frosting that occurred last week and in some cases substantial crop losses occurred because of the combination of a late summer and the early frost. Some growers will suffer substantial financial harm as a result.

When tobacco leaf stabilisation was introduced in 1965 there were three different bodies to administer the industry. These were the Tobacco Leaf Marketing Board, which is recommended by the Public Bodies Review Committee to continue, the Tobacco Quota Committee and the Tobacco Quota Appeals Tribunal. The Bill puts into effect the Public Bodies Review Committee’s recommendations that the latter two bodies be abolished. The Tobacco Quota Committee was originally charged with the responsibility of determining which tobacco growers in Victoria should have a quota to grow tobacco and the actual level of quota that would be allocated to each one.

At the time stabilisation was introduced a substantial overproduction of tobacco in Victoria occurred with, as one can imagine, an immense amount of money at stake, and feelings ran very high.

It was important that that Tobacco Quota Committee be seen to be as independent as it possibly could be. I can say that there were men on that committee who acted very responsibly in a most difficult situation to bring into being a most difficult new scheme. I believe they acted very well.

However, the disciplines that were imposed in the allocation of quota were very severe. The quota itself was tied to the land, not to the individual. That meant that each farm that had a tobacco quota could not shift that quota easily to another property and the quota certainly could not be sold.

However, the attachment of a quota to a tobacco property did give it a value; so, in effect, the tobacco quota had a substantial intrinsic value. It may not have been spelt out, but it was there.

As the industry became more stabilised and settled down towards the mid-1970s, there was some unrest and a belief that tobacco quotas should be able to be transferred. The method of transfer initially was by sale of property from one person to another.

The PRESIDENT—Order! I am listening with a great deal of interest to the remarks of Mr Evans about the history of the various tobacco boards, but I have not heard him indicate their relevance to the Bill. I should like to hear his views on the merits or demerits of the Bill at hand rather than the recounting of the history of the industry.

The Hon. D. M. EVANS—With the settling down of the industry in the mid-1970s, it was clear that the transfer of quota was appropriate. In fact, a new method of quota transfers was instigated some three or four years ago, and sale of quota then became
possible between one grower and another without the necessity to transfer land at the same time.

It, therefore, seems reasonably appropriate, as the quota transfer has now settled down, that that responsibility be passed on from the Tobacco Quota Committee to the Tobacco Leaf Marketing Board. The Public Bodies Review Committee recommended in that direction, and the industry is satisfied with that situation.

However, I wish to pay a tribute to the last Chairman of the Tobacco Quota Committee, Mr Guy Darling, who has exercised considerable discipline in the industry and has been one who has always cautioned the industry to hasten slowly. I know that he has some concerns that the new arrangements, by being more flexible and less strongly disciplined, may not react to the best interests of the industry in the future.

Mr Darling gave evidence in that direction to the Public Bodies Review Committee, which still decided—and properly, I believe—that the responsibility for and changes in quota allocation should be handled by the Tobacco Leaf Marketing Board.

With regard to the Tobacco Quota Appeals Tribunal, in the initial stages of tobacco stabilisation an appeals mechanism was vital because those persons who were aggrieved had to feel there was an additional court to which they could apply. However, the Tobacco Quota Appeals Tribunal has not met for some ten years and two of its three members have now passed on; therefore, it was appropriate that another body be left to handle any appeals that may come forward in the future, and the Administrative Appeals Tribunal appears to be a suitable body to carry out that function.

I have examined the matter in some detail. It is important to have these points on the record, and perhaps some honourable members who recognise the importance of tobacco may be prepared to read the record of my remarks at a later date.

The last point I wish to make very strongly indeed is that there are those who have a very keen interest and concern in the effects of tobacco smoking on health. The Public Bodies Review Committee quite clearly differentiated between the issues of growing a legal product to meet a legal demand and any health issues. That matter is recognised by the Anti-Cancer Council of Victoria.

In fact, the Public Bodies Review Committee stated in its report that, as there was a clear difference between the filling of a legal need and the health issue, it was reasonable for tobacco stabilisation to continue. To put it more simply, I point out that if no tobacco leaf were grown in Australia, not one person would stop smoking. That point must and needs to be made.

With the comments that I have made, I indicate that the Bill should go forward and be passed. However, as Mr Knowles indicated, there is an additional concern relating to the clause that refers to pecuniary interests of members of the Tobacco Leaf Marketing Board. Like Mr Knowles, I appreciate the letter that has been furnished to me by the Minister, which will be further appropriately debated during the Committee stage of the Bill.

The Hon. E. H. Walker—The Bill will not go to Committee.

The Hon. D. M. Evans—in view of the Minister's interjection, I indicate that I was concerned that the pecuniary interests provision of the clause—

The Hon. E. H. Walker—that has been resolved.

The Hon. D. M. Evans—Clause 14 of the Bill concerned me because I believed it was possible that that clause may have placed an inhibition on the grower members of the Tobacco Leaf Marketing Board in carrying out their responsibilities fully. I recognise that they would have no more than a “class interest” in the general issues discussed by the board and, in regard to those issues in which they may have a particular pecuniary interest, it is right and proper that they should declare that interest and not vote.
I raised that matter with the Minister and his advisers and also with Mr Eric Meeking from the Tobacco Leaf Marketing Board, who assures me that his legal advice is that there is no problem in that direction.

I have also discussed the matter with the chief executive of the Tobacco Growers of Victoria (Ltd)—which represents some 90 per cent of tobacco growers—Mr David Pollock, who also said there was no problem.

However, I propose to read to the House the following letter from the Minister for Agriculture and Rural Affairs, which is relevant to that clause. I believe it is important and must be read into the record today. The letter dated 27 April addressed to me is headed, "Agricultural Acts (Amendment) Bill" and states:

A question has recently arisen concerning the extent to which the pecuniary interests provisions in clause 14 of the Agricultural Acts (Amendment) Bill will apply to producer members of the Tobacco Leaf Marketing Board.

I am now writing to confirm that it is not intended that the pecuniary interests provisions of the Bill will apply to members of the board when dealing with any business which relates to the tobacco industry generally.

I propose to take the opportunity of explaining this point when the Bill is debated in the Legislative Council.

It is important that the letter be read during the debate. With the assurance contained in that letter, so far as the tobacco industry is concerned, I am satisfied that the provisions of this Bill are reasonable.

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.

In doing so, I should like to make a couple of points in response to matters raised by honourable members opposite. I thank Mr Evans for having read the letter relating to pecuniary interests, which saves me having to explain the matter. It resolves the issue for him, and also, I believe, is a response to the matters raised by Mr Knowles and Mr Dunn.

Mr Dunn asked me to reassure him that the advisory role of the Victorian Wheat Industry Advisory Committee, even though it becomes not a statutory body, should be maintained. I agree with him in that regard, and I hope successors of mine will also agree, because that committee has done a good job. The committee should be retained for the work that it does and I intend to do that.

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

ANIMAL PREPARATIONS BILL

The debate (adjourned from April 15) on the motion of the Hon. E. H. Walker (Minister for Agriculture and Rural Affairs) for the second reading of this Bill was resumed.

The Hon. R. I. KNOWLES (Ballarat Province)—The Opposition supports the Bill. The Bill follows the presentation of a report from the Public Bodies Review Committee, which examined the Stock Medicines Board.

This is an important issue because stock medicines play a vital part in the agricultural industry. They have ramifications not only on production in Victoria but also on export markets and it is important that these preparations used are acceptable to those who import our primary products.

The Minister for Agriculture and Rural Affairs indicated in his second-reading speech that the Government believed it desirable that there be a national scrutiny of the issues provided for in the Bill.
The Opposition agrees with that primary thrust but it recognises that that requires much discussion and negotiation with the other States and the Commonwealth Government. The Bill provides the flexibility for those issues to be pursued further at the national level. The Opposition is supportive of that provision.

Given that we do not have a national system, the Bill provides for the registration of animal preparations and for the regulation, sale and the use of those preparations.

The Stock Medicines Board, which is currently in place, has served the State well. The Public Bodies Review Committee found in its examination of the board that there was a need for regulation not only of the sale of animal preparations but also for the use of those preparations.

The Bill broadens the charter of the old board and renames it the Animal Preparations Board. It is to be comprised of seven members appointed by the Minister, four of whom shall be officers of the department; one shall be a person whose name is included in a panel of not fewer than three names submitted to the Minister by a body that the Minister considers to be representative of veterinary surgeons; one shall be a person whose name is included in a panel of not fewer than three names submitted to the Minister by a body that he considers to be representative of pharmaceutical chemists; and one shall be a person nominated by the Minister administering Part II of the Health Act 1958.

This closely follows the composition of the existing board. The Opposition believes there is an important difference, given that the new body is to regulate the use of animal preparations. The regulation covers not only registration of preparations for sale and their use but also the board has power to delete the regulations covering a particular product.

This can have significant ramifications for Victorian agriculture. The Opposition in another place advocated that there should be a user representative on the board to add a consumer perspective to the issue and to act as a go-between for the farming community and the registration board.

The Minister in another place undertook to examine the Opposition's proposal. As it was explained in another place the Liberal Party had actually prepared an amendment to give effect to the broadening of representation on the board but it was advised that it was impossible to move the amendment as it required a message from the Governor involving an appropriation.

However, the Government undertook to examine that proposal to replace either one of the existing officers from the department with a representative from the Victorian Farmers Federation or, alternatively, to increase the membership of the board to include a representative from the same organisation.

It is important that the House recognises that the proposed legislation does not in any way reflect on the capacity of the Stock Medicines Board but it is a recognition that there is a need for a wider charter.

The Parliament and the Victorian community have been well served by the work carried out by the Public Bodies Review Committee and, given that the committee report was unanimous, it is not surprising that the Opposition supports this measure.

The Hon. B. P. Dunn (North Western Province)—The National Party supports the Bill. I was interested when reading the report of the Public Bodies Review Committee to note that the Stock Medicines Board had as its priority, way back in the 1930s, a system of assessing medicines for use in animals and agriculture, which was a decade before preparations for use on humans were scrutinised.

The Hon. E. H. Walker—That is about the right order.

The Hon. B. P. Dunn—It does mean that during that period it was recognised that there were certain preparations used in animal husbandry about which the claims of the manufacturers needed to be assessed for their suitability for use on animals and for their
effect on consumers, the export trade and so forth. This advisory situation existed under
the old Stock Medicines Act of 1937 and it has been in existence since that time.

The board has served Victoria and the agricultural industry well over that period. The
Stock Medicines Board has basically been an advisory body to the Director-General of the
Department of Agriculture and Rural Affairs and the new body will fulfil the same role.
However, it will have a wider charter.

The interpretation of "animal preparations" in the Bill is broad. For instance, it covers
any stockfeed or stock pesticides and even deals with preparations that are used for show
animals and so on, as well as more vital stock medicines such as drenches and so on. We
have come a long way in stock medicines and generally the farmer and grazier today is
skilled both in selecting what is best for his stock and in using it. I hope the proposed
board will understand that there is an important need in agriculture for the use of stock
medicines and preparations and that their use needs to be flexible for their practical
application in farming industries; in other words, the use of these preparations should not
be unnecessarily restricted in a way that would create difficulties for farmers using them.

A single national registration system has been referred to by both the Minister for
Agriculture and Rural Affairs and Mr Knowles and the National Party supports that
system because many of the preparations are used nationally throughout, say, the wool or
sheep industry, and a single registration system will be an advantage. Certainly, it will be
a distinct advantage to the manufacturers and distributors of these products. The National
Party hopes a national registration system as planned is developed.

I thank the Stock Medicines Board for its past work. In regard to the new Animal
Preparations Board, I should like a farmer representative on that body, because under the
proposed membership everybody except the agriculturists is involved. The board will
comprise seven members appointed by the Minister, of whom four shall be officers of the
department, one shall be a person whose name is included in a panel of not fewer than
three names submitted by a body that the Minister considers to be representative of
veterinary surgeons, one shall be a person whose name is included in a panel of not fewer
than three names submitted to the Minister by a body that the Minister considers to be
representative of pharmaceutical chemists and one shall be a person nominated by the
Minister administering Part 11 of the Health Act.

I believe where a product of this kind relates specifically to agriculture, and agriculturists
are the largest users of animal preparations, a member of the farming community or a
representative nominated from a panel submitted by the Victorian Farmers Federation
should be appointed.

With those comments, I advise the House that the National Party supports the Bill.

The motion was agreed to.

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 shall comment on the point made by members of both opposition parties, the issue of
the possibility of the addition—I prefer to regard it as an addition rather than a
replacement—of a Victorian Farmers Federation representative on the Animal Preparations
Board. It is a sensible suggestion. From discussion with the Clerks of both Houses of
Parliament, I understand it is difficult to make an amendment of that sort to the Bill at the
present stage but I give an assurance that I shall proceed to prepare such an amendment
for introduction in the next sessional period. In the meantime I shall discuss the matter
with the Victorian Farmers Federation. I have no opposition to the suggestion; it is
sensible. I thank honourable members for their support.
The motion was agreed to, and the Bill was read a third time.

COMMUNITY SERVICES BILL

The debate (adjourned from earlier this day) on the motion of the Hon. C. J. Hogg (Minister for Community Services) for the second reading of this Bill was resumed.

The Hon. R. I. KNOWLES (Ballarat Province)—This Bill is a smaller version of the Community Services Bill that was introduced by the Government in the last session and allowed to lie over and, with the proroguing of Parliament, of course, that Bill lapsed. In the meantime the Government has again re-examined the issue and, as the Minister for Community Services said in her second-reading speech, most of the provisions of that proposed Bill are now to be incorporated in a proposed Children and Young Persons Bill, which at one stage was to be introduced in this sessional period and allowed to lie over to the spring sessional period, but I understand—and the Minister may wish to give the House an assurance—that it may be publicly circulated as soon as it is available and the Government then hopes it will be debated in the spring sessional period.

I make the point that it is absolutely fundamental that the proposed Bill be made available for public comment as soon as possible. The Opposition will not agree to passing that Bill in a short time in the spring sessional period. It is to consolidate all legislation relating to young people and statutory intervention, and, therefore, it is a significant measure and the Opposition would certainly demand that there be adequate time to speak with the numerous groups and individuals in the community who are interested in that subject prior to its being passed by Parliament.

This Bill effects many minor changes. Firstly, it changes the name from the Department of Community Welfare Services to Community Services Victoria. The Opposition supports that change. In itself it does not achieve anything but it signifies that the department is providing a range of services for the whole community and not trying to categorise people before they come within the ambit of the department.

Secondly, the Bill sets out a number of principles that should guide the department. The Opposition has no objection to those principles but it is interesting that the Bill is vague on the question of protecting children from abuse. It tends to imply that that is a responsibility for the whole community whereas I would argue that, although that is true, there is a particular responsibility on Community Services Victoria to ensure that an adequate service is available to detect and pursue cases where abuse has occurred. This issue has been canvassed in the House on previous occasions and no doubt it will be canvassed on future occasions because it is an area where the Government has been found wanting.

Thirdly, the Bill provides a definition of a welfare service and allows for the director-general to approve a particular welfare service. I understand the measure is designed to try to allow for an increase in the standard of service that is provided. It will not, therefore, dictate to service providers what they should or should not do but will try to ensure that those in the community who join together to provide a welfare service are encouraged to increase the standard of their operations.

The present scrutiny tends to concentrate, to a large extent, on financial accountability. It is proposed that that scrutiny ought to be broadened to try to ensure a general increase in the service that is provided. Perhaps that will affect, in real terms, only a very small number because most of the service providers who are operating in Victoria at present do so at a very high standard. The community owes all those involved in the provision of these services a great deal of gratitude and they ought to be recognised for the fine job they undertake.

The fourth significant change proposed in the Bill is to try to place a time limitation on the voluntary placement of children in full-time care. One of the things that has happened in Victoria on far too frequent occasions is that parents who are under stress voluntarily
place their children in care and, over a period of time and for a whole range of reasons, they do not accept the responsibility of the guardianship of the children. The children are left in limbo.

That is of grave significance when important decisions affecting the children’s long-term opportunities need to be made because no guardians are available to exercise that responsibility. Following the recommendations of the Carney report, it is proposed that children can be voluntarily placed in care for only six-month periods. At the end of that time, the parents and service providers will need the approval of the Director-General of Community Services Victoria to extend that period for a further six months.

The service providers will be obliged to work toward the early return of the children to their families. That change is important; although it will not affect a large number of children in our community, it is supported by the Opposition. I shall raise an additional perspective on that issue.

The Community Services Bill will tend to affect able-bodied children but because services for intellectually disabled children are provided under a different section of Community Services Victoria, the opportunity still exists for disabled children to be placed in care and, over a period of time, parents might lose contact with them. Because the parents do not continue to exercise their guardianship responsibilities, the children may well be left in limbo.

During the debate on intellectual disability services, I and the Government argued that disabled children should not be treated differently from able-bodied children. It needs to be recognised that those children and their families have greater need for support and services but they should not be categorised and treated as if they have fewer rights than able-bodied children and their families. That is an important aspect.

The Government should address the matter of whether the exact provisions of the Bill should also prevail on those children and their families who are receiving services and support through the Office of Intellectual Disability Services. Perhaps that matter does not need legislation but it will certainly involve a more coordinated approach among the administrative structures.

Those four particular aspects of the Bill are supported by the Opposition.

The Hon. R. M. HALLAM (Western Province)—During the last spring sessional period a substantial Community Services Bill was introduced and it had far-reaching proposals on a number of issues on proceedings before the Children’s Court. It contained provisions that related to child protection generally and to young offenders.

The genesis of that Bill was found in the Carney report. When Parliament was prorogued, that Bill lapsed and now a much more restricted Bill has been introduced. The bulk of the initiatives contained in the earlier Bill will be introduced to Parliament again but in the form of a Bill entitled Children and Young Persons Bill, which will be introduced during the next spring sessional period.

I also share the concern of Mr Knowles that honourable members be given sufficient time to consider the Bill, given that it will introduce a number of important issues.

What is left in the Bill is simple in content and effect. It can be viewed as an interim measure with only two primary objectives: firstly, it seeks to tidy up some of the provisions of the Community Welfare Services Act that have become obsolete. The amendments are minor and I shall not discuss them other than to say that they change names and make a few other relatively simple changes. Secondly, the Bill brings to the surface a legislative formal profile of child-care agreements.

The general view of the National Party is that intervention in child-care should be only a last resort. No-one in the Chamber would argue with the concept, which we should be trying to promote, that our children should be brought up in a protected, secure and loving environment. In most instances that sort of environment is provided under the traditional
family environment. Only when that environment is unavailable or at risk for some reason should we even contemplate intervention.

Even when intervention is unavoidable on the criterion of that which is in the best interests of the child; again, the intervention must be of such a form that any chance of redeeming that environment or reducing its risk of loss should be maximised. In that context child-care agreements become extremely important because they are mechanisms which are available as interim measures. They provide a type of halfway house. They are much lesser forms of intervention than the ultimate resort to wardship because they are rather temporary by nature. They offer an alternative, which is important.

Child-care agreements are already in operation in a number of voluntary agencies in the child welfare field, and the proposed legislation does nothing more than introduce a formal basis for the agreements. The Bill provides a sort of child-care agreement code of practice. Thus, Community Services Victoria will be able not only to standardise the quality of care provided under the various agreements but also, more importantly, it may be able to monitor that standard of care.

The Bill provides support for parents who are seeking short-term or crisis assistance in the care of children. The agreements that must be formalised under the Bill must cover a whole range of issues. For instance, they will require that the agreements spell out the rights of the parents and the child and include an understanding of how and when the child will be returned to the care of the parents. They will deal with the different forms of support, access and so on.

More importantly, although that will be formalised, each agreement will be unique and will take into account the specific circumstances that are involved. It provides that those agreements will be restricted to a duration of six months on the initial agreement but that the director-general, where the circumstances warrant doing so, will be able to extend that for a further six months and thus families that face some sort of crisis—say, a marriage breakdown or a problem relating to alcoholic or drug dependency—will be given some breathing space by the agreement.

There may be problems with an illness of a family member who requires hospitalisation. It may be related to a loss of employment, a housing problem or even the problems for parents who feel they are on the brink of child abuse.

It is an important Bill; we hope it will provide that breathing space and allow parents to resume the responsibility for care of the children when that crisis has passed. Indeed, the provision of that breathing space in itself may cause the crisis to pass.

Above all else, the most significant part of the Bill is that it may prevent children being caught up in a situation where they gravitate towards long-term and permanent care. If it does that and nothing else, the National Party supports it.

The Bill addresses a real need in the community and it does so in a sensitive and practical way. It has the wholehearted support of the National Party.

The motion was agreed to.

The Bill was read a second time.

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

That this Bill be now read a third time.

I should like to give both Mr Knowles and Mr Hallam the assurance that they seek in terms of length of time for consultation on the companion Bill to this measure, about which each honourable member has spoken. I also express my thanks and gratitude to both honourable members for the sensitive way they have spoken to the Bill and the wholehearted support that they have accorded to the importance of child-care agreement provisions that the Bill enshrines.
The motion was agreed to, and the Bill was read a third time.

CONSERVATION, FORESTS AND LANDS BILL

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

LAND (MISCELLANEOUS MATTERS) BILL

The debate (adjourned from April 14) on the motion of the Hon. J. E. Kirner (Minister for Conservation, Forests and Lands) for the second reading of this Bill was resumed.

The Hon. R. S. de FEGELY (Ballarat Province)—The Bill is a simple one, which sets out to revoke the permanent reservations of certain lands and to repeal the Port Fairy Land Act 1981.

The three pieces of land concerned are, firstly, a small piece of land of 3.6 hectares excised from the Botanic Gardens and Research Institute and Cranbourne annexe. It is a small portion of a piece of land originally purchased by the Commonwealth to establish a native flora garden in that area. A portion of that land was set aside to establish a greyhound training area and because of the realignment of Ballarto Road that has now become impractical and certain exchanges of land have been necessary. The Bill is designed to do that and the reserves in the area will benefit from the Bill.

The shadow Minister for Conservation, Forests and Lands has been in touch with the Shire of Cranbourne and discussed the matter with the shire. It has no concern about the changes and, therefore, the Liberal Party supports them.

The second part of the Bill relates to an area of land at Coleraine, which is known as the Peter Francis Points Reserve. It was originally set aside as a water supply reserve for the township of Coleraine back in 1874. It has recently been managed by the Shire of Wannon and the revocation of this particular piece of land will allow for land to be reserved and, as explained in the Minister’s second-reading speech, it will enhance the area, which has been established over recent times into an arboretum that is recognised as a valuable site and potential asset as a tourist feature.

The area has eucalypt plantings of international significance. Here again, the Shire of Wannon is quite happy for this to take place as the land is no longer required as a water supply reserve. Part of that area has been utilised and looked after by clubs in the area and particularly the Apex Club. The primary school has established a pine plantation and also a small eucalypt section and it is considered by the shire that this proposal will enhance the land in question.

The third portion of the Bill sets out to repeal the Port Fairy Land Act 1981. Under the Act, a small portion of land—only approximately 1200 square metres—was set aside adjacent to the Moyne River for a boat building operation. There was some local opposition to the project going ahead. In turn, the council refused a planning permit and although it has the intention of finding another site for the boat building operation, that has not been found so far.

The Department of Conservation, Forests and Lands believes the site selected was too small and, therefore, inappropriate, and that is the main reason why the planning permits were refused. The department now believes the areas should return to the Crown.

The Borough of Port Fairy has been approached about this matter and it is happy for the Act to be revoked. The Opposition has contacted all municipalities involved with the three pieces of land and they all support the Bill. In view of that, the Liberal Party is also happy to support the Bill.
The Hon. R. M. HALLAM (Western Province)—The Bill is relatively simple and does three things: it revokes the permanent reservations on two sites—at Cranbourne and Coleraine—and it repeals the Port Fairy Land Act 1981.

The revocation at Cranbourne is to allow a small parcel of land to be rereserved for a more appropriate public usage. That has been prompted by a proposed realignment of a road. All parties have signified their support for the measure, and the National Party has no objection to that part of the Bill.

The area of land at Coleraine comprises 37 hectares on the south-east side of the township. It was set aside in the 1870s as a water reserve. Since that time it has been effectively managed by the Shire of Wannon until the past couple of years when formal control was handed over to the Department of Conservation, Forests and Lands.

The main feature of the reserve is a magnificent arboretum of native trees, which is definitely worth seeing. It has become a significant State botanical asset and is an important tourist feature. I understand that the number of eucalypts represented in the reserve is claimed to be unequalled anywhere in the world.

The reserve was developed in the early 1970s by an energetic local group under the guidance of Peter Francis, and the area is now known as the Peter Francis Points Reserve, which is a significant and well-earned tribute. The reserve also has a place of great pride within the local community.

In its study of the south-west area, the Land Conservation Council recommended that the arboretum area comprising approximately 16 hectares be made a permanent flora reserve. The Bill clears the way for the area to be rereserved for that purpose. As I mentioned, that objective has been given support locally by all parties involved in the management of the total area. The Peter Francis Points Reserve is a magnificent collection of native plants, and the National Party is pleased to be involved in legislative changes that will guarantee the preservation and continued development of that valuable asset.

The National Party places on record its appreciation of the work that has been carried out on that site, especially by Peter Francis whose dedication and vision has resulted in an extremely valuable asset.

The third parcel of land involved is an area of 1200 square metres situated on the banks of the Moyne River in the town of Port Fairy. The land was covered by the Port Fairy Land Act 1981, which set aside that area for the establishment of a boat building business. It was intended at that time that a lease be granted to a Mr Garry Stewart, who happens to be the only local boat builder, to allow him to resite his existing business on the banks of the Moyne River.

Although the area was rezoned at the time, Mr Stewart withdrew his application in 1983 when the planned relocation of his business met with local opposition on the grounds that it was environmentally unacceptable because it would impede pedestrian access along that section of the river.

Mr Stewart conducts a significant local industry and I understand that he still seeks an alternative site. However, given his decision not to seek a lease of the Moyne River site, the National Party has no objection to the provision which repeals the 1981 Act, and supports the Bill.

The motion was agreed to.

The Bill was read a second time.

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

That this Bill be now read a third time.

In so doing, I thank honourable members for their support of the Bill.
The motion was agreed to, and the Bill was read a third time.

CHATTEL SECURITIES BILL

The debate (adjourned from earlier this day) on the motion of the Hon. J. E. Kirner (Minister for Conservation, Forests and Lands) for the second reading of this Bill was resumed.

The Hon. G. P. CONNARD (Higinbotham Province)—The Bill improves the Chattel Securities (Amendment) Act 1983 and is based on the Hamer Liberal Government's Chattel Securities Act 1981. The Liberal Party has a continued interest in these affairs and, in the main, supports the Bill.

The Bill is technical in nature and arises from an expert committee appointed by the Premier comprising Mr S. W. Begg of Corrs, Pavey, Whiting and Byrne, Mr A. J. Duggan, Senior Lecturer in Law at the University of Melbourne, Mr A. J. Myers, a barrister, and was headed by Mr Richard Viney, the Chairman of the Credit Licensing Authority.

The committee consulted widely with many experts in both law and commerce and produced a competent and comprehensive report. As I stated, the Bill is acutely technical, and it addresses the transactions between buyers and sellers who use third parties, generally financiers, who, in turn, need to have their financial interests secured through registration.

The Bill simplifies the original Act. However, a change not recommended by the committee is included in clause 7 (2), which refers to the extinguishing of a security interest in a motor car within the meaning of the Motor Car Traders Act. The Opposition has had discussions with motor traders about this clause, but as most motor traders must already check the Register of Security Interests, broadly speaking, they are properly catered for.

I note that the Minister will make some amendments to take regard of some of the concerns expressed by the Opposition in the other place, and I am confident those amendments will be passed.

The proposed changes will help to establish a clear title so that the new owner of a vehicle can be confident that the vehicle carries a clear title and is not subject to any unexpired interest owing to a finance company.

This is a fairly important principle to such financiers. When the Bill was debated in another place, my colleague in that place received representations from the Law Institute of Victoria. Those comments were of an extremely technical legal nature and the Minister responded to them.

I have had the opportunity of discussing the matter with my colleague, Mr Chamberlain, who said that most of the matters will be addressed by the amendments the Minister proposes to move shortly. I seek the Minister's assurance that the proposed amendments reflect the agreements made by the Opposition's colleagues in another place and reflect those due interests.

I am equally assured by the Victorian Automobile Chamber of Commerce and the other finance organisations that they accept the Bill with favour. On behalf of the Opposition, I support the Bill and look forward to the Minister's comments.

The Hon. W. R. BAXTER (North Eastern Province)—I believe the Chattel Securities Act 1981 has been a useful piece of legislation and the rewrite before the House is welcome in that it will clarify a number of points of confusion that have arisen in the operation of the original Act.

Its most useful aspect has been in the motor car industry in that it has enabled prospective purchasers of motor vehicles to check that clear title is available. It seems to me that a little more publicity needs to be given to the facility that is available for the benefit of consumers.
This point came to me yesterday when a constituent came to see me. She was concerned because she had purchased a motor vehicle from a person who had been subsequently charged by the police for dealing in stolen motor vehicles. She was concerned that, if the vehicle she had purchased had been stolen, she would be in some difficulty.

I was able to assure her that if, at the time, there had been nothing registered on the security register—even if the vehicle had been stolen—a good title would have passed to her. She was unaware that she could have checked the matter at the time. Subsequent checking has proved that the seller of the vehicle she purchased had legitimate title to it.

I notice that our brethren in New South Wales have conducted an extensive advertising campaign, at least in southern New South Wales—and presumably throughout that State—concerning similar legislation that has been introduced in New South Wales. It is referred to in that State as the necessity to obtain a pink slip. Mrs Varty seems a little amused by that term. It is necessary to have something that is a little different in terms of getting the message across to the public at large.

The Government has made these sorts of measures available for the use of consumers and consumers ought to avail themselves of them. I simply make the point that perhaps a little more publicity needs to be given in Victoria to the Chattel Securities Act as it currently stands and as it will apply, assuming Parliament passes the Bill.

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 and 2 were agreed to.

Clause 3

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

1. Clause 3, page 2, lines 21 to 23, omit the definition of “Inventory security interest” and insert—

   "Inventory security interest” means a security interest—

   (a) given by a dealer in or over goods of a kind in which the dealer deals in the course of the dealer’s business; or

   (b) reserved in or over goods in the possession or control of a dealer, being goods of a kind in which the dealer deals in the course of the dealer’s business.

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

Clause 7

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

2. Clause 7, page 7, line 1, after “interest” insert “, not being an inventory security interest,”.

3. Clause 7, page 7, after line 9 insert—

   (d) the goods are a motor vehicle within the meaning of the Road Safety Act 1986 or a trailer within the meaning of that Act, being a motor vehicle or trailer which is not registered under the Motor Car Act 1958 or the Road Safety Act 1986 but is registered under the law of another State or of a Territory and there is in force in that State or Territory a law declared under section 3 (8) to be a corresponding law for the purposes of this Act.”.

The amendments were agreed to, and the clause, as amended, was adopted, as were clauses 8 to 26.

Clause 27

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

4. Clause 27, after line 33 insert—

   “; and
(c) if the motor car is not registered under the Motor Car Act 1958 or the Road Safety Act 1986 but is registered under the law of another State or a Territory, any security interest in the motor car registered under the provisions of a law of that State or Territory corresponding to the provisions of this Act (whether or not those provisions are declared under section 3(8) to be a corresponding law of that State or Territory for the purposes of this Act)."

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

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

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

That this Bill be now read a third time.

I thank the opposition parties for their cooperation in approving the Bill.

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

HOUSING (AMENDMENT) BILL

The debate (adjourned from April 16) on the motion of the Hon. J. H. Kennan (Attorney-General) for the second reading of this Bill was resumed.

The Hon. J. G. MILES (Templestowe Province)—The Opposition does not oppose the Bill but believes there is no depth or merit in it. The Bill simply repeats what is already happening in the housing area. It tidies up a few mistakes contained in the Housing Act 1983.

My colleague in the other place, the honourable member for Balwyn, referred to the Bill in terms of Trivial Pursuit and stated:

The Government stands condemned on the grounds that, when the housing crisis in Victoria is acute, with people clamouring for more houses and because high levels of interest rates are preventing a number of people acquiring their own homes . . .

The PRESIDENT—Order! I remind Mr Miles that he should not allude to any debate in the other place on the same Bill.

The Hon. J. G. MILES—Mr President, the Bill does not introduce anything new. It is simply a case of Trivial Pursuit and tidies up legislation that perhaps is not as clear as it should be.

The Government's housing policy is a complete disaster and this Bill is no exception. The Government’s State Housing Budget—Programs and Expenditure document published in 1987 by the Ministry of Housing referred to a public housing waiting list for 1986-87 of 32,644, which increased from 16,000 in 1985-86. In other words, it doubled in that period.

Although there is a 20 per cent rental rebate for low-income earners, which sounds good in principle, that has led to a $60 million rental commission shortfall. Some 20,000 people owe rental arrears of $14 million. On the Government’s own figures for 1986-87 an additional $57 million has been spent on housing but the negative results I have mentioned have occurred. The Government stands condemned on the basis of the figures contained in its housing policy.

I return to the details of the Housing (Amendment) Bill. It is purely an update and a correction of some of the mistakes contained in the 1983 Housing Act.

One can divide the Bill into areas. The general area refers to mundane matters such as spelling mistakes and redefines the role of the Director of Housing. It clarifies some of the provisions of the 1983 Act and removes sexist language by putting it into gender neutral language. The Bill will de-sex the 1983 Housing Act.

The Bill will allow the Director of Housing to involve himself in insurance in a limited form. Clauses 9 and 10 are probably the most significant parts of the Bill, but all they do is
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redefine and repeat what is already a practice. The Director of Housing already involves himself in insurance matters.

The second area of the Bill deals with the standards of habitation provisions; that includes clauses 11 to 17 and clause 20. The Opposition has no quarrel with those provisions.

The third area refers to movable units and is again a clarification and update of existing legislation. Clauses 5 and 18 fall into this category.

A miscellaneous area covers clauses 6 to 8 and clause 19. There is nothing revolutionary or new about those provisions. They are merely redefining, updating or clarifying what occurs now.

The final area refers to sexist language or to putting matters into gender neutral language. These provisions illustrate the lack of perspective of the Government in housing and other legislation. This eight-page Bill, including the preamble, devotes three pages and 52 amendments put forward by the Government and Parliamentary Counsel to putting matters into gender neutral language or to de-sex the legislation. That is a wasteful and unnecessary use of the taxpayers' money and time.

If there were such an urgent necessity to have gender neutral language, why was it not done in 1983? This is a reflection of the extreme left-wing ideology exemplified in proposed legislation such as the Residential Tenancies Bill, which did not pass muster. The ideology involves an absurd overemphasis on issues facing women. Recently a group of women endeavoured to disrupt the Anzac Day march. The John Brown's body issue in Canberra was a pathetic example of the way a specific woman sought to attract attention. The de-sexing of language in this and in other Bills is ridiculous. A chairman should be chairman, not chairperson. According to the Government, manhole would be personhole; the honourable member for Benambra in another place, Lou Lieberman, would become Lou Lieberperson; the Sydney suburb of Manly would become Personly; mankind would be personkind, and so on.

In summary, these three pages and 52 amendments indicate the total paranoia and lack of perspective of the Government on this matter. It illustrates that the Government is influenced by radical groups and their ideology.

The Opposition does not oppose the Bill but believes it is a lightweight and comparatively trivial measure, remediying deficiencies that should have been thought of when the 1983 Housing Bill was introduced by the Government. It is a reflection on the failure of the Government's housing policy.

This Government, which has sanctimoniously and repetitively preached a social justice strategy, has not applied social justice in the housing area. There has been a significant decline in the availability of public housing, an increased debt by people involved in rental housing and a $60 million shortfall in arrears that must be made up by the Government. Despite the emphasis on social justice and the failure of the housing policy, which is admitted and amplified in its own document, the Government has produced this lightweight and trivial tidying up exercise, with provisions to correct spelling mistakes and three pages of de-sexing legislation and 52 gender neutral amendments.

The Opposition agrees that a tidying up process should occur, so it does not oppose the Bill.

The Hon. R. M. HALLAM (Western Province)—The Housing (Amendment) Bill is simple in content and effect. It can best be described as a housekeeping measure because it introduces provisions to overcome some of the deficiencies in the principal Act—the Housing Act 1983.

The majority of the provisions are elementary and trivial. The Bill provides for the correction of spelling mistakes and titles and, as has been pointed out, the last clause of
the Bill has no purpose other than to change the sexist expressions contained in existing legislation and to replace them with what is described as gender neutral language.

Frankly, I wonder about the need for this type of legislation and about the mentality of anyone who believes it necessary to change our statutes to get rid of innocuous expressions simply because they might be regarded by some to have sexist connotations.

The Bill can hardly be described as being of any moment, especially when viewed in the context of the public housing situation that exists in the State where more than 32 000 people are registered on waiting lists for houses. I cannot imagine anyone on the waiting list gaining any comfort from the fact that the Government is busy with correcting spelling mistakes and getting rid of expressions that contain sexist connotations. I am sure those people would be more interested in hearing that the Government had addressed the matter of high interest rates because those high interest rates have been responsible for the blowout in waiting lists.

The Bill has some significance in that one provision enables the Director of Housing to insure a property sold on terms or over which a mortgage is held. That is a fundamental requirement and the National Party has no objection to that provision. However, I make the point that that was one right that was clearly held by the former Housing Commission and was exercised in the past by the relevant director. All the Bill does is to confirm the director's authority.

Another clause in the Bill provides the Director of Housing with the fundamental right of access to properties at the expiration of the hiring agreement for the purpose of inspection. The National Party has no argument with that.

By way of comment, I point out that the Bill includes a new section 26A which states:

(1) The Director may, with the approval of the Treasurer, execute a guarantee in favour of any person approved by the Director guaranteeing the repayment of any amount other than a loan referred to in section 26 (1).

New section 26A (2) also mentions that the director may provide an indemnity in favour of any person. New section 26A (3) sets out that the director may execute a guarantee or indemnity on any terms and conditions which he deems fit, and new section 26A (4) provides that any funds owing from time to time under that section are to be paid out of the Consolidated Fund.

I read new section 26A (1) and the principal Act and, for the life of me, I cannot understand the difference, apart from the fact that section 26 (1) permits the Treasurer to do certain things with the approval of the Governor in Council. It seems strange that an entire new section is needed to overcome something that could have been amended by changing a couple of words.

I am pleased that the Attorney-General is in the House because he has been promoting the use of plain English in legislation. I suggest that the Bill could clearly have been Kennanised. It has been made extremely complicated whereas it should have been simplified.

With those few comments, I indicate the support of the National Party for 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 be now read a third time.

I am grateful for the support of the opposition parties and to Mr Hallam in particular for his remarks. I cannot indicate any gratitude for the remarks of Mr Miles, although I am grateful for the support of his party.
The motion was agreed to, and the Bill was read a third time.

**BUSINESS FRANCHISE ACTS (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)—It would be idle to take up the time of the House with debate on this Bill which the Opposition does not oppose. However, it is worthwhile pointing out that the Bill has been excellently dealt with in the other place and, if only for the purposes of the Interpretation of Legislation Act, what was said by the shadow Treasurer should be taken notice of. The Opposition's view has already been made distinctly clear.

Another point to note is the existence of this House with its non-Government majority. That fact has been vindicated because the original Bill was substantially amended to protect or cover most of the points of concern raised by the Opposition.

The Treasurer realised that had he taken time to consult the many substantial interests—not the fly-by-nighters; the people trying to cheat and avoid paying their business franchise taxes—involved in the marketing of petroleum and tobacco products, the original Bill would have been an unsatisfactory Bill for the reasons pointed out by the shadow Treasurer.

The Government evidently was not willing to consult, as is too often the case with taxation Bills. The draftsmen in the Department of Management and Budget, the Treasurer or whoever was responsible for the measure, seemed to know best. Fortunately, as a result of the inevitability of the outcome in this House, the Opposition has forced consideration of amendments by the Government. This has ensured that the appropriate interests were consulted. The amendments made in another place were appropriate and we do not have any reason to oppose the Bill.

**The Hon. R. M. HALLAM** (Western Province)—Section 92 of the Australian Constitution provides for free trade between the States. I am sure honourable members support that principle. However, it leads to a range of border anomalies when taxes and charges vary between the Administrations of the individual States. In fact, those variations can be so substantial in isolated cases that they offer sufficient attraction to promote and support a trade.

That trade may not be illegal in the true sense of the word but I am sure any fair-minded person would regard it as an illegitimate trade in that it is based on anomalies.

It does nothing for the aggregate economy. In fact, what it does is divert resources and activity away from the productive areas when viewed in its total context. To that degree, the trade it prompts is illusionary and might even be described as negative.

There is nothing new about this. The facts are that from our earliest history smuggling has played an important part in the development of trade and that has been based on precisely the same sort of anomaly. If trade is taken in that context, it certainly is nothing new.

The Bill relates to two specific areas of variation affecting tobacco products and petroleum products. In broad terms, the Bill addresses the advantage that arises from Queensland imposing no fee on either product and, to a lesser extent, the same can be said about trade emanating from the Australian Capital Territory. It becomes an incentive for Queensland traders to distribute into neighbouring States.

I make it clear that no matter what measure is contemplated, it must not inhibit trade directly to a consumer within another State. However, where a trader seeks to circumvent the laws of a State in relation to wholesale sales, we must be prepared to do whatever is necessary to overcome the situation. The Bill tightens the regulation and licensing of wholesale operators within those trades, and this House should take note of the necessity
to protect genuine traders who comply with the law and are thereby disadvantaged. It is a fundamental principle to which we would all aspire, that no-one should be penalised simply for compliance with the law. The National Party would support the Bill if only on that principle.

Where a variation occurs between the taxes and charges of different States and that in itself spawns a trade, there is a good argument for standardising the taxes and charges of those States, but I would not support a proposition that that control should be imposed on the States. I believe firmly that the individuality of States brings with it more benefits than disadvantages; but when a trade like this arises, that indicates the need to review the policy.

So in my view the fact that Queensland traders are induced to send cigarettes to Victoria highlights the need for the Victorian Government to review its tobacco fees; and that, indeed, is the case. In 1981–82, when the Government came to power, tobacco franchise fees produced $41·2 million a year; whereas in 1986–87 that same fee structure is expected to produce revenue amounting to $119·3 million, an increase of 182 per cent in five years, or about four times the level of inflation.

I am not at all persuaded by the argument that we should be imposing that sort of fee structure as some sort of adjunct to an exercise directed at discouraging people from smoking cigarettes. In fact, the Government has regarded cigarettes as nothing more or less than a handy source of revenue.

That statement is certainly backed up by the franchise fees on petroleum products. In 1981–82, when the Government came to power, that franchise fee produced revenue of $88·7 million. In the current year it is expected that that same fee will produce revenue of $212·6 million, an increase of 140 per cent or about three times the level of increases in the consumer price index.

The Government can claim no comfort by saying that it may have increased the fees as a health issue. It certainly destroys the argument that this Government is concerned to contain charges to within the level of movements in the consumer price index. That argument is not sustainable, in the light of the facts.

The fact is that fuel costs permeate every facet of our economy and, because they are arbitrarily increased, they produce all sorts of warpings and pressures within the economy and they penalise the country consumer, the person who is most heavily reliant on the transport factor. In my view, there is ample room to argue that petroleum franchise fees should be reduced on that basis alone.

Perhaps the worst feature of the franchise fee imposed on petroleum products is that the fee is imposed after the Federal Government imposes its excise levy, which is currently the equivalent of approximately 26 cents a litre; so that the Victorian motorist pays a tax on a tax, and it is an enormous tax on a tax. As I said, because of that burden which is arbitrarily imposed on our transport sector, one sees unfortunate warpings throughout the economy and those warpings work against people in country Victoria.

One feature of the Bill to which I take complete exception is the clause relating to garnisheeing. The Bill not only empowers the Government to recover from the principal debtor but also, in cases where it cannot recover from the principal debtor, it enables the Government to push that claim onto a secondary debtor. I understand the rationale of why that is done, but that is a very dangerous precedent and I urge the Government that that provision be used only as an absolute last resort. It must be employed very carefully because it has all sorts of implications that will ripple right through the economy.

Apart from that, the National Party will not oppose the Bill.

The motion was agreed to.

The Bill was read a second time.
The Hon. D. R. WHITE (Minister for Health)—By leave, I move:

That this Bill be now read a third time.

In so doing, I thank honourable members for their support of the measure.

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

TAXATION (RECIPROCAL POWERS) 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)—This is another important Bill, but one that does not require a tremendous amount of debate by the Opposition in this House. Again, the point can be made that, because of the existence of this place and because of the non-Government majority here, sensible and necessary amendments imposed by the Opposition in the other place were accepted, and the Bill can now be fairly supported by the Opposition.

The Bill is an anti-tax evasion measure which is to form a model for corresponding legislation in other States, to provide for reciprocal enforcement of taxation legislation and the establishment of necessary procedures for that purpose. The only concern is that, despite considerable efforts to ensure that there will be true reciprocity and that the Bill will not simply give carte blanche to investigators from other States, regardless of what can be done for the Victorian revenue in other States, as yet there is no guarantee that other States will follow the model and fulfil the expectation that this measure will be part of a national scheme of corresponding legislation. It is to be hoped that the Government will forcibly push for that to come about so that legislation is enacted by the other States.

With those few comments, I indicate that the Opposition will support the Bill.

The Hon. R. M. HALLAM (Western Province)—This Bill is very similar to the Business Franchise Acts (Amendment) Bill with which the House dealt a little while ago; in that both measures can be described as anti-tax avoidance Bills, and in that both address problems associated with State border anomalies.

As its name implies, the Bill seeks to provide reciprocal jurisdictional powers between the States in relation to taxation investigations. The National Party has no sympathy with tax avoiders and supports the Bill in so far as it will provide investigators with access to any tax avoidance scheme or its beneficiaries, notwithstanding that this may require the investigators to cross a State boundary.

I do not think anybody would support the concept that a State border should provide comfort or protection to a law-breaker; and I believe the vast majority of Australians would be surprised to learn the extent to which that applies—the extent to which the smart are able to get around laws simply because State boundaries provide some sort of protection from or impediment to proceedings against them.

I add that in another context the same people would be amazed at the protection borders provided to absconding delinquent debtors and I only wish the same sort of reciprocity was being introduced in the same part of that legal system.

In the Minister's second-reading notes it was said that the Bill will serve as a model for corresponding legislation that other Governments have agreed to introduce. On that basis, the National Party agrees to support the Bill. The National Party sought and gained an assurance from the Treasurer that the expectation is that the bulk of the other States will introduce legislation during the current year. If there is total cooperation between the States, that, of course, will provide investigators with the power to pursue inquiries within all jurisdictions, although the Bill requires that any investigation team crossing a border must keep the local authorities fully informed of each case.
In addition, it is clear that any investigation team or authority has only those powers of investigation that apply in Victoria and can employ only such powers as are also available under authority in his or her own States.

There have been some misgivings about the power of search and seizure in relation to records, but the Bill contains nothing which is new regarding that area or, indeed, nothing that one needs to fear at all.

The National Party believes the Bill is pragmatic and practicable and, given the objective that it states, will support it without amendment.

The motion was agreed to.

The Bill was read a second time.

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

That this Bill be now read a third time.

I acknowledge the Opposition's agreement with the measure.

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

INDUSTRIAL RELATIONS (MISCELLANEOUS AMENDMENTS) BILL

The debate (adjourned from April 15) on the motion of the Hon. D. R. White (Minister for Health) for the second reading of this Bill was resumed.

The Hon. HADDON STOREY (East Yarra Province)—This Bill makes a series of amendments to the Industrial Relations Act which principally relate to the role of the Industrial Relations Commission. When the Bill was introduced in another place, the Minister for Labour said that it was intended to introduce a Bill that would have the agreement of all parties in the industrial relations area. In fact, the Bill contained a clause which did not have the agreement of all parties concerned with industrial relations disputes, but that clause has since been removed in another place and I am able to say that the Opposition does not oppose the Bill. However, there are aspects that do deserve comment, because the industrial relations machinery is critically important to the future of the State and the future of industry and commerce, which is vitally concerned with industrial disputes and the mechanism for resolving them.

One of the provisions in the Bill is to make chairpersons of boards commissioners. The object is to widen the number of people who are available to assist as commissioners in the hearing of disputes. The Bill will bring the commissioners' powers in line with Federal commissioners in certain ways. The Opposition has a reservation that the provision could lead to there being non-legal people sitting on the commission with a chairman who would, in effect, have a majority vote, even though there may be a legal issue before the commission. The Opposition is concerned about this provision and, although the Minister has indicated that it would not be the practice to have this occur, the concept of having a more flexible mechanism dealing with matters coming before the commission is to be supported and for that reason the Liberal Party supports the amendment.

The Bill deals with the mechanism for resolving industrial disputes. It has to be pointed out that Victoria has a much greater number of industrial disputes than have other States in recent times. That is significant when the Cain Government prides itself upon its special relationship with trade unions. The fact is that the Australian Bureau of Statistics figures up to June 1986 indicate that in the number of working days lost in hundreds of thousands, Victoria lost 86.4; New South Wales 19.4; Queensland 5.3; South Australia 3.4; Western Australia 13.4 and Tasmania 0.8. It means that the rest of Australia other than Victoria lost in hundreds of thousands 42.4 leaving Victoria with 86.4. Victoria's record is twice as bad as the rest of Australia put together. That is a serious matter for the future of industry and the future of the State and its ability to compete in an increasingly difficult world.
The Opposition hopes that the provision will improve the facilities of the State to resolve industrial disputes.

One of the ways the Government resolves industrial disputes is by entering agreements with unions to give the unions what they want and that naturally is an easy way of resolving industrial disputes. There are no strikes or strikes are minimised and the working time lost is minimised, but the cost to the State and, therefore, the people of Victoria is considerably higher. Indeed, if the Government were prepared to stand up to trade unions on many of those matters, Victorians generally, and Australians, would be better off.

However, the Bill will mean an improvement in industrial relations because it allows more flexible arrangements for the commission and that will benefit Victorians as a whole.

There are some provisions that the Minister outlined in his second-reading speech which do facilitate the resolution of disputes. There is an opportunity to have discussions about disputes and to engage in conciliation before having to move to arbitration. Again, if that can be done in a way which facilitates the settlement of disputes, that is for the good of all.

I do not want to take up the time of the House with details of the particular amendments affected by the Bill, but I do say that the general thrust of the Bill is one that the Opposition supports. I hope it will be effective in helping to resolve industrial disputes in the State, but ultimately it will depend upon the attitude of the Government, especially in dealing with unions in the public sector. The Opposition hopes the Bill will work in a way which prevents industrial disputation, but not so as to expose Victorians to unnecessary expense which will harm its competitive position with the rest of Australia.

The Hon. D. M. EVANS (North Eastern Province)—The National Party raises no objection to the passage of the Bill but I shall make a couple of comments about it. I commend my colleague in another place, the honourable member for Benalla, for the work he has done in looking at industrial contracts and for the research he has done in the State of Queensland where there are a number of new and, I might say, controversial, pieces of legislation being brought forward that are adding a somewhat different chapter to industrial relations and dispute settling in Australia.

Those measures perhaps underline the fact that, although Australians have always accepted, at least in recent years, that a person working for wages or salary has the right to strike, because of the complexity of society at this time and the importance of getting the Australian economy to work efficiently and well, the right to strike must be tempered by a degree of restraint by members of the community and members of a particular trade or profession who, because of their real influence on that trade or profession, may have undue influence on the course of events in the community and, to put it bluntly, who can, if they so desire, hold the community to ransom.

In the National Party's view, that is economic futility; it contravenes the right to strike and makes the right to strike, under those sorts of conditions, inappropriate. However, the National Party recognises that from time to time there are matters of genuine dispute and genuine unfairness and injustice. That is the way of man and the way of the world and there must be a proper, fair, reasonable and, most of all, quick method of settling such disputes. If the proposed legislation advances that cause it must be for the good of the community and, in that sense, the National Party supports the proposed legislation.

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)—I move:

1. Clause 2, line 6, omit "28" and insert "27".
2. Clause 2, line 8, omit "28" and insert "27".

The amendments are minor and of a consequential nature arising from amendments passed in another place.

The amendments were agreed to, and the clause, as amended, was adopted, as were clauses 3 to 12.

Clause 13

The Hon. D. R. WHITE (Minister for Health)—I move:

3. Clause 13, line 9, after "(7)" insert "of that Act".

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 14 to 20.

Clause 21

The Hon. D. R. WHITE (Minister for Health)—I move:

4. Clause 21, line 11, before "In" insert "(1)".

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 22 to 24.

Clause 25

The Hon. D. R. WHITE (Minister for Health)—I move:

5. Clause 25, line 2, before "In" insert "(1)".

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

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

ADJOURNMENT

Business of the House—Kaniva Consolidated School—Marinas around Port Phillip Bay—Granting of bail—Historic buildings—Return of stolen property—Ashendene Boys Home—Murder suspects—St Andrew's Hospital—Mayfair factory, Bendigo—Gas Works Kitchen Co-operative

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

That the House do now adjourn.

I wish to correct an impression I may have given earlier today when it was mistakenly suggested that the House may be sitting at 11 a.m. tomorrow. That is not the case. The House will be sitting at 2 p.m. I imagine General Business will begin some time after 2.30 p.m. and 2 hours later, which will be approximately 4.30 p.m., Government Business will take precedence.

I thank honourable members for their cooperation today. The House has dealt with fifteen Bills, which will make the rest of the week much easier. Progress today has been excellent and the Government is most appreciative of the cooperation of honourable members.

The Hon. B. A. CHAMBERLAIN (Western Province)—I raise for the attention of the Minister for Agriculture and Rural Affairs, representing the Minister for Education, the position of the consolidated school at Kaniva, which is a relatively small but solid community in the western Wimmera near the South Australian border. The consolidated school is a primary school with 203 pupils. The school buildings, which are located on extensive grounds, are in extremely poor condition.
The construction of the buildings is in roughcast cladding and for the school, the Ministry of Education or the school council to spend any money on the building would have the same effect as pouring water onto Elwood beach. It is my view that students are entitled to much better than the current buildings. The rebuilding program for the school is given high priority by the regional board of education.

However, all the major contracts are now dealt with not by the regional board but, if you like, on a political basis with the priorities being set by the Cabinet and the Department of Management and Budget. No information has been forthcoming to the school as to the Government's intentions in relation to it.

The school council is at a loss to know what to do and whether to spend any money at all on the building as it visibly and rapidly deteriorates. The regional committee has recognised a need for replacement as a priority.

I ask the Minister to ascertain from the Minister for Education when the Kaniva Consolidated School can expect its long overdue building program to commence.

The Hon. ROBERT LAWSON (Higinbotham Province)—I ask the Minister for Planning and Environment about the present status of the various proposals for marinas around Port Phillip Bay. The Minister will be aware of proposals made for marinas at Oliver's Hill, Frankston; at Mornington, and near the Sorrento township.

The Port Phillip Conservation Council has different views on the matter, and I believe that council has put its suggestions to the Minister. One suggestion is that the marina at Patterson River, Carrum should be extended, and it is suggested that Tassells Creek, Safety Beach, could be utilised, but that is an expensive proposal that would require the movement of the road to make room for the boats to go in through Tassels Creek.

The secretary of the council has also mentioned to me privately that the council suggests that Mordialloc Creek could be utilised for launches that could fit underneath the road bridge at Mordialloc and proceed further up the creek. In fact, many boats do that at present, but the council suggests that the Mordialloc Creek could accommodate more boats. Can the Minister make some statement on that matter generally?

The Hon. JOAN COXSEDGE (Melbourne West Province)—I refer a matter to the Attorney-General. In Melbourne last Thursday, 23 April, Hobart electronics engineer Arthur Hastings Brown was granted bail by a Supreme Court judge, despite the fact that he has been charged with placing gelignite between two sleeping people in a South Yarra flat, causing the death of one person and horrifying injuries to another. Apparently Arthur Brown will face a committal hearing on the murder charge and other related charges. If he is sent for trial, it is unlikely the case will be heard until early next year.

Most people find the granting of bail in these circumstances quite extraordinary and even bizarre, given the public campaign and paranoia about terrorism. From information now at hand, it appears that Arthur Hastings Brown was connected with the botched up Australian Secret Intelligence Service raid on the Sheraton Hotel in November 1983, and, as some may recall, I stated at the time of that fiasco that the so-called training exercise was actually something quite different and had far more serious ramifications than we were allowed to be told.

I ask the Attorney-General the following questions: was Arthur Hastings Brown connected with the ASIS Sheraton Hotel raid; is the fact that he has been granted bail under such unusual circumstances linked to his secret agency connections, notwithstanding the judge's statement that it would be wrong for the courts to be overwhelmed by the seriousness of allegations? Given this situation, what steps can be taken to prevent undue influence being exerted on those involved in the possible trial of Arthur Hastings Brown?

The Hon. J. V. C. GUEST (Monash Province)—I refer the Minister for Planning and Environment to a matter concerning historic buildings. I raise two matters arising out of the Age real estate section of Saturday last and also an article in the National Times on
Sunday, 19 April 1987. Is the Minister's department or his staff geared to the two problems to which I refer, and what has he done about it? The first case to which I refer is that of a house at 12 Hotham Street, Preston. The article is headed "Grand mansion vandalised" and it indicates the seriousness of what happened to that house. In the accompanying photograph one can see the damage. The article states:

Rarely, if ever, do we display anger in these columns, but there comes a time when anger seems appropriate. Out in Preston there is what would have been once a grand two-storey Victorian balcony mansion. Today it is an utter disgrace.

Vandals have wrecked a once beautiful home.

The article goes into considerable detail about what the vandals have done. It also states that the house is owned by the State Government and is now vacant and that it is up for sale on Saturday, 2 May 1987. It is clearly a disgrace for such a fine old building to be allowed to fall into disrepair and to be vandalised when it is the property of the State. Even if it is only on the basis that the State is now desperately trying to raise money by the settlement of its properties, the vandalising of a fine mansion will obviously reduce its value.

The other problem raised in the National Times of Sunday, 19 April 1987 is the problem of volunteer caretakers for historic buildings that may have to be closed because of the fringe benefits tax. The article draws attention to the fact that in Victoria there are a number of historic buildings. For example, Como will no doubt survive with volunteer caretakers even if tens of thousands of dollars of fringe benefits tax is paid.

There is also Barwon Grange, a Gothic brick house on the banks of the Barwon River in Victoria's Geelong district, built in 1856, and also in Geelong there is the Heights, which is a prefabricated timber mansion. It is a shame if they have to be closed because of the Federal tax situation, and I hope the Minister will make representations about this matter, if he has not already done so.

The Hon. W. R. BAXTER (North Eastern Province)—I refer the Attorney-General to a matter concerning the Crimes Act. The Attorney-General will recall the voluminous correspondence he has been receiving over the past eighteen months or so from members of Parliament and the Commonwealth Parliamentary Association, Victorian branch, and individuals who are concerned with an apparent deficiency in the Crimes Act regarding the return of stolen property after a defendant has been convicted of theft, and particular reference has been made to the theft of cattle, especially in the cases of Moore at Buffalo River and Simms at Pine Lodge.

I allege that the Attorney-General misled me and, by implication, Parliament last year because he wrote to me on 20 June 1986 in reply to representations I had made on 26 May on the Simms case. In that letter the Minister said that the courts plainly had the power under sections 94 and 546 of the Crimes Act 1958 to award restitution and compensation in appropriate cases.

It so happened that those two sections to which the Attorney-General alluded in a letter dated 20 June 1986 were removed from the Crimes Act by the Penalties and Sentences Act 1985.

To that extent, the Attorney-General was misleading me. I seek an explanation as to why the Attorney-General misled me by quoting sections of the Crimes Act that had already been repealed.

The Hon. J. H. Kennan—When was this?


The Hon. J. H. Kennan—Was that in a letter?

The Hon. W. R. BAXTER—Yes. It seems to me that in cases where ownership of cattle is clearly established—and that ownership must clearly be established before someone can
be convicted of the theft of the cattle, which certainly occurred in the Simms case—there ought to be an automatic restitution and a return of the cattle to the rightful owner rather than causing that owner to then have to take civil action for the return of his cattle.

In the Simms case, the convicted person has already agreed publicly, including on the Willesee program, that he stole the cattle and that Mr Simms is the rightful owner; yet there does not seem to be any provision for the return of the cattle to Mr Simms without Mr Simms having to engage in expensive litigation in the courts for the return of the cattle. Of course, while that is all occurring, Mr Simms is not receiving any income from the cattle and progeny or the produce, such as the milk and so on.

Of course, the defendant who was fined $10 000 can then sell the cattle to generate the money to pay the fine and Mr Simms, the rightful owner, is left high and dry.

I am asking the Attorney-General to be a little more forthcoming in his explanations than he has been in replies to correspondence not only to me but also to Mrs Mitchell of the Victorian Farmers Federation and to other honourable members.

Perhaps he might be kind enough or good enough to apologise for misleading me by telling me that sections of the Crimes Act could be used when, in fact, they had been repealed.

The Hon. ROSEMARY VARTY (Nunawading Province)—I raise a matter for the attention of the Minister for Community Services. In November last year I asked the Minister a question in relation to the Ashendene Boys Home in Olinda, at which time the Minister assured me that the staff there had no need to worry, that they would be found positions and the boys would be transferred to other locations.

I have had further communication with people from Ashendene. The current situation appears to be that there are still four boys and the staff at that centre. I understand that is because the department cannot afford to relocate the children. I should like the Minister’s comment on that matter.

I also ask the Minister to comment on the fact that staff who rent the houses on the property have had their rents increased to commercial rates. The staff have to pay that, despite the fact that they were to have been transferred prior to that time and the properties are to be sold.

Can the Minister please advise just what the current situation is, because there is very real concern about just what is happening in the area in terms of the staffing costs and also the staff?

The Hon. D. M. EVANS (North Eastern Province)—I address my remarks to the Minister for Conservation, Forests and Lands, who is the representative in this place of the Minister for Police and Emergency Services. I refer to the case of Mrs Rosena Bedendo who was murdered in Pascoe Vale in June of 1985. Her son, Joe Bedendo, attended my office late in January and, on his behalf, I wrote to the Minister for Police and Emergency Services setting out a number of facts involved in that case.

According to Mr Bedendo, it appears that the murder was of a domestic nature and the family of the late Mrs Bedendo allegedly knows the murderer and the name of an accomplice.

However, Mr Bedendo informs me that the Homicide Squad was unable to act until an inquest was held. After the inquest, when a warrant was issued for the arrest of the persons concerned, I understand they had left for overseas using false passports and are now resident in Cyprus. Further, according to Mr Bedendo, the two men had returned from overseas on one or more occasions.

Mr Bedendo is concerned that, although the suspects are known to the police, it appears that their whereabouts in Cyprus should be known. He has told me that the whereabouts of the persons concerned are known to the family of the late Mrs Bedendo. The Federal
Government will not meet the high cost of extradition of the two suspects from Cyprus to face trial in Australia.

In view of the fact that it is three months since I wrote to the Minister for Police and Emergency Services and approximately two years since the murder occurred; and given the facts of the case as I have outlined them to the House, will the Minister for Conservation, Forests and Lands take up the matter with her colleague in another place so that urgent action can be taken?

I point out that the facts of the case are extremely and extraordinarily distressing to Mr Joe Bedendo and to other members of his family.

The Hon. G. P. CONNARD (Higinbotham Province)—I raise a matter with the Minister for Health, who might recollect that a month or two ago I raised with him the affairs of St Andrew’s Hospital. At that time the Minister directed me to obtain a copy of the annual report of that hospital and find out for myself about some of its financial difficulties.

I should like now to discuss that matter with him, because I note in the financial report that last year the hospital again had an operating deficit of $1·5 million-odd.

It seems to me that the hospital’s deficit is continuing. As the Minister knows, the hospital was placed in receivership by the Treasurer of this State on 23 July 1985, the Treasurer being the holder of a debenture. I understand that debenture was worth some $35 million.

I note also in the balance sheet that the deferred liabilities of the hospital have increased by $1·43 million, to $38·05 million. Although the deficit is decreasing slightly in percentage terms, the deficit continues within that hospital.

I should like to know from the Minister whether the Government has provided further guarantees for the hospital to keep trading. If it has not done so, how does the hospital keep trading? Does the Minister believe the hospital will be able to trade out of its difficulties, bearing in mind the $38 million or so that the hospital owes? How long does the Minister believe the hospital will be able to continue and perhaps be able to trade that amount of money back?

The Hon. N. B. REID (Bendigo Province)—I raise a matter for the attention of the Leader of the Government in this House relating to a report that was commissioned by the Bendigo Development Committee.

The committee commissioned this report to study the future growth prospects of Bendigo. The report identified a number of areas in which the Bendigo Development Committee and the City of Bendigo could adopt proposals for growth in the Bendigo area.

One of the major findings of that report was that the Mayfair factory at Bendigo should be reopened. The Minister will recall that I raised this issue with him on a number of occasions. The inactivity of the Cain Government and the actions of Mr Wally Curran led to the closure of that factory in 1986 and the loss of 600 jobs to the Bendigo area. At the time, the Minister for Industry, Technology and Resources refused to come to Bendigo and intervene in that dispute; of course, ultimately, the factory closed and those jobs were lost to the Bendigo area.

The Bendigo Development Committee sought expert assistance in compiling the report, and the finding was that one of the best ways for Bendigo to continue its growth would be the reopening of the Mayfair factory.

I ask the Leader of the Government what action the Government now proposes to take to reopen the Mayfair plant at Bendigo.

The Hon. REG MACEY (Monash Province)—The matter that I raise with the Minister for Health, which I ask him to relay to the Minister for Labour in another place, dates back to the time when the latter Ministry was called the Ministry of Employment and Training.
I refer to the operation known as the Gas Works Kitchen Co-operative, which was a training kitchen scheme sponsored by the South-Port Unemployment Group at 35 Graham Street, Albert Park, and which at the time was subsidised by the Ministry of Employment and Training.

I understand that that scheme cost $80 000 for twenty weeks operation of which $14 000 was applied for capital equipment. Mrs Carolyn Moore brought before the Hotel, Restaurant and Boarding Houses Conciliation and Arbitration Board a claim that she was harshly and unreasonably dismissed by the cooperative. The board considered all the material placed before it and decided that Mrs Moore should be reinstated and paid her normal salary for the period from the date of her last pay until the date of re-engagement, less any payment made in lieu of notice. That decision was dated 17 April 1984.

Following that determination Mrs Moore was given notice of termination on 2 May; she was told that the cooperative would be closed because of the mismanagement of its committee and she was given two days notice to finish on 4 May.

Clause 92 of the Hotel, Restaurant and Boarding Houses Award provides that an employee is required to be paid within 50 minutes of when salary is due and, if the employee is kept waiting for more than 50 minutes, the employee is to be paid for the waiting time at the normal wage rate.

I ask the Minister to take up the matter with the Minister in another place to investigate whether Mrs Moore has received her due entitlement. She claims she has not; she claims she received a payment on 21 June, but that the penalty rate for late payment was not included. Will the Minister have that matter investigated and, if Mrs Moore was not paid her due entitlement, will he notify her and me also why that was not done.

I direct the attention of the Minister also to the $14 000 in capital equipment supplied to the Gas Works Kitchen Co-operative, of which $4000 was paid for a commercial gas stove, and which has since disappeared from the kitchen. Will the Minister investigate whether any funds obtained for that stove have been paid over to the Ministry. I also refer him to a missing double-door refrigerator which was valued at $1000 at the time of purchase in 1986.

The Hon. D. R. White—It was lost in Pickles Street.

The Hon. REG MACEY—This is a serious matter. I have received representations from a number of people about this organisation. The South-Port Unemployment Group continues to operate at 35 Graham Street with a number of senior people on the Gas Works Kitchen Co-operative management committee, namely Anne Fahey, Noel Willis and Julie Lindsay, and they continue to be in control of substantial public assets. I ask for a prompt answer to my inquiry.

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—Mr Chamberlain asked me a question which, when reduced, is: when can the Kaniva Consolidated School expect its overdue building program. That is a question for the Minister for Education and, as the honourable member has made a strong case, I shall endeavour to obtain an answer.

Mr Reid referred to a matter about which I am familiar. I shall have myself briefed and updated on this matter and report back to him before the week is up.

The Hon. D. R. WHITE (Minister for Health)—Mr Connard raised a matter of the viability of St Andrews Hospital. From time to time under the conditions of the Government guarantee it receives reports from the receiver about the ongoing operation of the hospital and I shall take up the matter with the Treasurer and provide the honourable member with information on that in due course.

Mr Macey referred the Minister for Labour to the Gas Works Kitchen Co-operative and he raised two matters in relation to their activities. One related to the circumstances of the loss of some money by a particular woman and one was in relation to an asset that has
been misplaced. I shall take up those matters with my colleague and provide an answer to the honourable member in due course.

The Hon. J. H. KENNAN (Attorney-General)—Mr Lawson raised a matter for the Minister for Planning and Environment relating to marinas. Certainly, there are a couple of proposals for marinas. There is the St Kilda proposal on which an environment effects statement has been made. I made an announcement in relation to a process which is now being followed.

The Sorrento proposal has also had an environment effects study done on it. Safety Beach has been suggested as a preferred site. On Easter Tuesday I had a look from the air at Port Phillip Bay and Western Port on the question of marinas and some other planning issues.

There are also some other proposals, but the firm proposal in relation to marinas relate to St Kilda and Sorrento, although one has been mooted about San Remo.

The Hon. Robert Lawson—What about the Patterson River marina?

The Hon. J. H. KENNAN—I do not know; I would put that in the more mooted category.

There is another proposal for one at Phillip Island and that is a matter that will or will not come to fruition in the fullness of time. We have to be careful in relation to marinas, particularly those that might encroach on public beaches; there is a need for a careful assessment of not only the environmental effects but also the impact on public beaches. A number of factors have to be taken into account.

Mr Baxter raised a matter which came near to wounding me when he alleged that in correspondence with me I had misled him.

The Hon. Robert Lawson—We have been looking for the secret of doing that for some time.

The Hon. J. H. KENNAN—The accusation of misleading Mr Baxter with regard to the Penalties and Sentences Act came near to wounding me. As I understand it, my omission was this: the Penalties and Sentences Act was designed to consolidate all the legislative provisions relating from some eleven Acts into one Act. The Government took the orders for restitution out of the Crimes Act, repealed that provision, and put it in the Penalties and Sentences Act.

The Hon. B. A. Chamberlain—In almost an identical form.

The Hon. J. H. KENNAN—Yes, the side note says that. Apparently, I omitted to explain the full drama of that in correspondence to Mr Baxter.

The Hon. W. R. Baxter—Yes, you quoted the Crimes Act but you did not enlighten me about the other one.

The Hon. J. H. KENNAN—I am sorry; I always endeavour to enlighten Mr Baxter. However, on many of these points he is remarkably astute and does not always require that. I apologise to him if I have misled him as to form. I did not mislead him as to the substance and I hope that clears up the matter to his satisfaction. I give that answer in those general terms because that will cover any other matter in relation to the Penalties and Sentences Act. Honourable members will find that a considerable number of provisions that are repealed by that Act have been re-enacted in a different form in the Penalties and Sentences Act.

Mr Guest raised the matter of my record on historical buildings and I thank him for the comments that he refrained from making in an apparent sudden departure of the grace that was inhabiting his soul at that moment. That is a matter of which the Government is justifiably proud. The honourable member raised a couple of specific issues into which I shall look.
Mrs Coxsedge raised a matter which I note a number of other people have raised. I know more about it from press reports that I have read and hers is not the only criticism, although the people who have made the other criticisms are people with whom she does not usually accord. In this case the honourable member is joining forces with Chief Inspector Rippon who has also voiced a criticism.

The Hon. N. B. Reid interjected.

The Hon. J. H. KENNAN—I make no comment on it but Mrs Coxsedge, as she points out, raises other matters in relation to it. I am unable to answer her first question because I do not know. The granting of bail has always been a matter for the courts. It can be the subject of appeal by the defence or by the Director of Public Prosecutions. In all cases where there are expressions of concern the authorities should be approached. The Police Force may approach the Director of Public Prosecutions directly about a question of bail.

I do not know what the evidence was in the case but I understand it was before the Supreme Court and it would, of course, have been held in open court. I can only suggest that Mrs Coxsedge should seek any information she can from those who were in court as to whether evidence was given to the judge in any form which touched on—

The Hon. B. A. Chamberlain—There have to be extraordinary circumstances in the case of murder.

The Hon. J. H. KENNAN—Yes. I do not know. People charged with murder are given bail from time to time and there are circumstances that relate to both the history of the accused person and the strength of the Crown case against the accused person. That is a matter that the court is required to take into account.

I do not know the circumstances of this case and it is not appropriate for me to comment on the facts of the case. I do not know whether the specific matters Mrs Coxsedge queried are true or whether those matters played any part in the granting of bail.

The Hon. C. J. HOGG (Minister for Community Services)—I cannot answer Mrs Varty’s question directly. I was under the impression that the closure of Ashendene Boys Home had proceeded on schedule. I take note of the points she makes; the four boys are still there with some staff; the staff are living in the communal house on the property and paying commercial rates. I shall check out the details tomorrow and return to Mrs Varty tomorrow afternoon with some explanation.

The Hon. J. E. KIRNER (Minister for Conservation, Forests and Lands)—Mr Evans asked me to raise with the Minister for Police and Emergency Services the case of the Bedendo family and their concern about the seeming inability of the Federal Government to bring back to Australia certain persons who might be brought to trial. Mr Evans said a letter had been sent to the Minister for Police and Emergency Services and a reply has been awaited for three months; he was anxious to obtain a response to the letter in the interests of the Bedendo family. I shall raise the matter with the Minister in the other place and ask him to give it his prompt attention.

The motion was agreed to.

The House adjourned at 11.44 p.m.
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